

**ERIE COUNTY LEGISLATURE
MEETING NO. 20
November 13, 2003**

The Legislature was called to order by Chairman Swanick.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Ms. Cusack.

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

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. RANZENHOFER moved the approval of Minutes for Meeting No. 17 of 2003. MR. WEINSTEIN seconded. MR. DALE in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. KUWIK, MR. DUSZA, MR. DeBENEDETTI, MS. MARINELLI, MR. DALE, ET AL presented a resolution Congratulating Bishop Edward Grosz on his Appointment to Saint Stanislaus Parish. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 6 – THE MINORITY CAUCUS, ET AL presented a resolution In Memory of Fallen Soldier SPC Michael L. Williams of the Army National Guard's 105th Military Police Company from Buffalo. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. MARINELLI, ET AL presented a resolution Honoring the 75th Anniversary of Blessed Sacrament Parish. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Item 8 – MR. HOLT presented a resolution in Memory of Charles Robert Sayles. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. SCHROEDER, ET AL presented a resolution Congratulating Teachers, Students, Counselors & Supporters of the South Buffalo Education Center. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 10 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 11 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

CHALLENGE TO CHAIR.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Item 12 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 13 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 14 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #1) 2003 remain on the table.

Item 15 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 16 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Item 17 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 18 – CHAIRMAN SWANICK directed that Local Law No. 8 (Print #1) 2003 remain on the table.

CHALLENGE TO CHAIR.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Item 19 – MR. RANZENHOFER presented the following Local Law and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
 Local Law No. _____ - 2003
 Local Law Intro. No. 13 - 2003

A LOCAL LAW amending Local Law No. 1-1960, constituting the Erie County Administrative Code, as amended, and Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to county operation of a central records management system and the power of the county executive to designate the county records management officer, by amending Section 3.08 of the Administrative Code and Section 302 of the County Charter.¹

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

Section 1. Section 3.08 of Article 3 of Local Law No. 1-1960, as amended by Local Law No. 3-1989, constituting the Erie County Administrative Code, is hereby further amended to read as follows:

Section 3.08 Division of information and support services. The division of information and support services shall be headed by the director of information and support services who shall have all the powers and duties lawfully conferred or imposed upon him by the county charter, by local law, by order or direction of the county executive, or by any applicable provision of

¹ Pursuant to Section 204 of the Erie County Charter, existing matters to be eliminated are enclosed in brackets and new matters to be added are underscored.

any act of the legislature not in conflict with the county charter or this code. Such director shall be assisted by a director of data processing and by a deputy director of support services, and his powers and duties shall include the following:

a. The provision of micrographics, printing, copying, messenger and mailing services and the care and supervision of equipment in the division of information and support services related thereto, as well as the operation of such equipment including the preparation, processing, delivery and storage of data input into or output from such equipment where appropriate; and the performance of all functions, including advice and assistance, related to the operation, installation of or modification of such equipment in all participating county departments and agencies; and the training of personnel in participating departments and agencies for the purpose of using such equipment or properly preparing data for using such equipment;

[b. The operation of a central records management system providing storage and retrieval services with respect to all records in any form, requiring either the retention of the contents or the actual preservation of such records. All county departments shall be required to avail themselves of said system;]

b.[c.] The care and supervision of all vehicles and vehicle maintenance equipment in the division and the operation of a central motor pool for county employee use, as well as the collection of data on maintenance and operating costs of all county vehicles and the preparation and distribution of vehicle cost and utilization reports to participating departments and agencies;

c.[d.] The maintenance of records regarding total operating costs of the division of information and support and charging back such costs to participating departments and agencies. The division of central services shall have the authority to require county departments to provide necessary data in usable format to compile its reports and statistics.

d.[e.] The office of data processing shall be headed by the director of data processing who shall be a person qualified by professional training and by practical or administrative experience in the area of data processing, and who shall have all the powers and duties lawfully conferred or imposed upon him by the county charter, by local law, by order or direction of the county executive, or by any applicable provision of any act of the legislature not in conflict with the county charter or this code. Such powers and duties shall include the care and supervision of all computers and related electronic equipment in the office of data processing, the preparation of programs and data for input into such computers, the processing and storage of output from such equipment, the supply of such output information to participating county departments and agencies, and the coordination of all county-owned or county-operated computer installation. The office of data processing shall advise and assist all departments of the county in matters relating to the installation of new data processing applications and modifications of existing procedures; evaluate and coordinate data processing requirements for participating departments and agencies; assist in the conversion of raw data into machine-usable materials or perform such function itself; carry out all functions related to the operation of data processing equipment, and train personnel of participating departments and agencies in acquisition of data in a form suitable for processing.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

e.[f.] The acquisition, replacement, operation, and informational input and output of any computers and related electronic equipment used by the department of central police services in connection with any criminal justice program shall be under the exclusive control of the commissioner of central police services, subject to contracting and purchasing regulations and procedures set forth in the charter and administrative code.

f.[g.] The county executive may enter into contracts with the federal government, state government and any municipal corporation to provide data processing service to any such municipality or governmental entity, subject to the approval of the legislature.

