

MEETING NO. 18
September 20, 2001

ERIE COUNTY LEGISLATURE

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MEETING NO. 18
September 20, 2001

The Legislature was called to order by Chairman Swanick.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Larson.

Item 1 – CHAIRMAN SWANICK directed that Intro. 6-6 (2000) remain on the table.

Item 2 – CHAIRMAN SWANICK directed that Intro. 6-7 (2000) remain on the table.

Item 3 – CHAIRMAN SWANICK directed that Comm. 13E-45 (2001) remain on the table.

Minutes of the previous meeting were tabled.

Chairman Swanick directed that the meeting enter into recess at 2:12 p.m.

Item 4 – 2:12 p.m. Notice read for Public Hearing; hearing opened regarding the purchase of privately owned land to be added to a County-owned Cemetery.

Being that no one spoke in favor or opposition of this issue, the Clerk of the Legislature declared the Public Hearing closed at 2:14 p.m.

Item 5 – 2:14 p.m. Notice read for Public Hearing; hearing opened regarding road repair reserve fund.

Being that no one spoke in favor or opposition of this issue, the Clerk of the Legislature declared the Public Hearing closed at 2:16 p.m.

The Chairman declared the meeting reconvened at 2:16 p.m.

MISCELLANEOUS RESOLUTIONS

Item 6 – MR. DUSZA presented a resolution Honoring the Life and Accomplishments of Alice M. Posluszny. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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Item 7 – MS. CHASE presented a resolution Honoring Harranty Optical. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 8 – MS. CHASE presented a resolution Honoring Mrs. Susan Wagle. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 9 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #3) 2000 remain on the table.

Item 10 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2001 remain on the table.

Item 11 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #2) 2001 remain on the table.

Item 12 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #3) 2001 remain on the table.

Item 13 – CHAIRMAN SWANICK directed that Local Law No. 9 (Print #1) 2001 remain on the table.

Item 14 – CHAIRMAN SWANICK directed that Local Law No. 9 (Print #2) 2001 remain on the table.

COMMITTEE REPORTS

Item 15 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 395

September 13, 2001

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 11

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

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

- | | | | | |
|----|---|------|-------|----------------|
| | Item | Page | -2001 | (Comm. 13E-11) |
| a. | COMPTROLLER: 2000 Year End Closing Report. | | | |
| | (5-0) | | | |
| | Item | Page | -2001 | (Comm. 14D-12) |
| b. | BUDGET, MANAGEMENT & FINANCE: Budget Monitoring Report for the Period Ending 4/30/01. | | | |
| | (5-0) | | | |
| | Item | Page | -2001 | (Comm. 14E-1) |
| c. | COMPTROLLER: Review of Employee Monitoring & Timekeeping Practices of Social Services. | | | |
| | (5-0) | | | |
| | Item | Page | -2001 | (Comm. 14M-10) |
| d. | TOWN OF ELMA: Copy of Resolution Re: Request for Transfer of Property on West Blood Road From Erie County to Town of Elma. | | | |
| | Item | Page | -2001 | (Comm. 15D-2) |
| e. | ECMC: Board of Managers Finance Committee Minutes – Financial Statements for 5/01 – from Meeting Held 6/22/01. | | | |
| | (5-0) | | | |
| | Item | Page | -2001 | (Comm. 15E-3) |
| f. | COMPTROLLER: Apportionment & Distribution of 4% Sales Tax Revenue Received from NYS. | | | |
| | (5-0) | | | |
| | Item | Page | -2001 | (Comm. 15M-16) |
| g. | NFTA: Financial Statements for 3/01 & 2000. | | | |
| | (5-0) | | | |
| | Item | Page | -2001 | (Comm. 17D-5) |
| h. | DPW: Highways – Highway Equipment Purchases for 2001. | | | |

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|----|--|------|-------|----------------|
| | Item | Page | -2001 | (Comm. 17D-10) |
| i. | BUDGET, MANAGEMENT & FINANCE: 2001 Annual Report. | | | |
| | | | | (5-0) |
| | | | | |
| | Item | Page | -2001 | (Comm. 17E-3) |
| j. | COMPTROLLER: Audited Financial Statements & Management Letter for ECMC Healthcare Network. | | | |
| | | | | (5-0) |
| | | | | |
| | Item | Page | -2001 | (Comm. 17E-6) |
| k. | COMPTROLLER: County's Comprehensive Annual Financial Report for Fiscal Year Ending 12/31/00. | | | |
| | | | | (5-0) |
| | | | | |
| | Item | Page | -2001 | (Comm. 17E-13) |
| l. | COMPTROLLER: Quarterly Investment Report 4/1/01 – 6/30/01. | | | |
| | | | | (5-0) |
| | | | | |
| | Item | Page | -2001 | (Comm. 17E-17) |
| m. | COMPTROLLER: Apportionment & Distribution of 4% Sales Tax Revenue Received by EC from NYS for Month of July. | | | |
| | | | | (5-0) |
| | | | | |
| | Item | Page | -2001 | (Comm. 17E-21) |
| n. | COMPTROLLER: Interim Financial Report for Three Month Period Ending 3/31/01. | | | |
| | | | | (5-0) |
| | | | | |
| | Item | Page | -2001 | (Comm. 17E-22) |
| o. | COMPTROLLER: Letter to Legislature & County Executive Re: Notification of Upgrade in Bond Rating from "AA-" to "A." | | | |
| | | | | (5-0) |
| | | | | |
| | Item | Page | -2001 | (Comm. 17E-24) |
| p. | COMPTROLLER: Supplement to Comprehensive Annual Financial Report for Year Ending 12/31/00. | | | |
| | | | | (5-0) |
| | | | | |
| | Item | Page | -2001 | (Comm. 17E-28) |
| q. | COMPTROLLER: Apportionment & Distribution of 4% Sales Tax Revenue Received by EC from NYS. | | | |
| | | | | (5-0) |

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|-----|---|------|-------|----------------|
| r. | Item | Page | -2001 | (Comm. 17M-13) |
| | NFTA: Minutes from Board Meeting Held 6/18/01. | | | |
| | (5-0) | | | |
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| s. | Item | Page | -2001 | (Comm. 17M-16) |
| | NYS BOARD OF REAL PROPERTY SERVICES: 2001 Equalization Rates. | | | |
| | (5-0) | | | |
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| t. | Item | Page | -2001 | (Comm. 17M-24) |
| | NYS BOARD OF REAL PROPERTY SERVICES: 2001 Equalization Rates. | | | |
| | (5-0) | | | |
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| u. | Item | Page | -2001 | (Comm. 17M-27) |
| | NYS BOARD OF REAL PROPERTY SERVICES: 2001 Equalization Rates. | | | |
| | (5-0) | | | |
| | | | | |
| v. | Item | Page | -2001 | (Comm. 17M-28) |
| | NYS BOARD OF REAL PROPERTY SERVICES: 2001 Equalization Rates. | | | |
| | (5-0) | | | |
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| w. | Item | Page | -2001 | (Comm. 17M-29) |
| | NYS BOARD OF REAL PROPERTY SERVICES: 2001 Equalization Rates. | | | |
| | (5-0) | | | |
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| x. | Item | Page | -2001 | (Comm. 17M-30) |
| | NYS BOARD OF REAL PROPERTY SERVICES: 2001 Equalization Rates. | | | |
| | (5-0) | | | |
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| y. | Item | Page | -2001 | (Comm. 17M-33) |
| | LEGAL AID BUREAU OF BUFFALO: Financial Statements Dated 12/31/00 with Independent Auditors Report Thereon. | | | |
| | (5-0) | | | |
| | | | | |
| z. | Item | Page | -2001 | (Comm. 17M-35) |
| | LEGAL AID BUREAU OF BUFFALO: 2000 Annual Report. | | | |
| | (5-0) | | | |
| | | | | |
| aa. | Item | Page | -2001 | (Comm. 17M-36) |
| | NYS BOARD OF REAL PROPERTY SERVICES: 2001 Equalization Rates. | | | |
| | (5-0) | | | |

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Item Page -2001 (Comm. 17M-37)
 bb. **NYS BOARD OF REAL PROPERTY SERVICES: 2001 Equalization Rates.**
 (5-0)

Item Page -2001 (Comm. 17M-38)
 cc. **NYS BOARD OF REAL PROPERTY SERVICES: 2001 Equalization Rates.**
 (5-0)

Item Page -2001 (Comm. 17M-39)
 dd. **NYS BOARD OF REAL PROPERTY SERVICES: 2001 Equalization Rates.**
 (5-0)

Item Page -2001 (Int. 17-7)
 ee. **OLMA: Support for a Community Organization.**
 (5-0)

AS AMENDED

2. Item Page - 2001 (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

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

RESOLVED, that petitions numbered 201269 through 201309 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 201269 / 1999 - ASSESSOR - Cancel - \$228.07

SBL No. 111.38-3-9.111/602 - CITY OF BUFFALO

Acct. No. 112 - \$ 228.07 - County

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

Charge to :

CANCEL - CLERICAL ERROR, PARCEL IS WHOLLY EXEMPT FROM TAXES. INCLUDING THE MALL TAX. PARCEL IS OWNED BY CITY OF BUFFALO DIV OF BURA. RPTL 550(2)C.

Petition No. 201270 / 1999 - ASSESSOR - Cancel - \$206.92

SBL No. 111.38-3-9.111/803 - CITY OF BUFFALO

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Acct. No. 112 - \$ 206.92 - County

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

Charge to :

CANCEL - CLERICAL ERROR, PARCEL IS EXEMPT FROM TAXES INCLUDING THE MALL TAX. PARCEL IS OWNED BY THE CITY OF BUFFALO DIV OF BURA. RPTL 55092)C.

Petition No. 201271 / 1999 - ASSESSOR - Cancel - \$151.19

SBL No. 111.38-3-6.111/1203 - CITY OF BUFFALO

Acct. No. 112 - \$ 151.19 - County

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

Charge to :

CANCEL - CLERICAL ERROR, PARCEL IS WHOLLY EXEMPT FROM TAXES INCLUDING MALL TAX. PARCEL IS OWNED BY THE CITY OF BUFFALO-DIV BURA. RPTL 550(2)C.

Petition No. 201272 / 1999 - ASSESSOR - Cancel - \$142.10

SBL No. 111.38-3-9.111/1204 - CITY OF BUFFALO

Acct. No. 112 - \$ 142.10 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THIS PARCEL IS WHOLLY EXEMPT FROM TAXES INCLUDING MALL TAX. PARCEL IS OWNED BY THE CITY OF BUFFALO -DIV BURA. RPTL 550(2)C.

Petition No. 201273 / 1999 - ASSESSOR - Cancel - \$142.11

SBL No. 111.38-3-9.11/1204 - CITY OF BUFFALO

Acct. No. 112 - \$ 142.11 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THIS PARCEL IS WHOLLY EXEMPT FROM TAXES INCLUDING THE MALL TAX. PARCEL IS OWNED BY THE CITY OF BUFFALO-DIV OF BURA. RPTL 550(2)C.

Petition No. 201274 / 2000 - ASSESSOR - Cancel - \$101.45

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SBL No. 141.52-2-7 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 29.19 - County

Acct. No. 132 - \$ 72.26 - Town/SpecialDist/School

Charge to : CITY OF EDEN

8.90

ECSD #6 SAN SEWER

63.36

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE OF 141.52-2-6.1.
 RPTL 550(2)F.

Petition No. 201275 / 2000 - ASSESSOR - Refund - \$111.15

SBL No. 142.69-2-27 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 111.15 - County

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

Charge to :

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
 14,850 (45%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR
 FROM THE TAX ROLL. RPTL 550(2)C.

CHECK IN FAVOR OF: GERTRUDE PERCZAK

Petition No. 201276 / 2001 - ASSESSOR - Refund - \$162.96

SBL No. 56.55-1-1./148 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 162.96 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT

162.96

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 85,500 AND SHOULD BE 76,700.
 RPTL 550(2)A.

CHECK IN FAVOR OF: BARBARA J CAMPAGNA

Petition No. 201277 / 2001 - ASSESSOR - Refund - \$98.49

SBL No. 56.55-1-1./148 - TOWN OF AMHERST

Acct. No. 112 - \$ 42.75 - County

Acct. No. 132 - \$ 55.74 - Town/SpecialDist/School

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Charge to : TOWN OF AMHERST
49.97
TRANSIT FIRE PROTECTION 5.77

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 85,500 AND SHOULD BE 76,700.
 RPTL 550(2)A.
 CHECK IN FAVOR OF: BARBARA CAMPAGNA

Petition No. 201278 / 2001 - ASSESSOR - Cancel - \$24,949.95

SBL No. 67.58-1-1 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 24,949.95 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST
24,949.95

CANCEL - CLERICAL ERROR, THE DEMOLITION CHARGE ASSESSED TO THIS PARCEL WAS ENTERED INCORRECTLY. CHARGE WAS 27,449.95 AND SHOULD BE 2,500 PER AGREEMENT. RPTL 550(2)E.