Section 2. Section 302 of Article III of Local Law No. 1-1959, as amended by Local Law No. 8-1988, constituting the Erie County Charter, is hereby further amended by adding a new subdivision (t) to read as follows:

Section 302 Powers and duties. The county executive, in addition to any other powers and duties provided by this charter shall:

t. Have authority to appoint, subject to confirmation by the county legislature, any county officer to be the county records management officer. The county records management officer, who shall serve at the pleasure of the county executive, shall operate a records management system for the orderly and efficient management of all county records, including the provision of storage and retrieval services with respect to such records in any form, requiring either the retention of the contents or the actual preservation of such records, the identification and appropriate administration of county records deemed by him to have enduring value for historical or other research, and the coordination of the legal disposition of county records, including those which are obsolete. All county departments shall be required to avail themselves of said system.

Section 3. If any clause, sentence, paragraph, section or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 4. The clerk of the Erie County Legislature is hereby authorized and directed to cause a copy of the foregoing local law to be published in the county's official newspapers.

Section 5. This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

STEVEN P. McCARVILLE

CHARLES M. SWANICK

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

ELISE M. CUSACK

JEANNE Z. CHASE

BARRY A. WEINSTEIN, M.D.

MICHAEL H. RANZENHOFER

DALE W. LARSON

GREGORY P. FALKNER

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

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 593

November 6, 2003

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 13

ALL MEMBERS PRESENT.

1. Item Page -2003 (Comm. 18E-8)

COUNTY EXECUTIVE

RESOLVED, that for County purposes of reconstruction of culverts or bridges, or for safety enhancements, the County Executive is hereby authorized and directed to acquire the following interest in the parcels of land herein described, for and in consideration of the sum described herein, for the referenced projects

PARCEL	OWNER(S)	AREA	OPTION AND RIGHT-OF-ENTRY
--------	----------	------	------------------------------

Wyandale Road CG-13-03

4	Georgio Pannella	487 ± Sq. Ft.	\$ 100.00
5	Thomas and Susan Kruse	833 ± Sq. Ft.	\$ 100.00
6	Beverly Heary (Executor)	4627 ± Sq. Ft.	\$ 250.00
7	Donald and Marilyn Jozwiak	3060 ± Sq. Ft.	\$ 153.00

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Sharp Street Culvert CG-14-03

16,17,18	George Forman, Jr.	1672 ± Sq. Ft.	\$ 100.00
----------	--------------------	----------------	-----------

George Urban Blvd. Culvert CG-13-03

39	Nicholas Giangualano	1000 ± Sq. Ft.	\$ 500.00
----	----------------------	----------------	-----------

Springville-Boston Culvert CG-12-03

57	Howard and Beverly King	756.4 Sq. Ft.	\$ 100.00
----	-------------------------	---------------	-----------

58	David Reade	2584.5 Sq. Ft.	\$ 150.00
----	-------------	----------------	-----------

59	Patricia Fornes (Executor)	1779.8 Sq. Ft.	\$ 100.00
----	----------------------------	----------------	-----------

Zoar Valley Road SS-457/438-03

7	Kevin Reilly	26074 ± Sq. Ft.	\$ 1000.00
---	--------------	-----------------	------------

E. Holland Road CG-11-03

3	David and Jacqueline Bakowski	63 ± Sq. Ft.	\$ 100.00
---	-------------------------------	--------------	-----------

4	Patrick and Margaret Weed	323 ± Sq. Ft.	\$ 400.00
---	---------------------------	---------------	-----------

5	Patrick and Margaret Weed	36 ± Sq. Ft.	\$ 100.00
---	---------------------------	--------------	-----------

6	Frederick Fridman	744 ± Sq. Ft.	\$ 100.00
---	-------------------	---------------	-----------

7	Frederick Fridman	126 ± Sq. Ft.	\$ 100.00
---	-------------------	---------------	-----------

Whitney Road CG-11-03

1	Carl Fisher	2098 ± Sq. Ft.	\$ 105.00
---	-------------	----------------	-----------

2	Karen Donnor (Trustee)	1723 ± Sq. Ft.	\$ 100.00
---	------------------------	----------------	-----------

3	John Fisher	2517 ± Sq. Ft.	\$ 126.00
---	-------------	----------------	-----------

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

4	Linda Krull	2240 ± Sq. Ft.	\$ 112.00
---	-------------	----------------	-----------

Eckhardt Road BR 472-1-03

6, 6A	Mary Ellen Crowley	2375 ± Sq. Ft.	\$ 200.00
-------	--------------------	----------------	-----------

7	Mary Ellen Crowley	1591 ± Sq. Ft.	\$ 100.00
---	--------------------	----------------	-----------

8, 8A	Mary Ellen Crowley	12699 ± Sq. Ft.	\$ 100.00
-------	--------------------	-----------------	-----------