Petition No. 201279 / 102 - ASSESSOR - Cancel - \$371.28

SBL No. 27.13-1-1 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 371.28 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 371.28

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
 SWEET HOME CENTRAL

Petition No. 201280 / 102 - ASSESSOR - Cancel - \$175.74

SBL No. 40.11-2-48 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 175.74 - Town/SpecialDist/School

Charge to : SWEET HOME CENTRAL 175.74

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CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 129,200 AND SHOULD BE 115,000.
 RPTL 550(2)A

Petition No. 201281 / 102 - ASSESSOR - Cancel - \$563.09

SBL No. 41.08-2-62 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

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

Charge to : BASIC STAR EXEMPTION 563.09

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)A.

WILLIAMSVILLE CENTRAL

Petition No. 201282 / 102 - ASSESSOR - Cancel - \$165.17

SBL No. 56.55-1-1./148 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 165.17 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT 165.17

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 85,500 AND SHOULD BE 76,700.
 RPTL 550(2)A

Petition No. 201283 / 102 - ASSESSOR - Cancel - \$7,534.34

SBL No. 67.12-1-15.1 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 7,534.34 - Town/SpecialDist/School

Charge to : SWEET HOME CENTRAL 7,534.34

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 1,388,900 AND SHOULD BE 1,000,000.
 RPTL 550(2)A

Petition No. 201284 / 9900 - ASSESSOR - Refund - \$207.66

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SBL No. 67.65-1-3 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 207.66 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 207.66

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

Petition No. 201285 / 2001 - ASSESSOR - Refund - \$428.07

SBL No. 67.65-1-3 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 428.07 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 428.07

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 20,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C AMHERST CENTRAL
 CHECK IN FAVOR OF: JOHN D & JEAN M HUCK

Petition No. 201286 / 102 - ASSESSOR - Cancel - \$656.40

SBL No. 67.65-1-3 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 656.40 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 656.40

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
 AMHERST CENTRAL

Petition No. 201287 / 102 - ASSESSOR - Cancel - \$563.09

SBL No. 69.09-1-15.1 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

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

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Charge to : BASIC STAR EXEMPTION 563.09

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. 201288 / 2001 - ASSESSOR - Refund - \$208.84

SBL No. 81.10-2-4 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 208.84 - Town/SpecialDist/School

Charge to : VILLAGE OF WILLIAMSVILLE 208.84

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 52,800 (50%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

CHECK IN FAVOR OF: BETTY J LANG

Petition No. 201289 / 102 - ASSESSOR - Cancel - \$476.52

SBL No. 82.09-6-8 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 476.52 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 476.52

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.

Petition No. 201290 / 2001 - ASSESSOR - Cancel - \$1,078.56

SBL No. 164.19-1-1 - TOWN OF AURORA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,078.56 - Town/SpecialDist/School

Charge to : VILLAGE OF EAST AURORA 1,078.56

CANCEL - UNLAWFUL ENTRY, PARCEL IS EXEMPT FROM TAXES. THIS IS OWNED BY THE NEW YORK STATE PARKS DIVISION. RPTL 550(7)A.

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Petition No. 201291 / 102 - ASSESSOR - Cancel - \$293.37

SBL No. 164.19-1-1./A - TOWN OF AURORA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 293.37 - Town/SpecialDist/School

Charge to : VILLAGE OF EAST AURORA

293.37

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE NEW YORK STATE
 PARKS AND IS WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A

Petition No. 201292 / 102 - ASSESSOR - Cancel - \$40.27

SBL No. 164.19-7-1 - TOWN OF AURORA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 40.27 - Town/SpecialDist/School

Charge to : VILLAGE OF EAST AURORA

40.27

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE NEW YORK STATE
 PARKS AND IS WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A

Petition No. 201293 / 9901 - ASSESSOR - Refund - \$602.56

SBL No. 57.07-2-2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 602.56 - Town/SpecialDist/School

Charge to : CLARENCE CENTRAL

602.56

REFUND - ERROR IN ESSENTIAL FACT, THE ACREAGE USED TO DETERMINE THE
 ASSESSED VALUE WAS INCORRECT. THE ASSESSMENT WAS 62,800 AND SHOULD
 BE 43,000. RPTL 550(3)C.

CHECK IN FAVOR OF: WILLIAM F MARFURT JR

Petition No. 201294 / 2001 - ASSESSOR - Refund - \$321.76

SBL No. 57.07-2-2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 206.50 - County

Acct. No. 132 - \$ 115.26 - Town/SpecialDist/School

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Charge to : TOWN OF CLARENCE
115.26

REFUND- ERROR IN ESSENTIAL FACT, THE ACREAGE USED TO DETERMINE THE ASSESSED VALUE WAS INCORRECT. THE ASSESSMENT WAS 62,800 AND SHOULD BE 43,000. RPTL 550(3)C
CHECK IN FAVOR OF: WILLIAM F MARFURT JR

Petition No. 201295 / 102 - ASSESSOR - Cancel - \$395.30

SBL No. 350.00-3-9 - TOWN OF COLLINS

Acct. No. 112 - \$ 0.00 - County
Acct. No. 132 - \$ 395.30 - Town/SpecialDist/School

Charge to : TOWN OF COLLINS
1.93
GOWANDA CENTRAL 393.37

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 93,200 AND SHOULD BE 65,400.
RPTL 550(2)A. NUED

Petition No. 201296 / 2001 - ASSESSOR - Refund - \$273.84

SBL No. 239.00-1-20.112 - TOWN OF EDEN

Acct. No. 112 - \$ 0.00 - County
Acct. No. 132 - \$ 273.84 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 273.84

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 18,180 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
CHECK IN FAVOR OF: ROBERT M GAWRONSKI JR

Petition No. 201297 / 2001 - ASSESSOR - Cancel - \$861.69

SBL No. 154.00-4-15 - TOWN OF ELMA

Acct. No. 112 - \$ 646.35 - County
Acct. No. 132 - \$ 215.34 - Town/SpecialDist/School

Charge to : TOWN OF ELMA
87.07
ELMA FIRE PROTECT 128.27

CANCEL - UNLAWFUL ENTRY, PARCEL IS WHOLLY EXEMPT FROM TAXES. PARCEL

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IS OWNED BY NEW YORK STATE PARKS. RPTL 550(7)A.

Petition No. 201298 / 2000 - ASSESSOR - Refund - \$155.00

SBL No. 207.07-4-22 - TOWN OF EVANS

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 155.00 - Town/SpecialDist/School

Charge to : TOWN OF EVANS

155.00

REFUND - CLERICAL ERROR, THE FRONTAGE USED TO CALCULATE WATER TAX
 WAS INCORRECT. RPTL 550(2)E.

CHECK IN FAVOR OF: NORTH EVANS FIRE CO

Petition No. 201299 / 102 - ASSESSOR - Cancel - \$877.89

SBL No. 235.09-1-17.1 - TOWN OF EVANS

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 877.89 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI

877.89

CANCEL - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 40,400
 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX
 ROLL. RPTL 550(2)C.

LAKESHORE CENTRAL

Petition No. 201300 / 9900 - ASSESSOR - Refund - \$210.88

SBL No. 20.00-1-38.12 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 210.88 - Town/SpecialDist/School

Charge to : AKRON CENTRAL

210.88

REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF
 15,000 THAT THIS PARCEL WAS OMITTED IN ERROR FROM THE TAX ROLL.
 RPTL 550(2)C.

CHECK IN FAVOR OF: DANIEL & DIANE SUTTON

Petition No. 201301 / 2000 - ASSESSOR - Refund - \$111.24

SBL No. 20.00-1-38.12 - TOWN OF NEWSTEAD

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Acct. No. 112 - \$ 88.83 - County

Acct. No. 132 - \$ 22.41 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD

22.41

REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 15,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

CHECK IN FAVOR OF: DANIEL, DIANE AND DANIEL M SUTTON

Petition No. 201302 / 2001 - ASSESSOR - Refund - \$883.60

SBL No. 32.00-2-18.2 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 654.05 - County

Acct. No. 132 - \$ 229.55 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD

229.55

REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 130,484 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

CHECK IN FAVOR OF: ROBERT WIDEMAN

Petition No. 201303 / 2000 - ASSESSOR - Refund - \$67.29

SBL No. 61.00-5-1.2CM - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 53.74 - County

Acct. No. 132 - \$ 13.55 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD

13.55

REFUND - CLERICAL ERROR, VETERAN'S EXEMPTION IN THE AMOUNT OF 9,075 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

CHECK IN FAVOR OF: JIM MUELLER % GOLDEN POND ESTATES

Petition No. 201304 / 2001 - ASSESSOR - Refund - \$61.45

SBL No. 61.00-5-1.2CM - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 45.49 - County

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Acct. No. 132 - \$ 15.96 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD

15.96

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 9,075 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

CHECK IN FAVOR : JIM MUELLER % GOLDEN POND ESTATES

Petition No. 201305 / 2001 - ASSESSOR - Refund - \$1,227.74

SBL No. 74.00-2-27.12 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,227.74 - Town/SpecialDist/School

Charge to : AKRON CENTRAL

1,227.74

REFUND - CLERICAL ERROR, THE SCHOOL TAX WAS PREVIOUSLY PAID. THE RELEVY SCHOOL TAX AMOUNT WAS IN ERROR. RPTL 550(2)H.

CHECK IN FAVOR OF: CLARION MILLER & PATRICIA MOWRER

Petition No. 201306 / 2001 - ASSESSOR - Cancel - \$1,243.84

SBL No. 294.00-1-21 - TOWN OF SARDINIA

Acct. No. 112 - \$ 779.04 - County

Acct. No. 132 - \$ 464.80 - Town/SpecialDist/School

Charge to : TOWN OF SARDINIA

330.44

SARDINIA FIRE PROTECT

134.36

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE OF 294.00-1-21.2 AND 294.00-1-21.1. RPTL 550(2)F

Petition No. 201307 / 2001 - ASSESSOR - Cancel - \$74.85

SBL No. 295.00-3-24.1 - TOWN OF SARDINIA

Acct. No. 112 - \$ 52.57 - County

Acct. No. 132 - \$ 22.28 - Town/SpecialDist/School

Charge to : TOWN OF SARDINIA

22.28

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF

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11,186 WAS ENTERED INCORRECTLY. THIS PARCEL IS ENTITLED TO 19,975 (25%).

Petition No. 201308 / 2001 - ASSESSOR - Refund - \$336.96

SBL No. 134.07-4-1./1A - TOWN OF WEST SENECA

Acct. No. 112 - \$ 138.14 - County

Acct. No. 132 - \$ 198.82 - Town/SpecialDist/School

Charge to : TOWN OF WEST SENECA 198.82

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 17,235 FOR THE COUNTY AND 15,320 FOR THE TOWN WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

CHECK IN FAVOR OF: MICHAEL & FLORENCE WISNIEWSKI

Petition No. 201309 / 2001 - ASSESSOR - Refund - \$947.47

SBL No. 134.07-4-1./1A - TOWN OF WEST SENECA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 947.47 - Town/SpecialDist/School

Charge to : WEST SENECA CENT 158.57
 NYS STAR ENHANCED EXEMPTI 788.90

REFUND - CLERICAL ERROR, THE AGED EXEMPTION IN THE AMOUNT OF 15,320 AND THE SENIOR ENHANCED EXEMPTION IN THE AMOUNT OF 31,890 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C W SENECA CENTRAL
 CHECK IN FAVOR OF: MICHAEL & FLORENCE WISNIEWSKI

(5-0)

3. Item Page - 2001 (Comm. 17E-39)

COUNTY EXECUTIVE

WHEREAS, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities to make purchases through the County bidding procedure; and

WHEREAS, the Tonawanda City School District has requested that the Director of Purchase be authorized to permit the school district to utilize County contracts for making purchases; and

WHEREAS, in most instances the provision of such services by the Erie County Purchasing Department will not create any additional cost or burdens upon said department but will serve to reduce the school district's operating costs.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to the Tonawanda City School District.

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when he deems appropriate and as may be requested by the Tonawanda City School District to provide in any particular County bid specification that the participating municipalities in Erie County shall have the right to make purchases based upon the bids received by the County.
2. The County Purchasing Director within the limits of his time and manpower, shall disseminate relevant contract information to the Tonawanda City School District.
3. The Tonawanda City School District participating in County contracts will issue purchase orders directly to vendors within the specified contract period referencing the County contract involved and be liable for any payments due on such purchase orders.

AND BE IT FURTHER

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Purchase, the County Comptroller, and the Board of Education of the Tonawanda City School District.

(5-0)

CRYSTAL D. PEOPLES
CHAIRPERSON

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 16 – MR. DUSZA presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 396

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FITZPATRICK. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

	Item	Page	-2000	(Comm. 4 E-8)
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SWANICK & DeBENEDETTI: Response to Buffalo Common Council Re: Resolution #236, CCP, 2/8/00, "Ontario Street Park to County of Erie."
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
 - b.

	Item	Page	-2000	(Comm. 8M-19)
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NYSDEC: Fact Sheet CMS Associates Hazardous Waste Site (Site #9-15-168) Record of Decision.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
 - c.

	Item	Page	-2000	(Comm. 9M-11)
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NYS ATTORNEY GENERAL: Response to Resolution Re: Cost of Home Heating Oil & Diesel Fuel.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
 - d.

	Item	Page	-2000	(Comm. 9M-22)
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DPW: SEQR – Positive Declaration – New Convention Center.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
 - e.

	Item	Page	-2000	(Comm. 9M-23)
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SIERRA CLUB NIAGARA GROUP: Letter Re: Smoke Pollution & Air Quality.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
 - f.

	Item	Page	-2000	(Comm. 20M-4)
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FUNK LAWN CARE: Copy of Letter to Legislator DeBenedetti Opposing Bill S.8223-Pesticide 48 Hour Pre-Notification.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
 - g.

	Item	Page	-2000	(Comm. 21M-4)
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ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL: Green Design Resolution for Adelphia Communications Building.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
 - h.

	Item	Page	-2000	(Comm. 26M-4)
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SONIA R EFRON: Copy of Letter to County Executive Re: Support for Lawn Pesticide & Notification Act.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

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|----|--|------|-------|---------------|
| | Item | Page | -2000 | (Comm. 26M-5) |
| i. | ARTHUR EFRON: Copy of Letter to County Executive Re: Support for Lawn Pesticide Notification Act. | | | |
| | (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2000 | (Comm. 26M-6) |
| j. | JEFFREY J DOSCH: Copy of Letter to County Executive Re: Support for Lawn Pesticide Notification Act. | | | |
| | (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2000 | (Comm. 26M-7) |
| k. | RUTH KIRSTEIN: Copy of Letter to County Executive Re: Support for Lawn Pesticide Notification Act. | | | |
| | (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2001 | (Comm. 2M-8) |
| l. | EC ENVIRONMENTAL EDUCATION INSTITUTE: Letter to Chairman Swanick Requesting \$50,000 in 2001 County Funds. | | | |
| | (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2001 | (Comm. 6M-14) |
| m. | VIETNAM VETERANS OF AMERICA WNY CHAPTER 77: Letter to County Executive Re: Inner Harbor Project & Role of Naval & Sevicemen's Park. | | | |
| | (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2001 | (Comm. 6M-15) |
| n. | CONGRESSMAN QUINN: Copy of Letter to President Bush Re: Increase in Funding. | | | |
| | (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2001 | (Comm. 7M-3) |
| o. | PAUL H MACCLENNAN: Letter to Legislator Fisher Re: In Favor of a County Pesticide Neighborhood Notification Law. | | | |
| | (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2001 | (Comm. 7M-26) |
| p. | CITY OF BUFFALO CLERK: Certified Resolution Re: Joint City & State Hearing on Increase in Gas & Electric Bills. | | | |
| | (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2001 | (Comm. 7M-27) |
| q. | FEDERAL ENERGY REGULATORY COMMISSION: Response Letter to Chairman Swanick Re: Increased Energy Costs. | | | |
| | (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | | |

- Item Page -2001 (Comm. 8D-8)
 r. **DPW**: SEQR – Negative Declaration – 810 East Ferry, City of Buffalo.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 8M-6)
 s. **FERC**: Copy of Letter to Legislator Dusza Re: Rates as Compared to NYSEG’s.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 8M-12)
 t. **NYS LAWN CARE ASSOCIATION**: Letter & Information About 48 Hour Prior Notification
 to Abutting Property Owners for Pesticide Treatments.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 9M-3)
 u. **NATIONAL FUEL**: Letter to Chairman Swanick Re: Addressing Allegations of Possible Price
 Gouging by National Fuel.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 9M-17)
 v. **BUFFALO’S SENIOR CITIZENS CONCERNED FOR THE PRESERVATION OF
 SQUAW ISL**: Petition in Opposition to Squaw Island Being Used for Private or Commercial
 Development.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 11D-7)
 w. **ERIE COUNTY WATER AUTHORITY**: Letter to Chairman Swanick Re: Improved Fiscal
 Management Since 1996.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 15D-9)
 x. **DEP**: SEQR – Negative Declaration – Chip Fab Sanitary Sewer Extension.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 15E-15)
 y. **COUNTY EXECUTIVE**: ECSD No. 5 – A/E Agreement Dated 4/18/99 – Engineering Change
 Order No. 1 – URS Greiner Woodward Clyde.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 15E-39)
 z. **COUNTY EXECUTIVE**: ECSD No. 2 – Construction Inspection Service Agreement Work
 Order – DG-1 Comm. 8E-36.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

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- Item Page -2001 (Comm. 15M-3)
 aa. **NYSDEC: Fact Sheet.**
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 15M-17)
 bb. **WNY CITIZENS FOR SAFE DRINKING WATER: “Does Flouridated Water Fight Cavaties.”**
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 15M-18)
 cc. **WNY CITIZENS FOR SAFE DRINKING WATER: “Flouride Is Not for Infants.”**
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 16M-3)
 dd. **NYSDEC: Fact Sheet Re: Former Dowell Facility.**
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 16M-5)
 ee. **NYSDEC: Fact Sheet Re: Buffalo Crushed Stone, Old Land Reclamation Landfill, Land Reclamation Landfill & Schultz C & D Landfill.**
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 17D-4)
 ff. **PARKS, RECREATION & FORESTRY: Letter to Chairman Swanick Re: Showmobile Rental Policy.**
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 17D-23)
 gg. **DEP: SEQR – Negative Declaration – Elimination of West Pleasant Avenue Pumping Station.**
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 17E-35)
 hh. **COUNTY EXECUTIVE: Appointment to ECSD No. 6 Board.**
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 17E-49)
 ii. **COUNTY EXECUTIVE: ECSD Nos. 1-6 SEC 270/271 Resolutions.**
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2001 (Comm. 17E-56)
 jj. **COUNTY EXECUTIVE: ECSD No. 4 – Engineering Services Agreements - Work Order – UR57 Comm. 20F-17 (1988).**

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(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2001 (Comm. 17E-57)
 kk. **COUNTY EXECUTIVE:** Semi-Annual Attendance Records – Board of Managers – ECSDs.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2001 (Comm. 17E-58)
 ll. **COUNTY EXECUTIVE:** ECSD No. 2 – Construction Inspection Service Agreement – Work
 Order DG-2 Comm. 8E-36 (2001).
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2001 (Comm. 17M-1)
 mm. **NYSDEC:** Fact Sheet – National Fuel Gas & Buffalo Service Center.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2001 (Comm. 17M-3)
 nn. **NFTA:** Annual Public Authority Data Request for Year Ending 3/31/01.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2001 (Comm. 17M-10)
 oo. **NYSDEC:** Fact Sheet – Marcon Erectors Site.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2001 (Comm. 17M-11)
 pp. **NYSDEC:** Fact Sheet – Former Pizza Hut Site – Parcel 2.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2001 (Comm. 17M-18)
 qq. **NYSDEC:** Fact Sheet – Hazardous Waste Site 7/01.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2001 (Comm. 17M-22)
 rr. **WNY CITIZENS FOR SAFE DRINKING WATER:** News Release from NYS Coalition
 Opposed to Fluoridation Re: Dentists Unknowingly Endorse Arsenic & Lead Into Our Drinking
 Water.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2001 (Comm. 17M-44)
 rr. **NYSDEC:** Fact Sheet – Remedial Investigation/Feasibility Study – Chem-Core Site.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2001 (Comm. 17M-48)
 ss. **NYSDEC:** Former Gastown Manufactured Gas Plant.

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(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

AS AMENDED

2. Item Page -2001 (Comm. 11E-28)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature did award Contract No. 35 "A" to New Era Construction, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 35 "A" in the amount of \$1,434,210.49 which includes Change Order No. 3 (final), a decrease of (\$16,857.38) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 35 "A" between the County of Erie and New Era Construction, Inc., 200 Roosevelt Avenue, Tonawanda, New York 14150 be accepted in the amount of \$1,434,210.49 which includes Change Order No. 3 (final), a decrease of (\$16,857.38); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 35 "A" between the County of Erie and New Era Construction, Inc. in the amount of \$1,434,210.49 and make final payment from Sewer Capital Account SD No. 2, Fund No. 430, Project No. 533, and return the unused portion to Unallocated Account; and be it further

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

(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

3. Item Page -2001 (Comm. 17E-46)

COUNTY EXECUTIVE

WHEREAS, The New York State Energy Research and Development Authority (NYSERDA) has solicited for proposals in accordance with its Flexible Technical Assistance Program offering to co-fund projects for the evaluation of energy efficiency measures; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management (DEP-DSM) has advised the County Legislature that there are benefits to applying for a grant under this NYSERDA Program and has recommended application be made for funding this opportunity; and

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WHEREAS, NYSERDA has recommended that the Erie County DEP-DSM and Erie County Southtowns Sewage Treatment Agency (ECSSTA) retain R & D Engineers Inc. to complete this evaluation; and

WHEREAS, NYSERDA has pre-qualified R & D Engineers Inc. to perform Flexible Technical Assistance services through a competitive selection process; and

WHEREAS, it is anticipated that NYSERDA will initially contribute up to \$15,000 for project approval with the balance of the project costs to be paid by ECSSTA.

NOW, THEREFORE, BE IT

RESOLVED, that the County's DEP-DSM be authorized and directed to make application to NYSERDA for funding under the NYSERDA Flexible Technical Assistance Program in an amount not to exceed \$30,000 to complete an energy efficiency evaluation for the purposes of enhancing energy efficiency at ECSSTA; and be it further

RESOLVED, that agreements with NYSERDA and R & D Engineers Inc., to complete the evaluation, are hereby approved subject to a grant offer being made by NYSERDA; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreements subject to approval as to form by the County Attorney, certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's office, and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$30,000 for the Energy Efficiency Evaluation from Erie County Southtowns Sewage Treatment Agency Sewer Capital Fund 430, Project 915; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Nancy Naples, County Comptroller, and one copy to Gregory Dudek, Assistant County Attorney.

(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

4. Item Page -2001 (Comm. 17E-47)

COUNTY EXECUTIVE

WHEREAS, The New York State Energy Research and Development Authority (NYSERDA) has solicited for proposals in accordance with its Flexible Technical Assistance Program offering to co-fund projects for the evaluation of energy efficiency measures; and

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WHEREAS, the Department of Environment and Planning, Division of Sewerage Management (DEP-DSM) has advised the County Legislature that there are benefits to applying for a grant under this NYSERDA Program and has recommended application be made for funding this opportunity; and

WHEREAS, NYSERDA has recommended that the Erie County DEP-DSM and Erie County Sewer District No. 6 (ECSD #6) retain Malcolm Pirnie Inc. to complete this evaluation; and

WHEREAS, NYSERDA has pre-qualified Malcolm Pirnie Inc. to perform Flexible Technical Assistance services through a competitive selection process; and

WHEREAS, it is anticipated that NYSERDA will initially contribute up to \$22,500 for project approval with the balance of the project costs to be paid by ECSD #6.

NOW, THEREFORE, BE IT

RESOLVED, that the County's DEP-DSM be authorized and directed to make application to NYSERDA for funding under the NYSERDA Flexible Technical Assistance Program in an amount not to exceed \$45,000 to complete an energy efficiency evaluation for the purposes of enhancing energy efficiency at ECSD #6; and be it further

RESOLVED, that agreements with NYSERDA and Malcolm Pirnie Inc., to complete the evaluation, are hereby approved subject to a grant offer being made by NYSERDA; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreements subject to approval as to form by the County Attorney, certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's office, and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$45,000 for the Energy Efficiency Evaluation from Erie County Sewer District No. 6 Sewer Capital Fund 430, Project 914; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Nancy Naples, County Comptroller, and one copy to Gregory Dudek, Assistant County Attorney.

(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

5. Item Page -2001 (Comm. 17E-48)

COUNTY EXECUTIVE

WHEREAS, The New York State Energy Research and Development Authority (NYSERDA) has solicited for proposals in accordance with its Flexible Technical Assistance Program offering to co-fund projects for the evaluation of energy efficiency measures; and

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WHEREAS, the Department of Environment and Planning, Division of Sewerage Management (DEP-DSM) has advised the County Legislature that there are benefits to applying for a grant under this NYSERDA Program and has recommended application be made for funding this opportunity; and

WHEREAS, NYSERDA has recommended that the Erie County DEP-DSM and Erie County Sewer District No. 2 (ECSD #2) retain Stearns and Wheler, LLC to complete this evaluation; and

WHEREAS, NYSERDA has pre-qualified Stearns and Wheler, LLC to perform Flexible Technical Assistance services through a competitive selection process; and

WHEREAS, it is anticipated that NYSERDA will initially contribute up to \$17,500 for project approval with the balance of the project costs to be paid by ECSD #2.

NOW, THEREFORE, BE IT

RESOLVED, that the County's DEP-DSM be authorized and directed to make application to NYSERDA for funding under the NYSERDA Flexible Technical Assistance Program in an amount not to exceed \$35,000 to complete an energy efficiency evaluation for the purposes of enhancing energy efficiency at ECSD #2; and be it further

RESOLVED, that agreements with NYSERDA and Stearns and Wheler, LLC to complete the evaluation, are hereby approved subject to a grant offer being made by NYSERDA; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreements subject to approval as to form by the County Attorney, certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's office, and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$35,000 for the Energy Efficiency Evaluation from Erie County Sewer District No. 2 Sewer Capital Fund 430, Project 533; and be it further

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

(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

6. Item Page -2001 (Comm. 17E-50)

COUNTY EXECUTIVE

(A)

WHEREAS, County of Erie/Southtowns Sewage Treatment Agency herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby

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determined that the Project generally described as the Southtowns Sewage Treatment Plant Expansion and identified as CWSRF Project No. 6647-03, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
 (Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County.
5. This Resolution shall take effect immediately.

(B)

WHEREAS, County of Erie/Erie County Sewer District No. 2 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the West Pleasant Avenue (Contract 52ED) and Lakeview Sanitary Sewer Extensions (Contract 39EV) and identified as CWSRF Project No. 6646-03-01, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

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NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
 (Authorized Representative)

The ERIE COUNTY COMPTROLLER
 (Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County.
5. This Resolution shall take effect immediately.

(C)

WHEREAS, County of Erie/Erie County Sewer District No. 5 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Sisters of St. Joseph Treatment Plant Improvements and identified as CWSRF Project No. 6697-04, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental

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Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official Representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
 (Authorized Representative)

The ERIE COUNTY COMPTROLLER
 (Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County.

5. This Resolution shall take effect immediately.

(D)

WHEREAS, County of Erie/Erie County Sewer District No. 2 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Bluffs Subtrunk and identified as CWSRF Project No. 6646-02, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
 (Authorized Representative)

The ERIE COUNTY COMPTROLLER
 (Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County.
5. This Resolution shall take effect immediately.

(E)

WHEREAS, County of Erie/Erie County Sewer District No. 2 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Southwest Trunk/Pump Station and identified as CWSRF Project No. 6646-09, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

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WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
 (Authorized Representative)

The ERIE COUNTY COMPTROLLER
 (Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County.
5. This Resolution shall take effect immediately.

(F)

WHEREAS, County of Erie/Erie County Sewer District No. 5 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Spaulding Lake Project and identified as CWSRF Project No. 6697-03, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

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WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
 (Authorized Representative)

The ERIE COUNTY COMPTROLLER
 (Chief Fiscal Officer)

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3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County.
5. This Resolution shall take effect immediately.

(G)

WHEREAS, County of Erie/Erie County Sewer District No. 6 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Sludge Press and Frame and identified as CWSRF Project No. 6650-07, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County.
5. This Resolution shall take effect immediately.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

AS AMENDED
(Comm. 17E-62)

7. Item Page -2001

COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (EPA) through the Sustainable Development Challenge Grant program provides Federal funding to local governments and community organizations to assist in the implementation of community revitalization projects; and

WHEREAS, the County of Erie, in recognition of the value of this Federal grant project to our local economy, has expressed a willingness to accept this grant and assume responsibility for its management through the Department of Environment and Planning;

NOW THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the EPA to accept the Sustainable Development Challenge Grant and implement the Farm to City project, and be it further

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RESOLVED, that the plan for said grant be sent to the Erie County Legislature for final authorization of the grant, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
 (5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

RAYMOND K. DUSZA
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 17 – MRS. FISHER presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 397

September 13, 2001

HEALTH/MENTAL HEALTH
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WEINSTEIN.

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

Item Page -2001 (Comm. 13M-16)
 a. **SENECA COUNTY BOARD OF SUPERVISORS:** Copy of Resolution Re: Opposing
 Assembly Bill 508 Re: Appointment of Directors of Mental Health.
 (4-0) Legislator Weinstein absent.

Item Page -2001 (Comm. 13M-18)
 b. **PUTNAM COUNTY LEGISLATURE:** Copy of Resolution Re: Asking NYS to Assume the
 County Share of Medicaid.
 (4-0) Legislator Weinstein absent.

Item Page -2001 (Comm. 13M-21)
 c. **ALCOHOL & DRUG DEPENDANCY SERVICES:** Annual Report for 2000.

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(4-0) Legislator Weinstein absent.

- d. Item Page -2001 (Comm. 14E-5)
LARSON: Copy of Letter to Sheila Kee Re: Forced Overtime for Nurses at EC Home.
 (4-0) Legislator Weinstein absent.

- e. Item Page -2001 (Comm. 14M-2)
SENECA COUNTY COMMUNITY SERVICES BOARD: Letter Opposing State Assembly Bill 508.
 (4-0) Legislator Weinstein absent.

- f. Item Page -2001 (Comm. 15M-12)
HEALTH: Notice of Meeting to be Held 7/19/01.
 (4-0) Legislator Weinstein absent.

- g. Item Page -2001 (Comm. 16M-1)
YATES COUNTY LEGISLATURE: Copy of Resolution Re: Request that the Sate of NY Examine Health Care Funding & Assume Non-Federal Cost of Medicaid Program.
 (4-0) Legislator Weinstein absent.

- h. Item Page -2001 (Comm. 16M-2)
NYSDOH: The 2000 Report of Managed Care Performance.
 (4-0) Legislator Weinstein absent.

- i. Item Page -2001 (Comm. 17D-8)
MENTAL HEALTH: Copy of Letter to ECMC Re: Response to Audit of ECMC'S Chemical Dependency Program.
 (4-0) Legislator Weinstein absent.

- j. Item Page -2001 (Comm. 17D-11)
ECMC: Notice of Date Change for Finance Committee from 7/27/01 to 8/3/01.
 (4-0) Legislator Weinstein absent.

- k. Item Page -2001 (Comm. 17D-12)
ECMC: Notice of Board Meeting Held 8/9/01.
 (4-0) Legislator Weinstein absent.

- l. Item Page -2001 (Comm. 17D-13)
ECMC: Notice of Finance Committee Meeting Held 8/24/01.
 (4-0) Legislator Weinstein absent.

- m. Item Page -2001 (Comm. 17D-14)
ECMC: Minutes from Board Meeting Held 7/12/01.

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(4-0) Legislator Weinstein absent.

n. Item Page -2001 (Comm. 17D-15)
ECMC: Minutes from Board Meeting Held 6/14/01.
(4-0) Legislator Weinstein absent.

o. Item Page -2001 (Comm. 17D-22)
ECMC: Minutes from Meeting Held 6/22/01 & Agenda for Meeting Held 8/3/01.
(4-0) Legislator Weinstein absent.

p. Item Page -2001 (Comm. 17D-26)
ECMC: Agenda for Meeting Held 8/9/01.
(4-0) Legislator Weinstein absent.

q. Item Page -2001 (Comm. 17D-36)
ECMC: Notice of Special Board Meeting Held 8/29/01.
(4-0) Legislator Weinstein absent.

r. Item Page -2001 (Comm. 17D-37)
ECMC: Agenda for Finance Committee Meeting Held 8/24/01.
(4-0) Legislator Weinstein absent.

s. Item Page -2001 (Comm. 17D-41)
ECMC: Notice of Board Meeting to be Held 9/13/01.
(4-0) Legislator Weinstein absent.

t. Item Page -2001 (Comm. 17D-42)
ECMC: Notice of Finance Committee Meeting to be Held 9/28/01.
(4-0) Legislator Weinstein absent.

u. Item Page -2001 (Comm. 17D-52)
ECMC: Special Board Meeting to be Held 9/6/01.
(4-0) Legislator Weinstein absent.

2. Item Page - 2001 (Comm. 16E-15)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Health has awarded \$60,000 to the Erie County Department of Health for the purpose of continuing the HIV Seroprevalence Study for a twelve-month period ending 6/30/02.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised contract with the New York State Department of Health for the purpose of receiving reimbursement for participating in the HIV Seroprevalence Study which is budgeted as follows:

HIV SEROPREVALANCE GRANT
 07/1/01 – 06/30/02
 PROJECT #501

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
388		HIV CONSELING & TESTING	\$40,164	\$20,833	\$60,997
553		STATE AID	<u>77,500</u>	<u>-17,500</u>	<u>60,000</u>
		TOTAL	<u>\$117,664</u>	<u>\$3,333</u>	<u>\$120,997</u>
		<u>EXPENSES</u>			
800		PERSONNEL SERVICES	\$95,626	\$3,552	\$99,178
806		FRINGE BENEFITS	21,038	781	21,819
824		TRAVEL & MILEAGE	<u>1,000</u>	<u>-1,000</u>	<u>0</u>
		TOTAL	<u>\$117,664</u>	<u>\$3,333</u>	<u>\$120,997</u>

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 F'mance, and the Department of Law.

(4-0) Legislator Weinstein absent.

3. Item Page - 2001 (Comm. 17E-4)

COUNTY EXECUTIVE

RESOLVED, that the Health Committee does hereby recommend that the full Legislature confirm the appointment/reappointment of the following individuals to the Erie County Council on the Disabled. Their terms will end June 30, 2003.

Name and Address

Maryann Thomann, R.N.
 426 Teakwood Terrace

(Appointment)

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Williamsville, NY 14221

Charles H. Root, Jr. (Appointment)
12013 Hillview Terrace
Holland, NY 14080

Marcella A. LoFaso (Appointment)
19 Rue Madeleine Way
Lancaster, NY 14086

Ivy Diggs-Washington (Appointment)
312 Highgate Avenue
Buffalo, NY 14215

Ilona Tylwalk (Appointment)
42 Keswick Road
Amherst, NY 14226

Sherlyn A. Kolke (Reappointment)
106 Old Meadow Road
East Amherst, NY 14051

Lydia J. Brown (Reappointment)
100 Summershade Court
East Amherst, NY 14051

Kathy S. Hoffman (Reappointment)
P.O. Box 355
Clarence Center, NY 14032

Robert M. McPartland (Reappointment)
47 Groveland Street
Buffalo, NY 14214

Miriam R. Callahan (Reappointment)
437 Potters Road
Buffalo, NY 14220

Lisa M. Kowal (Reappointment)
76 Waverly Avenue
Kenmore, NY 14217

Ronald A. Clark (Reappointment)

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77 Karen Drive
 Tonawanda, NY 14150
 (4-0) Legislator Weinstein absent.

4. Item Page - 2001 (Comm. 17E-42)

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 April 5, 2001, 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 \$656,960 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 \$211,392 from HUD for year one of the five year period, and

WHEREAS, additional New York State Office of Mental Health (OMH) Reinvestment 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 Buffalo Federation of Neighborhood Centers, Inc., and Living Opportunities of DePaul, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that a 2001 appropriation for Buffalo Federation of Neighborhood Centers, Inc., be established in Project 542 in the amount of \$172,696, with the source of these funds being \$105,696 in U. S. Department of Housing and Urban Development (HUD) funds and \$67,000 in matching New York State Office of Mental Health (OMH) Reinvestment funds, and be it further

RESOLVED, that a 2001 appropriation for Living Opportunities of DePaul, Inc., be established in Project 542 in the amount of \$172,696, with the source of these funds being \$105,696 in U. S. Department of Housing and Urban Development (HUD) funds and \$67,000 in matching New York State Office of Mental Health (OMH) Reinvestment funds, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2001 contract with Buffalo Federation of Neighborhood Centers, Inc., for the period January 1, 2001 through December 31, 2001 by an amount not to exceed \$172,696, and be it further

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RESOLVED, that the County Executive be authorized to amend and increase the 2001 contract with Living Opportunities of DePaul, Inc., for the period January 1, 2001 through December 31, 2001 by an amount not to exceed \$172,696, 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.

(4-0) Legislator Weinstein absent.

5. Item Page - 2001 (Comm. 17E-43)

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, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for children with a serious emotional disturbance and their families receiving services from the Erie County Department of Youth Services, and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to enter into an Executive Directive with the Erie County Department of Youth Services, and

WHEREAS, additional funds of \$22,795 in 100% New York State Office of Mental Health State Aid dollars are available to furnish supports for developing and providing mentorship services for children with a serious emotional disturbance, to incorporate the principles of family inclusion, empowerment, and advocacy in school based collaborations in Erie County, and to expand parent training classes in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the 2001 Interfund appropriation for the Erie County Department of Youth Services within the accounts of the Department of Mental Health (DAC1109362408802509) be increased by a total of \$22,795, the source of these funds being 100% New York State Office of Mental Health State Aid dollars, and be it further

RESOLVED, the Coordinated Children's Service Initiative Grant (DAC281532251821), Dues and Fees Account within the Department of Youth Services, be increased by an amount not to exceed \$22,795, the source of these funds being Interfund Revenue (DAC2815322516865400), and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2001 Executive Directive between the Erie County Department of Mental Health and the Erie County Department of Youth Services for the period January 1, 2001 through December 31, 2001, by an amount not to exceed \$22,795, and be it further

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

(4-0) Legislator Weinstein absent.

6. Item Page - 2001 (Comm. 17E-44)

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

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

WHEREAS, additional funds of \$50,000 in 100% NYS Office of Mental Health State Aid dollars are available for the provision of respite services for families of children with a serious emotional disturbance (SED) who have multisystem involvement, or families of an SED child who is at risk of disruption and loss of ties to their family, school or community.

NOW, THEREFORE, BE IT

RESOLVED, that the 2001 appropriation for the Mental Health Association of Erie County, Inc., be increased by a total of \$50,000, the source of these funds being 100% NYS Office of Mental Health State Aid dollars, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2001 contract with the Mental Health Association of Erie County, Inc., for the period January 1, 2001 through December 31, 2001 by an amount not to exceed \$50,000, and be it further

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

(4-0) Legislator Weinstein absent.

7. Item Page - 2001 (Comm. 17E-45)

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, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for persons with a serious and persistent mental illness receiving services from the Western New York Independent Living Project, Inc., and

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WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with the Western New York Independent Living Project, Inc., and

WHEREAS, additional funds of \$100,000 in 100% NYS Office of Mental Health State Aid dollars are available to provide a Peer Advocacy Program for seriously and persistently mentally ill adults in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the 2001 appropriation for the Western New York Independent Living Project, Inc., be increased by a total of \$100,000, the source of these funds being 100% NYS Office of Mental Health State Aid dollars, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2001 contract with the Western New York Independent Living Project, Inc., for the period January 1, 2001 through December 31, 2001, by an amount not to exceed \$100,000, and be it further

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

(4-0) Legislator Weinstein absent.

JUDITH P. FISHER
CHAIRPERSON

MRS. FISHER moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 18 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 398

Re: Institution of an EC Capital Spending Cap.
(Intro. 18-1)

A RESOLUTION SUBMITTED BY LEGISLATORS MARINELLI, SWANICK, KUWIK,
FITZPATRICK, HOLT, FISHER, PEOPLES, DUSZA & PAULY

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WHEREAS, the Erie County Legislature has forged a history of fiscal responsibility and tax reduction for the benefit of those who live and do business in our community, and

WHEREAS, this Honorable Body continued and augmented these efforts by approving three consecutive years of property tax reductions, and

WHEREAS, there are also plans to further strengthen Erie County's finances by reducing our long term capital debt, and

WHEREAS, the administration has yet to take a public position on the issue of instituting a cap on capital spending, and

WHEREAS, the departments and institutions of Erie County have requested in excess of \$150 million for capital spending in the year 2002, and

WHEREAS, in order to prioritize these requests and recommend a programmatically and fiscally sound package for inclusion in the 2002 budget, the Capital Projects Board would be well- served in having a cap in place from the administration, and

WHEREAS, failure to institute such a cap could put in jeopardy the work to date by this Honorable Body and the executive branch in the areas of capital improvements and fiscal responsibility,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to continue to pursue tax and debt reduction for the benefit of the residents of this county, and be it further

RESOLVED, that this Honorable Body does hereby strongly urge Erie County Executive Joel Giambra to publicly announce the institution of a cap on capital spending for the year 2002 in the amount of approximately \$30 million, and be it further

RESOLVED, that this Honorable Body does further urge County Executive Giambra to issue a list of priorities for capital spending projects to the County Capital Projects Board and this Honorable Body in order to better enable the Board to deliberate and recommend a capital spending package for inclusion in the 2002 county budget, and be it further

RESOLVED, that the proposed county government assessment process led by the Comptroller include in its review the departmental capital spending prioritizing procedures, and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, Budget Director, Comptroller, Department of Environment and Planning Commissioner, Spencer Schofield in Environment and Planning, Department of Public Works Commissioner, Parks Commissioner, Buffalo & Erie County Public Library Executive Director, Erie County Medical Center Executive Director and Board Chair, Erie Community College President & Board Chair, Sheriff, Department of Information and

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Support Services Commissioner, Central police Services Commissioner, County Clerk, and County Development Coordination Board Chair John Bis (UB School of Architecture & Planning, Hayes Hall, 3435 Main St., Buffalo, NY 14214-3087).

MS. PEOPLES moved to amend the resolution. MS. MARINELLI seconded.

LEGISLATOR WEINSTEIN voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.070 – 0.930)

DELETE the second and third RESOLVE clauses in their entirety, and REPLACE with the following:

RESOLVED, that this Honorable Body does hereby strongly urge Erie County Executive Joel Giambra to publicly announce the institution of a cap on bonded capital spending for the year 2002; either approximately \$30 million or 1.5 percent of the county's gross debt contracting limit as calculated for the last completed fiscal year, and be it further

RESOLVED, that this Honorable Body does further urge County Executive Giambra to issue a list of priorities for capital spending projects to the County Capital Projects Board and this Honorable Body -including delineations on funding sources outside the bonded capital cap such as pay-as-you-go and tobacco settlement dollars -in order to better enable the Board to deliberate and recommend a capital spending package for inclusion in the 2002 county budget, and be it further

MS. PEOPLES moved the approval of the resolution as amended. MS. MARINELLI seconded.

LEGISLATORS GREENAN, RANZENHOFER, WEINSTEIN and FITZPATRICK voted in the negative.

CARRIED. (WEIGHTED VOTE: 12.977 – 4.023)

Item 19 – CHAIRMAN SWANICK directed that the following resolution be referred to the HEALTH COMMITTEE.

GRANTED.

Intro. 18-2 From LEGISLATORS McCARVILLE, GREENAN, CHASE, WEINSTEIN, RANZENHOFER & LARSON Re: Health Insurance for Sole Proprietors.

Item 20 – CHAIRMAN SWANICK directed that the following resolution referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

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Intro. 18-3 From LEGISLATORS McCARVILLE, GREENAN, CHASE, WEINSTEIN, RANZENHOFER & LARSON Re: Creating a Microbusiness Loan Funded to Improve the Economy by Stimulating Businesses of Locally Grown Products.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 399

Re: Consent & Approval – Conveyance of Land in the Town of Aurora, NY to the Oakwood Cemetery Association. (Intro. 18-4)

A RESOLUTION SUBMITTED BY LEGISLATOR McCARVILLE

WHEREAS, there is an agreement between the Oakwood Cemetery Association and Mr. Richard H. Rahn, and

WHEREAS, the purpose of said agreement is to set forth the terms and conditions of the proposed conveyance of certain land in the Village of East Aurora, Town of Aurora, County of Erie, State of New York, to the Oakwood Cemetery Association from Mr. Richard H. Rahn, and

WHEREAS, pursuant to Section 1506(c) of the New York State Not-for-Profit Corporation Law, a cemetery corporation cannot take title to land in the County of Erie for cemetery purposes without first having obtained the consent from the Erie County Legislature, and

WHEREAS, Section 1506 (c) of the New York State Not-for-Profit Corporation Law contains notice requirements and the requirement of a public hearing, and

WHEREAS, the attorney for the applicant has fulfilled the notice requirements (proof of publication is attached) and the Erie County Legislature has held the required public hearing on September 20, 2001 at 2:00 p.m.,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby consents to and approves conveyance of certain lands in the Town of Aurora, New York to the Oakwood Cemetery Association from Mr. Richard H. Rahn, pursuant to Section 1506 (c) of the New York State Not-for-Profit Corporation Law, and be it further

RESOLVED, that the Clerk of the Legislature forward a certified copy of this resolution Ms. Margery H. Geyer (5 Provincetown Lane, Orchard Park, New York, 14127) as attorney for the Oakwood Cemetery Association, Town of Aurora Supervisor Thomas Cotton and Town of Aurora Clerk Martha Libroek, 5 Grove Street, East Aurora, New York, 14052.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 400

Re: Support for a Community Organization.
(Intro. 18-5)

A RESOLUTION SUBMITTED BY LEGISLATOR LARSON

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 the transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,000 from the County-wide Accounts - Budget - County Contingency (DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Springville-Griffith Institute Central School District	830/0320	\$1,000
TOTAL		\$1,000

and be it further

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

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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 Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Thomas Markle, Superintendent, Springville-Griffith Institute Central School District, (307 Newman, Springville, NY 14141.)

Fiscal Impact: Appropriation of 2001 Budgeted funds.

MR. LARSON moved to amend the resolution. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

INSERT the following after the first RESOLVE:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the Risk Retention Fund (DAC: 1109616018320742) to Fund 110, Project 921, Department 301 Agency Payments & Grants -Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Town of Boston - Boston Kazoo Band	830/	\$2,000
TOTAL		\$2,000

and be it further

DELETE the final RESOLVE and replace with the following:

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Thomas Markle, Superintendent, Springville-Griffith Institute Central School District, (307 Newman, Springville, NY 14141.) and to Lisa Rood, Supervisor, Town of Boston - Boston Kazoo Band, (8500 Boston State Road, Boston, NY 14025.)

MR. LARSON moved the approval of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 23 – CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Int. 18-6 From LEGISLATORS GREENAN & CHASE Re: Public Safety & Community Initiatives.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 401

Re: Funding for Transitional Services. (Intro. 18-7)

A RESOLUTION SUBMITTED BY LEGISLATOR PAULY

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$20,000 from the Extraordinary County Aid to Local Governments -Regionalism / Economic Development Fund (DAC: 110904303830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Transitional Services, Inc.	830/0120	\$20,000
TOTAL		\$20,000

and be it further

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

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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, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Ihor Zankiew, Transitional Services, Inc., (25 Rano, Buffalo, NY 14207.)

Fiscal Impact: Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

INSERT the following after the first RESOLVE:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$500 from the legislative contractual (DAC: 110905100830) (2000 designated funds) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Cheektowaga Community Chorus	830/	\$500
TOTAL		\$500

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,000 from the legislative contractual (DAC: 110905100830) (2000 designated funds) to Fund 110, Project 920, Department 300 Agency Payments - Cultural, (DAC: 110920300830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
American Legion Band of the Tonawandas	830/0283	\$3,000
TOTAL		\$3,000

DELETE the final RESOLVE and REPLACE with the following:

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger,

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Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Ihor Zankiew, Transitional Services, Inc., (25 Rano, Buffalo, NY 14207,) Rose Roberts, President of the Board of Directors, Cheektowaga Community Chorus, (107 Heather Road, Cheektowaga, NY 14225,) and to David Abrahamian, President, American Legion Band of the Tonawandas, (PO Box 122, Tonawanda, NY 14150.)

MR. PAULY moved the approval of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 402

Re: The 9/11/01 Terrorist Attacks on NYC & Washington D.C. (Intro. 18-8)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK, PEOPLES, GREENAN, KUWIK, FITZPATRICK, HOLT, FISHER, DUSZA, MARINELLI, PAULY, CHASE, McCARVILLE, WEINSTEIN, RANZENHOFER, LARSON, DeBENEDETTI & OLMA

WHEREAS, on September 11,2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, one into the Pentagon outside Washington, D.C., and one into the country-side South of Pittsburgh, and

WHEREAS, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders, and

WHEREAS, these attacks completely destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon, and

WHEREAS, these attacks were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our Nation and weaken our resolve, and

WHEREAS, efforts are now underway in lower Manhattan to find survivors, and to clear away the debris from both the towers and from other buildings that collapsed, and

WHEREAS, people around the world and right here in Erie County are showing their support by donating food and money, by giving blood, by prominently displaying the American Flag, by lighting candles, and by holding prayer services,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature condemns in the strongest possible terms the terrorists who planned and carried out the September 11, 2001 attacks against the United States, as well as their sponsors, and be it further

RESOLVED, that this Honorable Body extends its deepest condolences to the victims of these heinous and cowardly attacks, as well as to their families, friends, and loved ones, and be it further

RESOLVED, that this Honorable Body commends the heroic actions of the rescue workers, volunteers, and State and local officials who responded to these tragic events with courage, determination, and skill, and be it further

RESOLVED, that this Honorable Body offers any and all services we can provide to the rescue operation in New York City and in Washington, D.C., and be it further

RESOLVED, that certified copies be sent to President George W. Bush, Senator Charles E. Schumer, Senator Hilary Rodham Clinton, The Western New York Delegation to the United States House of Representatives, New York State Governor George Pataki, the Western New York delegation of the New York State Congress, and New York City Mayor Rudolph Giuliani

Fiscal Impact: to be determined

MS. PEOPLES moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

DELETE, in its entirety, the fifth RESOLVE clause, and REPLACE with the following:

RESOLVED, that in order to ensure the safety and well being of the residents of Erie County, this Honorable Body does hereby request that Emergency Services Commissioner Michael Walters appear at a future meeting of the Legislature's Public Safety Committee to review with this Honorable Body Erie County's procedures for dealing with such an attack, and be it further

RESOLVED, that certified copies of this resolution be sent to President George W. Bush, Senator Charles E. Schumer, Senator Hillary Clinton, the Western New York delegation of the United States House of Representatives, New York State Governor George Pataki, the Western New York delegation of the New York State Legislature, New York City Mayor Rudolph Giuliani, and Erie County Department of Emergency Services Commissioner Michael Walters.

MS. MARINELLI moved the approval of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY

RESOLUTION NO. 403

Re: Urging NYS to Refinance the State Superfund Program. (Intro. 18-9)

A RESOLUTION SUBMITTED BY LEGISLATORS PEOPLES, FISHER, PAULY, SWANICK, KUSWIK, FITZPATRICK, HOLT, DUSZA & MARINELLI

WHEREAS, toxic dumps are one of New York's most critical environmental problems, putting our residents and wildlife at risk while continuing to pollute our land, and

WHEREAS, many of these sites are brownfield sites that, once cleaned, can be used to foster economic development and greenspace preservation, and

WHEREAS, over 700 such sites across the state are in need of cleanup, and

WHEREAS, a source of funds for the remediation of these sites was the State Superfund program — a program that is now bankrupt, and

WHEREAS, New Yorkers want assurance that the remaining toxic dumps in our state are cleaned up to protect future generations and their right to a healthy environment, and

WHEREAS, toxic sites in need of remediation in Erie County include 858 E. Ferry, the Cheektowaga "toxic triangle," Hickory Woods and Franzyk Park,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize that the residents of this county need a strong New York State Superfund program in order to improve the quality of life for our community, and be it further

RESOLVED, that this Honorable Body does hereby memorialize New York State Governor George Pataki and the New York State Legislature to refinance a state Superfund program which will maintain New York's remediation policy, enforce polluter pay liability laws, continue to raise funds from chemical and oil industry fees, remediate sites within a 10 year timetable, increase monetary and civic support to clean up and redevelop brown field sites, and improve public accountability through technical assistance grants and an expanded Superfund Management Board, and be it further

RESOLVED, that this Honorable Body does further memorialize New York State to make 858 E. Ferry, the Cheektowaga "toxic triangle," Hickory Woods and Franzyk Park sites priorities for remediation, and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Governor George Pataki, New York State Assembly Speaker Sheldon Silver, New York State Senate Majority Leader Joseph Bruno, and the Western New York delegation of the New York State Legislature.

Fiscal Impact: Refinancing of State Superfund positive for Erie County.

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

CARRIED UNANIMOUSLY.

ADD the following co-sponsors: OLMA, DeBENEDETTI, GREENAN, CHASE, McCARVILLE, WEINSTEIN, RANZENHOFER & LARSON.

REPLACE the word "...remediation..." in the third Resolved with the following:
 ...further testing...

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

CARRIED UNANIMOUSLY.

Item 27 – MR. PAULY presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 404

Re: Allowing the Town of Amherst to Make
 Purchases Through County Bidding Procedure.
 (Intro. 18-10)

A RESOLUTION SUBMITTED BY LEGISLATOR PAULY

WHEREAS, The Erie County Legislature is committed to regionalism as it is understood to be the cooperation between the County of Erie and local municipalities, and

WHEREAS, allowing local municipalities to use the Counties purchasing power is one aspect of regionalism that promotes cooperation and saves taxpayers money, and

WHEREAS, County Law §408, authorizes the County Legislature to allow municipalities to make purchases through the County bidding procedures, and

WHEREAS, in 1987 the Town of Amherst Highway Superintendent agreed to cooperate with the Erie County Director of Purchasing, which has resulted in savings for the Town of Amherst, and

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WHEREAS, at that time no other Town of Amherst Department entered into an agreement with Erie County for the purpose of purchasing, and

WHEREAS, the Town of Amherst has now petitioned the County of Erie to allow all the Town Departments to be eligible to take advantage of the lower and more competitive prices on municipal purchase items made available by participation in County bidding and purchase procedures,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports regionalism initiatives that benefit the County's and the local municipality's taxpayers, and be it further

RESOLVED, that this Honorable Body does hereby request representatives of the Purchasing Director and the Law Department to attend a future meeting of the Erie County Legislature's Regionalism Committee to discuss the feasibility of this proposal, and be it further

RESOLVED, certified copies be sent to the County Executive, the County Attorney, The Director of Purchase, the Town of Amherst Supervisor, the Amherst Town Board.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 405

Re: Support of County Employees Called to
 Military Service. (Intro. 18-11)

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

WHEREAS, many of the major labor contracts that County of Erie has with its employees stipulates that said employees will receive 30 days paid leave if called into service as a reservist of the United States Armed Forces, and

WHEREAS, in light of this horrific national tragedy and the need for the men and women of our Armed Forces to serve this nation, this Honorable Body believes that the County of Erie should do whatever possible to assist our courageous men and women reservists who might be called into service of this nation,

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NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body recognizes the invaluable contributions of county employees who serve as reservists in our nation's Armed Forces and be it further

RESOLVED, that this Honorable Body believes strongly that the 30 day paid leave should be extended to all employees who are called to duty as reservists of the United States Armed Forces, and be it further

RESOLVED, that this Honorable Body call upon County Executive Joel A. Giambra, Budget Director Joseph Passafiume and Division of Labor Director Brian Doyle ascertain specific information as to the number of county employees that could potentially be called to service as reservists and the cost to the county for providing the full number of employees with 30 days paid, and be it further

RESOLVED, that this Honorable Body does hereby call upon the County Executive to consider the possible payment of health insurance costs beyond the 30 day contractually guaranteed paid leave as to protect our employees and their families from the possibility of living without health insurance, and be it

RESOLVED, that a certified copy of this resolution be forwarded to County Executive Joel A. Giambra, Budget Director Joseph Passafiume, County Comptroller Nancy Naples, Labor Relations Director Brian Doyle, and to the heads of all the labor unions representing the County of Erie and its employees.

Fiscal Implication: To be determined

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

CARRIED UNANIMOUSLY.

ADD the following co-sponsors: SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DeBENEDETTI, DUSZA, MARINELLI & PAULY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Re: Supporting Residential Development in
 Downtown Buffalo. (Intro. 18-12)

A RESOLUTION SUBMITTED BY LEGISLATOR HOLT

WHEREAS, the city's vacancy rate ranks third in the nation, and

WHEREAS, according to the 2000 U.S. Census the population in the city has diminished by 11% over the past 10 years, and

WHEREAS, although this has had a tremendous impact on the East Side of the city, the long term effect would devastate the entire city of Buffalo, and

WHEREAS, residential development in the downtown area will generate a mass market for enhanced living attraction, increase opportunities for small business development, and

WHEREAS, the long-term effect will produce employment opportunities, create a circulation of revenue, which will increase the standard of living.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the residential development in downtown Buffalo in efforts to revitalize our economy, and be it further

RESOLVED, that this Honorable Body further asks that the developers be in attendance in a committee meeting to provide more information regarding residential development in efforts to assume our role in the County Legislature, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Carl Paladino (Ellicott Development Co), Steve McGarvey (Signature Management Group), Bernard Obletz (First Amherst Development Group), Laurence K. Rubin Environment and Planning of Erie County, County Executive Joel Giambra

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

CARRIED UNANIMOUSLY.

ADD the following co-sponsors:

FISHER, SWANICK, PEOPLES, KUWIK, FITZPATRICK, DUSZA, MARINELLI, & PAULY

DELETE the second RESOLVE clause in its entirety, and REPLACE with the following:

RESOLVED, that this Honorable Body further asks that the identified downtown developers attend a future meeting of the Legislature's Economic Development Committee to provide more information regarding downtown development and to assess what role this Honorable Body can play, and be it further

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ADD the following FISCAL IMPACT statement:

Fiscal Impact: None for resolution.

MR. HOLT moved to amend the resolution to include ET AL co-sponsorship. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

GRANTED.

Item 30 – MR. GREENAN presented the following resolution for reconsideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 406

Re: Public Safety & Community Initiatives.
 (Intro. 18-6)

A RESOLUTION SUBMITTED BY LEGISLATORS GREENAN & CHASE

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 within Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

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<u>NAME</u>	<u>LINE</u>	<u>OLD</u> <u>AMOUNT</u>	<u>+/-</u>	<u>NEW</u> <u>AMOUNT</u>
Evans VFW Post 5798 Town of Eden - Eden	830/1413	\$2,000	(\$2,000)	-0-
Chamber of Commerce	830/1242	-0-	\$2,000	\$2,000
TOTAL				-0-

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,000 from the Risk Retention Fund (DAC: 1109616018320742) to the Correctional Facility to the following accounts:

- \$9,200 to Correctional Facility - Overtime (DAC: 110933660801)
- \$800 to Correctional Facility - Fringe Benefits (DAC: 110933660805)

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, the Sheriff, 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, Sheriff Patrick M. Gallivan, Jennifer Anger - Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah Bochenek, and to Glenn R. Nellis, Supervisor, Town of Eden - Eden Chamber of Commerce, (2795 East Church Street, Eden, New York 14057-0156.)

Fiscal Impact: Appropriation of 2001-budgeted funds.

MR. GREENAN moved to approve the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 31 – MS. MARINELLI moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 17E-37. MS. PEOPLES seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 407

Re: Cell Tower Lease, Erie Community College
(ECC) South Campus – Cricket Communications.

WHEREAS, ECC maintains a cell tower at its South Campus located in Orchard Park, New York, and

WHEREAS, Cricket Communications desires to lease space on the tower for the purpose of placing a transmission antenna, and

WHEREAS, the ECC Board of Trustees at its June meeting this year approved the lease pending Erie County Legislature approval, and

WHEREAS, the County Attorney is reviewing the lease, and

WHEREAS, as a Plan C Community College in New York State, ECC requires Legislature approval of all leases regarding the physical plant of the campus,

NOW, THEREFORE, BE IT

RESOLVED, that this legislature grants authority to the County Executive to sign a lease with Cricket Communications for the purpose of placing a transmission antenna on the cell tower at ECC South Campus, and be it further

RESOLVED, that authorization is provided to record this revenue in the Erie Community College Operating Budget, and be it further

RESOLVED, that the term of this lease shall not exceed five years and the rate of payment to ECC shall be approximately \$1,500 per month during that term, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, the County Attorney, the Director of Budget, Management & Finance, the President of ECC, the CAPO of ECC and the College Controller.

MS. MARINELLI moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 16E-26. MR. FITZPATRICK seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 408

Re: Surplus Revenue Road Repair Reserve Fund.

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

WHEREAS, the 2001 Adopted budget appropriated \$6,019,434 from the Road Repair Reserve Fund for Capital repair of roads, bridges and equipment which repairs are of a type not recurring annually or at shorter intervals during the year, and

WHEREAS, the Road Repair Reserve Fund has an audited surplus from the 2000 Real Property Transfer Tax in the amount of \$1,235,526, and

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

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

WHEREAS, a public hearing was held on September 20, 2001 at 2:00 p.m.

NOW, THEREFORE, BE IT

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

		<u>INCREASE</u>
Road Fund Road Repair Reserve Fund Balance	210-964-224-698-0105	\$1,235,526
Road Fund Road Repair Reserve Interdepartment Highways	210-964-224-882-2230	\$1,235,526
Road Fund Interdepartment -Road Repair Reserve	210-963-223-883-2240	\$1,235,526
Road Fund Interfund Capital	210-963-223-886-2238	\$1,235,526
Capital Fund 686 project -Interfund Revenue	420-686-223-686-2230	\$1,235,526
Capital Fund 686 project -Roads -Construction Expenditures	420-686-223-972	\$1,235,526

And be it further

RESOLVED, that the following road and bridge repair projects will be initiated during 2001.

<u>OIL & CHIPPING</u>	<u>COST</u>
BARNUM,	\$ 9,920.00
BUCKWHEAT	9,600.00

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STEINER	15,520.00
DORSCH	14,080.00
SWIFT MILLS	12,160.00
NICE	16,800.00
EASTWOOD	55,000.00
WILLISTON	35,500.00
WARNER HILL	150,000.00
IRISH ROAD	36,000.00
DRAKE	67,500.00
SIBLEY	13,000.00
SHARP	40,000.00
MIDDLE	15,000.00
SNYDER	14,000.00
MOORE	25,000.00
EMERLING	12,000.00
TREVITT	9,146.00
DELAMETER	6,300.00
PONTIAC	48,000.00
HARDPAN	23,200.00
NORTH BOSTON	5,600.00
ECKHART	5,600.00
HEINRICH	6,400.00
HMG	12,000.00
KNAPP	24,000.00
DARIEN	25,500.00
LEWIS	37,500.00
HAYES HOLLOW	82,500.00
THREE ROD	96,000.00
LANGFORD	30,200.00
JENNINGS	52,000.00
WILSON	26,000.00
COLLINS CENTER	13,000.00
KETCHUM	7,000.00
MARSHFIELD	16,000.00
WEST BECKER	10,000.00
BLEY	8,600.00
BAUER	22,300.00
HARDT	16,400.00
ZENNER	14,700.00
VERSAILLES PLANK	17,000.00
LOTUS POINT	14,000.00
LONE	12,500.00
LENNOX	21,000.00

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RAPIDS	16,800.00
SCOTLAND	10,400.00
DAVIDSON	4,800.00
<u>GRAND TOTAL</u>	\$ 1,235,526.00

And be it further

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

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

CARRIED UNANIMOUSLY.

Item 33 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 16E-10. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 409

Re: Funding for the Niagara Bi-National Region
Economic Roundtable.

WHEREAS, Erie County is interested in fostering economic growth within Erie County; and

WHEREAS, Erie County desires to encourage the coordination and collaboration of surrounding Counties and regions on both sides of the border; and

WHEREAS, The Counties of Genesee, Monroe, Niagara and Orleans, along with the Regions of Niagara, Halton and the City of Hamilton are in the process of developing strategic trade and development plans for the Niagara Bi-National Region; and

WHEREAS, Erie County desires to work with these counties, regions and cities which are participating in this planning and development process; and

WHEREAS, Monroe County has agreed to act as the financial coordinating, contracting and management entity for this project and will contract with participating municipalities to receive funds and enter into contracts with consultants or other service providers for project activities,

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive is authorized to enter into contracts not to exceed fifty thousand dollars (\$50,000.00), with Monroe County for the development of the Bi-National Region Economic Roundtable project; and be it further

RESOLVED, that the source of the funds will be \$50,000 available in the Regionalism/Economic Development Fund, DAC 110904303 830, Subaccount 1299, which will be transferred to Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830, and be it further,

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

MS. PEOPLES moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

ADD, following the second RESOLVE clause:

RESOLVED, that no funds shall be released until and unless there is a formal financial commitment to the project by all parties, and be it further

RESOLVED, that a representative of this Honorable Body, to be appointed by the Chairman of the Legislature, be included in said roundtable, and be it further

RESOLVED, that the Department of Environment and Planning submit in writing to this Honorable Body a report on activities and expenses no later than 60 days after completion of the project, and be it further

MS. PEOPLES moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 34 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 17E-34. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 410

Re: Bond and Purchase Resolution for the Acquisition of the Ticor Building.

RESOLUTION NO. **410** -2001
 BOND RESOLUTION DATED SEPTEMBER **20**, 2001
 BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ACQUISITION OF THE FORMER TICOR BUILDING TO PROVIDE COUNTY OFFICE

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FACILITIES, STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,393,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,393,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

(Introduced) **September 4**, 2001
 (Adopted) **September 20**, 2001

WHEREAS, by resolution of the County Legislature adopted on July 12, 2001, the County Executive was authorized to enter into a contract with the owners of the Ticor Building, located at 110 Franklin Street, for the purchase of said building for County office space for the sum of \$1,373,000, subject to the review and approval of the County Attorney and the completion of certain necessary improvements by such owners; and

WHEREAS, it has been determined that the costs of such acquisition, including ancillary closing costs in an amount not to exceed \$20,000, are to be financed through the issuance of County bonds; NOW, THEREFORE, BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to finance the acquisition of the former Ticor Building, located at 110 Franklin Street in the City of Buffalo, to provide County office facilities. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,393,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2001. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2001 Capital Budget of the County, such Budget shall be deemed and is hereby amended. Such acquisition shall be in a manner consistent with the resolution of the County Legislature adopted on July 12, 2001 and all actions heretofore taken pursuant to such resolution are hereby ratified and confirmed. The plan of financing includes the issuance of \$1,393,000 bonds of the County, and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$1,393,000 are hereby authorized to be issued for the specific object or purpose described in Section 1, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The building to be acquired is of at least Class "B" construction as defined by Section 11.00 a.11.(b) of the Law, and the period of probable usefulness of the specific object or purpose for which said \$1,393,000 bonds herein authorized in Section 1. are to be issued is twenty (20) years.

Section 4. The County intends to finance and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described

in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES & SWANICK. NOES: McCARVILLE & PAULY

CARRIED. (WEIGHTED VOTE: 14.853 – 2.147)

Item 35 – MS. PEOPLES moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 15E-19. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 411

Re: Division of Information and Support Services – Personnel Adjustments.

WHEREAS, the Erie County Division of Information and Support Services as presently staffed at the present time is unable to properly provide mechanical support to the County Fleet or manage the Rath Building Garage in an efficient manner, and

WHEREAS, the Erie County Division of Information and Support Services is requesting the deletion of one position of Watch Attendant, Job Group 4, Step 2; and one position of Watch Attendant Job Group 4, Step B, and

WHEREAS, the Erie County Division of Information and Support Services is requesting the addition of Auto Mechanic, Job Group 7, Step 2; and Sr. Watch Attendant, Job Group 5, Step B;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Division of Information and Support Services is authorized to delete one position of Watch Attendant, Job Group 4, Step 2; and one position of Watch Attendant Job Group 4, Step B, and be it further

RESOLVED, that the Division of Information and Support Services is authorized to add the position of Auto Mechanic, Job Group 7, Step 2; and Sr. Watch Attendant, Job Group 5, Step B; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Division of Information and Support Services, the Department of Central Data Processing, the Department of Personnel, the Division of Budget, Management, and Finance and the Office of the Comptroller.

MS. PEOPLES moved the approval of the resolution. MRS. FISHER seconded.

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CARRIED UNANIMOUSLY.

Item 36 – MS. PEOPLES moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 17E-61. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 412

Re: Funding for the Village of Sloan Emergency Response Unit.

WHEREAS, Erie County is interested in assisting with the effort by Sloan Active Hose Company #1 to establish an emergency response unit within the Village of Sloan in Erie County; and

WHEREAS, Erie County desires to encourage efforts to sustain and improve neighborhoods and communities within the urban and first ring areas; and

WHEREAS, The Village of Sloan is an older, urban area having industrial areas and railroad yards within and adjacent to its boundaries, which may at times, have hazardous materials passing through the Village; and

WHEREAS, The Sloan Active Hose Company # 1 desires to establish an emergency response unit, to be prepared for any potential emergency actions which might result from industrial or transportation accidents within the Village; and

WHEREAS, Erie County desires to work with the Fire Company which is implementing this process; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed six thousand five hundred dollars (\$6,500.00), with the Sloan Active Hose Company #1; and be it further

RESOLVED, that the source of the funds will be \$6,500 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830, Subaccount 1299, which will be transferred to Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830, and be it further,

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

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

CARRIED UNANIMOUSLY.

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DELETE the second ***RESOLVE*** and ***REPLACE*** with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$6,500 from the Risk Retention Fund (DAC: 1109616018320742) to Fund 110, Project 922, Department 302 Agency Payments & Grants -Public Benefit Services -E & P, (DAC: 110922302830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Sloan Active Hose Company #1	830/0632	\$6,500
TOTAL		\$6,500

and be it further

MS. PEOPLES moved the approval of the resolution as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 37 – MS. PEOPLES moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration Comm. 17E-30. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 413

Re: Department of Youth Services – Equipment
Purchase Replacement Van

WHEREAS, the Erie County Detention Facility is in need of a replacement van to provide transportation services for youth to and from court as mandated by New York State with reasonable assurance of safe transportation, and

WHEREAS, funds are available within the Detention Division's 2001 Budget,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to transfer \$26,000 within the 2001 Budget of Department 251, Detention Division, from Account 821, Dues and Fees, to Account 930, Automotive Equipment, for the purchase of a replacement van with protective screen and a mobile radio for the Division of Detention, and be it further

RESOLVED, that said appropriation be on the condition that the State of New York provide revenues of at least \$13,000 based on a reimbursement schedule of 50% for a local youth and 100% for an out-of-state youth receiving secure detention services, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 34 – MS. PEOPLES moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 17E-33. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 414

Re: Department of Youth Services – Detention
 Adjustment of Accounts for Alden Operation.

WHEREAS, the Erie County Detention Facility has operated an Alden Detention Annex for the purpose of providing separate housing of the non-secure children remanded to their custody, and

WHEREAS, the Department of Youth Services has incurred additional expense by operating dual sites at the East Ferry Detention Center for the secure population, and the Alden Detention Annex for the non-secure population, and

WHEREAS, funds are needed in various appropriation codes to cover these additional expenses and to continue operations at the Alden Annex for the remainder of 2001, and

WHEREAS, additional funds in the amount of \$176,240 are required in Account 821-Dues and Fees, specifically, \$97,240 for the payment of the security contract, \$24,000 for the YMCA recreation contract for non-secure foster children; \$15,000 for Project L.E.E. training workshop, and \$40,000 for Payments for Erie County Youth held in other counties, and

WHEREAS, additional funds are required in Account 814 Medical Supplies (\$7,000), Account 815-Laundry Supplies (\$3,500), Account 824- Travel and Mileage (\$5,000 for increased travel from Alden and out-town placements), Account 825-Out of Area Travel (\$5,000), Account 826-Other Expenses (\$7,500 for travel and food for out-town placements of Detention youth), Account 880-6600 Interdepartmental Sheriff/Correctional Facility (\$60,000 for food services provided to the Detention Division), Account 932-Office Equipment (\$8,500 for reception area furniture, vertical files, storage shelves, replacement desks, and chairs for the new Family Court Building offices), and Account 933-Lab and Technical Equipment (\$12,000 for Telemedicine equipment at the Alden site), and

WHEREAS, funds are available within the Detention Division's 2001 Budget in Account 830, Contractual Non-Secure, in the amount of \$284,740,

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive is hereby authorized to transfer funds within the 2001 Erie County Operating Budget as follows:

Department of Youth Services
Detention Division - Project 251

Appropriations	<u>Decrease</u>
Account 830 - Contractual Non-Secure	\$284,740
	<u>Increase</u>
Account 814 - Medical Supplies	\$ 7,000
Account 815 - Laundry Supplies	3,500
Account 821 - Dues and Fees	176,240
Account 824 - Travel and Mileage	5,000
Account 825 - Out of Area Travel	5,000
Account 826 - Other Expenses	7,500
Account 886-6600 - Interdept. Correctional Facility	60,000
Account 932 - Office Equipment	8,500
Account 933 - Lab and Technical	<u>12,000</u>
Total Appropriation Increase	\$284,740
Net Change	- 0 -

Correctional Facility
Project 660

Appropriations	<u>Decrease</u>
Account 883 - 2510 - Interdepartmental Detention	\$60,000
Increase Account 800 - Personal Services	\$20,000
Account 812 - Food Supplies	<u>40,000</u>
Total Appropriation Increase	\$60,000
Net Change	- 0 -

and be further

RESOLVED, that said appropriation be on the condition that the State of New York provide revenues of at least \$142,370 based on a reimbursement schedule of 50% for a local youth and 100% for an out-of-state youth receiving secure detention services, and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Youth Services, the Office of the Comptroller, the Office of the Sheriff, and the Division of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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

GRANTED.

RESOLUTION NO. 415

Re: Support for a Parade to Promote Democratic Values and Pay Special Honor to the Rescue Workers From Buffalo Who Helped in New York City. (Int. 18-13)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK, PEOPLES, GREENAN, KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DUSZA, MARINELLI & PAULY

WHEREAS, the September 11, 2001 attacks on the World Trade Centers and the Pentagon were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our Nation and weaken our resolve, and

WHEREAS, these attacks have not weakened our resolve, but have instead created a fervor of patriotism and outward signs of our commitment to democratic values, and

WHEREAS, our values are displayed by Americans around the world and right here in Erie County who are donating food and money, giving blood, prominently displaying the American Flag, lighting candles, and attending prayer services and vigils, and

WHEREAS, parades are a traditional American expression of patriotism, freedom, democratic values, and support for the heroic men and women who serve our country, and

WHEREAS, Virginia Kozlowski has offered her time and energy to organize a parade celebrating our police, firefighters, soldiers, veterans, and local community leaders, with a special tribute to the men and women who have helped in the recovery efforts in New York City

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports all Americans who show their love for this Country and the democratic values we espouse, and be it further

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RESOLVED, that this Honorable Body supports the efforts of Virginia Kozlowski and the idea to have a parade expressing our patriotism, our freedom, our democratic values, and our support for the men and women who serve this country, and be it further

RESOLVED, that certified copies be sent to the Erie County Executive, the Mayor of the City of Buffalo, the Director of Promotions for the City of Buffalo, and Virginia Kozlowski (61 South Parish Road, Amherst, NY 14228).

Fiscal Impact: to be determined.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 40 – (Comm. 18E-1) Notice of Presentation Re: Plan for a Study to Re-Engineer County Government.

Received & filed.

FROM CHAIRMAN SWANICK

Item 41 – (Comm. 18E-2) Copy of Letter to Councilman Hardwick Re: City of Tonawanda Water System Turnover to ECWA.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 42 – (Comm. 18E-3) Audit – Board of Elections – Payroll Audit – 1/1/00 – 12/31/00.

Item 43 – (Comm. 18E-4) Interim Financial Report for Six Months Ending 6/30/01.

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

FROM CHAIRMAN SWANICK

Item 44 – (Comm. 18E-5) Appointment to EC Home Health Care Advisory Board.

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Received, Filed & Printed.

September 17, 2001

The Honorable Laurie A. Manzella
 Clerk
 Erie County Legislature
 25 Delaware Ave., 7th Floor
 Buffalo, NY 14202

Dear Madam Clerk:

Pursuant to the power vested in the Chairman of the Legislature by Erie County Local Law No. 10 – 1991, as amended, please be advised that I hereby re-appoint the following individual as a member of the Erie County Home Health Care Advisory Board:

Judith Ketteman
 11 Granger Pl.
 Buffalo, NY 14222

Ms. Ketteman's current appointment is set to expire December 31, 2001. Accordingly, Ms. Ketteman's new appointment shall be for a three (3) year term to expire December 31, 2004.

Very truly yours,

Charles M. Swanick
 Chairman

c: Appointee
 Jim Todaro, Chairman, Erie County Home Health Care Advisory Board

FROM THE COMPTROLLER

Item 45 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 416

Re: Request to Authorize County Executive to Enter Into Contract to Conduct a Study to Improve County Operating Effectiveness & Efficiency. (Comm. 18E-6)

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WHEREAS, the County of Erie, through the Office of the Comptroller, has sought proposals from twelve firms to conduct an operational study of the functions of County government, and

WHEREAS, the Comptroller's Office has evaluated the three proposals received by the County in accordance with Section 19.08 of the Administrative Code, and

WHEREAS, the partnership of Lumsden & McCormick, LLP and Center for Governmental Research, Inc. (L&M/CGR) was the lowest of three bids received by the County, and

WHEREAS, LLM/CGR is well qualified to conduct this functional study, and

WHEREAS, Erie County is anxious to begin the project so that recommendations for improved County operating effectiveness may be made, and

WHEREAS, it is necessary that a contract be entered into between the County and L&M/CGR before this project may be initiated, and

WHEREAS, is it also necessary to appropriate \$275,000 to pay for this study, and

WHEREAS, there are unexpended appropriations in the Comptroller's Office 2001 Budget, Code 821 – Dues and Fees to pay for this study

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with LLM/CGR in the amount of \$275,000 to conduct a study to improve operating effectiveness and deliver County services more efficiently, be it further

RESOLVED, that the source of funds for this study in unexpended appropriations in the 2001 Budget, Code 821 - Dues and Fees, and be it further

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

MS. PEOPLES moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

ADD, following the second RESOLVE clause:

RESOLVED, that interim and final reports are submitted in writing to this Honorable Body as soon as they are issued by the consultants, and be it further

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801	Overtime	195
805 Fringe Benefits		<u>456</u>
	Total Appropriations	<u>\$ 2,736</u>

and be it further ,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, Erie County Comptrollers, the Personnel Department and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 48 – (Comm.18E-9) EC Family Court – Contingency Fund Increase.

Item 49 – (Comm. 18E-10) Increase to Construction Contract –2001 Overlay ‘D’ Project.

Item 50 – (Comm. 18E-11) ECMC – Renovation of Building “BB.”

Item 51 – (Comm. 18E-12) Convention Center Renovations & Improvements.

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

Item 52 – (Comm. 18E-13) Health – Integration of Hepatitis Prevention Services Grant Revision 9/30/00 – 9/29/01.

Item 53 – (Comm. 18E-14) Health – Healthy Neighborhoods Grant Revision 10/1/00 – 9/30/01.

Item 54 – (Comm. 18E-15) Health – Erie Niagara Tobacco Free Coalition Supplemental Funding Grant 6/1/01 – 5/31/02.

Item 55 – (Comm. 18E-16) Health – Medical Examiner Division Contract with Chautauqua County 8/1/01 – 7/31/02.

Item 56 – (Comm. 18E-17) Health – Supplemental Aid to Localities Grant Medical Examiner’s Toxicology Lab 4/1/99 – 9/15/01.

Item 57 – (Comm. 18E-18) Health – Healthy Homes Initiative 2/1/01 – 1/31/04.

Item 58 – (Comm. 18E-19) Health – Provider Agreement NYSDOH Refugee Health Program.

The above seven items were received and referred to the HEALTH COMMITTEE.

Item 59 – (Comm. 18E-20) Health – Personnel Adjustments.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 60 – (Comm. 18E-21) Health – Public Health Lab Agreement with Kaleida Health.

Item 61 – (Comm. 18E-22) Health – A Systems Approach to Reducing the Burden of Asthma
7/1/01 – 6/30/02.

Item 62 – (Comm. 18E-23) Health – Healthy Women’s Partnership 4/1/01 – 3/31/02.

Item 63 – (Comm. 18E-24) Health – Western Regional Training Grant 7/1/01 – 6/30/02.

Item 64 – (Comm. 18E-25) Health – Training & Technical Assistance for County Health
Departments 12/1/00 – 6/30/01.

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

Item 65 – (Comm. 18E-26) Sale of County Owned Inventory – Summit Avenue, Town of
Hamburg.

Item 66 – (Comm. 18E-27) Sale of County Owned Inventory – Herr Road, Town of Evans.

Item 67 – (Comm. 18E-28) County Owned Inventory to be Sold at Public Auction.

Item 68 – (Comm. 18E-29) Sale of County Owned Inventory – Chestnut Street & High Street,
Town of West Seneca.

Item 69 – (Comm. 18E-30) Sale of County Owned Inventory – Barton Road, Town of Clarence.

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

Item 70 – (Comm. 18E-31) CPS Forensic Lab Lease Extension.

Item 71 – (Comm. 18E-32) NFTA Indemnification Agreement.

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

Item 72 – (Comm. 18E-33) Parks – State Aid for Snowmobile Development Additional Funds for 2000-2001.

Item 73 – (Comm. 18E-34) Appointment to EC Environmental Management Council.

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

Item 74 – (Comm. 18E-35) Budget – Intergovernmental Transfer Program (ITG).

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 75 – (Comm. 18E-36) EMS – Transfer of Funds.

Item 76 – (Comm. 18E-37) EMS – Transfer for Funds Within Second Terrorism Consequence Management Preparedness Program Grant.

Item 77 – (Comm. 18E-38) EMS – Local Emergency Planning Committee (LEPC) Grant.

Item 78 – (Comm. 18E-39) EMS – Public Safety Critical Incident Management (PSCIM) Grant VII.

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

Item 79 – (Comm. 18E-40) ECSD No. 2 – Capital Project Close Out & Fund Transfer – Capital Reserve Fund.

Item 80 – (Comm. 18E-41) ECSD Nos. 1-6 & Southtowns Sewage Treatment Agency Engineering Term Agreements.

Item 81 – (Comm. 18E-42) Notice of Public Hearing – ECSD 2002 Assessment Rolls.

Item 82 – (Comm. 18E-43) Notice of Adoption ECSD 2002 Assessment Rolls.

Item 83 – (Comm. 18E-44) ECSD No. 3 – Creekside Sewer Replacement Bid Opening.

Item 84 – (Comm. 18E-45) ECSD No. 2 – Engineering Service Agreements.

Item 85 – (Comm. 18E-46) NYSDEC Municipal Non-Toxic Pest Management Training & Structural Repair Project.

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

Item 86 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 418

Re: EC Family Food & Farm Tour & “Taste of Erie County.” (Comm. 18E-47)

WHEREAS, the Erie County Family, Food and Farm Tour (hereinafter referred to as the Erie County Family Farm Tour) will be held on September 29, 2001 and is the 6th year that the event will be held; and

WHEREAS, the event is a joint effort of Erie County Department of Environment and Planning, Cornell Cooperation Extension, Soil & Water Conservation District, Farm Bureau, Natural Resources Conservation Service, the Erie County Agricultural Society, the Erie County Agricultural and Farmland Protection Board and others; and

WHEREAS, the mission of the Erie County Family Farm Tour is to increase awareness and appreciation of the roles of agriculture in our daily lives, and to showcase Erie County's farm and other agricultural operations as an important part of the County's economy; and

WHEREAS, over 500 persons have attended this event each year as a significant family event in touring a number of farms and other agricultural operations; and

WHEREAS, Cornell Cooperation Extension currently has \$2,000.00 earmarked in its budget for expenses related to the Event; and

WHEREAS, there is a need for additional funding to meet expenses related to the event.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to allocate an additional \$3,000.00 to Cornell Cooperative Extension for the above event; and be it further

RESOLVED, that \$3,000.00 is hereby transferred from Regionalism/Economic Development Fund (DAC 1109043038301299) to the following account under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Cornell Cooperation Extension, Account 830/1358

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RESOLVED, that Cornell Cooperative Extension agreement with Erie County be amended to reflect the above increase; and be it

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, and the Executive Director of Cornell Cooperative Extension.

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

CARRIED UNANIMOUSLY.

DELETE the second WHEREAS and REPLACE with the following:

WHEREAS, the event is a joint effort of Erie County Department of Environment and Planning, Cornell Cooperative Extension, Soil & Water Conservation District, Farm Bureau, Natural Resources Conservation Service, the Erie County Agricultural Society, the Erie County Agricultural and Farmland Protection Board and others, and

DELETE the fifth WHEREAS and REPLACE with the following:

WHEREAS, Cornell Cooperative Extension currently has \$2000 ear marked in its budget for expenses related to the event, and

DELETE the second RESOLVE and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,000 from the Risk Retention Fund (DAC: 1109616018320742) to Fund 110, Project 922, Department 302 Agency Payments & Grants - Public Benefit Services - E & P, (DAC: 110922302830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Cornell Cooperative Extension	830/1358	\$3,000
TOTAL		\$3,000

and be it further

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECC

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Item 87 – (Comm. 18D-1) Minutes for Meeting Held 6/27/01.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 88 – (Comm. 18D-2) Notice that Local Law No. 5 – 2001 was Filed by NY Department of State 8/31/01.

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 89 – (Comm. 18D-3) Notice of Two Public Hearings to be Held 9/20/01 Re: Intro 16-5 & Comm. 16E-25.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 90 – (Comm. 18D-4) Notice of Claim.

Item 91 – (Comm. 18D-5) Notice of Claim.

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

FROM ECC

Item 92 – (Comm. 18D-6) Notice of Board of Trustees Meeting to be Held 9/26/01.

Received and filed.

FROM ECMC

Item 93 – (Comm. 18D-7) Notice of Meeting Held 9/13/01 & Minutes of Meeting Held 8/9/01.

Received and referred to the HEALTH COMMITTEE.

FROM HEALTH

Item 94 – (Comm. 18D-8) Letter to Legislator Fisher Re: Update on Pesticide Neighbor Notification Law.

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Received and referred to the HEALTH COMMITTEE.

FROM MENTAL HEALTH

Item 95 – (Comm. 18D-9) 2001-2003 Local Government Mental Retardation/Developmental Disabilities.

Received and referred to the HEALTH COMMITTEE.

FROM THE BOARD OF ELECTIONS

Item 96 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 419

Re: Transfer of Funds. (Comm. 18D-10)

WHEREAS, the appropriation in 2001 Rental, 110 918 500 822 is \$3,000.00, and

WHEREAS, the Board of Elections needs to meet expenses for Rental Equipment, and

WHEREAS, the funds to cover expenses for the remaining of the year 2001 is approximately \$3,000.00, and

WHEREAS, the Board of Elections requests a transfer of funds from 2001 Lab & Tech Equipment, 110 918 500 933, into 2001 Rental, 110 918 500 822, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approved the transfer of funds from 2001 Lab and Tech Equipment into 2001 Rental, and be it further

RESOLVED, that this Honorable Body does hereby authorize the transfer by:

2001 Lab & Tech Equipment 110 918 500 933 Decrease Appropriation	\$3000.00
2001 Rental 110 918 500 822 Increase Appropriation	\$3,000.00

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and be it further

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

Fiscal Implications: None

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

FROM ECMC

Item 97 – (Comm. 18D-11) Notice of Board of Managers Meeting 9/20/01.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 98 – (Comm. 18D-12) Budget Monitoring Report for Period Ending 6/30/01.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 99 – (Comm. 18D-13) Notice of Meeting to be Held 9/20/01 & Minutes of Meeting Held 8/16/01.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 100 – (Comm. 18D-14) Response to Audit – DPW – Utility Fund 1/1/00 – 9/30/00.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM KEVIN HARDWICK

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Item 101 – (Comm. 18M-1) Copy of Letter to County Executive Re: City of Tonawanda Water System Turnover to ECWA.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CITY OF BUFFALO

Item 102 – (Comm. 18M-2) 2002 Transit Mall Service Charge Roll.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF LANCASTER

Item 103 – (Comm. 18M-3) Interest in Centralizing Regional GIS.

Received and filed.

FROM THE NETWORK IN AGING OF WNY

Item 104 – (Comm. 18M-4) 20th Anniversary Program Booklet Advertising Information.

Received and filed.

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 105 – (Comm. 18M-5) Notice of Meeting to be Held 9/20/01 & Minutes of Meeting Held 7/19/01.

Received and referred to the HEALTH COMMITTEE.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 106 – (Comm. 18M-6) Minutes of Meeting Held 9/6/01.

Received and filed.

FROM THE WEST VALLEY CITIZEN TASK FORCE

Item 107 – (Comm. 18M-7) Notice of Meeting Held 9/18/01.

Received and filed.

FROM THE CITIZENS FOR A BETTER LANCASTER

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Item 108 – (Comm. 18M-8) Petitions Requesting Assistance Relative to Proposed Town of Lancaster Comprehensive Plan.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 109 – (Comm. 18M-9) Notice of Meeting Held 9/18/01 & Minutes of Meeting Held 6/19/01.

Received and filed.

FROM THE TIOGA COUNTY LEGISLATURE

Item 110 – (Comm. 18M-10) Resolution in Support of Amendments to Brownfield Program.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE GREATER BUFFALO CONVENTION & VISITORS BUREAU

Item 111 – (Comm. 18M-11) Amateur Sports Study.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NFTA

Item 112 – (Comm. 18M-12) Financial Report for First Quarter of Fiscal Year Ending 3/31/02.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ONEIDA COUNTY LEGISLATURE

Item 113 – (Comm. 18M-13) Certified Resolution Re: Terrorist Attacks 9/11/01.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY HISTORICAL SOCIETY

Item 114 – (Comm. 18M-14) Copy of Letter to Legislator Marinelli Re: Museum Success Due to Pan-Am Centennial Activities.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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FROM CONGRESSMAN QUINN

Item 115 – (Comm. 18M-15) Acknowledgement of Receipt of Resolution.

Received and filed.

MEMORIAL RESOLUTIONS

Item 116 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Lee Smith.

Item 117 – Legislator Kuwik requested that when this legislature adjourns, it do so in memory of Elise Pacheco.

Item 118 – Legislator Dusza requested that when this legislature adjourns, it do so in memory of Alice M. Posluszny.

Item 119 – Legislator Dusza requested that when this legislature adjourns, it do so in memory of Virginia Dale.

Item 120 – Legislator Fitzpatrick requested that when this legislature adjourns, it do so in memory of Father Michael Judd.

Item 121 – Chairman Swanick requested that when this legislature adjourns, it do so in memory of the victims of the 9/11 attack.

ADJOURNMENT

Item 122 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. PEOPLES moved that the Legislature adjourn until **2 p.m. Thursday, October 4, 2001**.
MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, October 4, 2001 at 2 p.m. Eastern Standard Time**.

LAURIE A. MANZELLA
CLERK