9, 10, 10A	Mary Ellen Crowley	13003 ± Sq. Ft.	\$ 500.00
------------	--------------------	-----------------	-----------

9, 10, 10A	Edward and Florence Walla	13003 ± Sq. Ft.	\$ 500.00
------------	---------------------------	-----------------	-----------

9, 10, 10A	Marvin and Hellen Zittel	13003 ± Sq. Ft.	\$ 500.00
------------	--------------------------	-----------------	-----------

11	Edward and Florence Walla	1251 ± Sq. Ft.	\$ 100.00
----	---------------------------	----------------	-----------

12	Edward and Florence Walla	4456 ± Sq. Ft.	\$ 228.00
----	---------------------------	----------------	-----------

14	Edward and Florence Walla	468 ± Sq. Ft.	\$ 100.00
----	---------------------------	---------------	-----------

15	Marvin and Hellen Zittel	829 ± Sq. Ft.	\$ 100.00
----	--------------------------	---------------	-----------

16	Marvin and Hellen Zittel	4299 ± Sq. Ft.	\$ 100.00
----	--------------------------	----------------	-----------

17	Marvin and Hellen Zittel	360 ± Sq. Ft.	\$ 100.00
----	--------------------------	---------------	-----------

Belscher Road CG-14-03

1	Kenneth Snyder	386 ± Sq. Ft.	\$ 100.00
---	----------------	---------------	-----------

2	Armin Wingeier	520 ± Sq. Ft.	\$ 100.00
---	----------------	---------------	-----------

Groth Road CG-14-03

1, 2	Leslie and Frances Baker	3975 ± Sq. Ft.	\$ 200.00
------	--------------------------	----------------	-----------

Center Road CG-20-03

4	Francis and Carol Hugar	800 ± Sq. Ft.	\$ 600.00
---	-------------------------	---------------	-----------

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

5	Christine Szymczak	703 ± Sq. Ft.	\$ 100.00
6	Art Teufel, Jr.	897 ± Sq. Ft.	\$ 105.00

and be it further,

RESOLVED, that funds not to exceed an amount of \$7629.00 for land access for the above noted parcels and projects be authorized as follows, \$4001.00 from 2003 Capital Projects, Pre Cast Box Culverts (SFG 443-380), \$2628.00 from 2001 Eckhardt Road Bridge Reconstruction (SFG 443-283), and \$1000.00 from 2003 Highway Safety Enhancements (SFG 420-348), and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, Department of Public Works and one copy each to the Commissioner of Public Works and to the County Comptroller.
 (5-0)

MICHAEL H. RANZENHOFER
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 21 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 594

November 6, 2003

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 14

ALL MEMBERS PRESENT.

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

	Item	Page	-2003	(Comm. 18D-3)
a.	DEP: SEQR – Negative Declaration – Hunters Creek Parking Lot.			
	(5-0)			

AS AMENDED

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

- | | | | | |
|----|--|------|-------|----------------|
| | Item | Page | -2003 | (Comm. 18E-25) |
| b. | COUNTY EXECUTIVE: | | | |
| | EC/SSTA Engineering Service Agreement – Change Order | | | |
| | No. 4. | | | |
| | (5-0) | | | |

- | | | | | |
|----|-------------------------|------|-------|-------------------|
| | | | | AS AMENDED |
| 2. | Item | Page | -2002 | (Comm. 20E-47) |
| | COUNTY EXECUTIVE | | | |

A
 RESOLUTION NO. _____

RESOLUTION DATED _____, 2003.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) November 6, 2003.

(Adopted) _____, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 5 of the County of Erie, New York, has heretofore been established, and

WHEREAS, there has been prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of said District No. 5 which report and estimate of cost have been approved by the Board of Managers of said District on October 9, 2003 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 5 in said County, consisting of the replacement of approximately 18,000 feet of sewer pipe, reconstruction of the District's pumping stations and the acquisition and installation of monitoring and reporting hardware, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 5 is \$3,000,000 to be assessed against a benefitted area which consists of the entire area of said Sewer District No. 5; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$20.90 for the Town of Clarence and \$16.15 for the Town of Amherst, is

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

above the Average Estimated Cost of \$12.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 11th day of December, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 5 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 11th day of December, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 5 in said County.

The increase and improvement of such facilities consists of the replacement of approximately 18,000 feet of sewer pipe, reconstruction of the District's pumping stations and the acquisition and installation of monitoring and reporting hardware, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of said District on October 9, 2003.

The maximum estimated cost of such increase and improvement of facilities is \$3,000,000, to be assessed against a benefitted area which consists of the entire area of said Sewer District No. 5.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$20.90 for the Town of Clarence and \$16.15 for the Town of Amherst. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,
_____, 2003

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK

By _____
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in “ Front Page ” and in “ Amherst Bee,” the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

B
RESOLUTION NO. _____

RESOLUTION DATED _____, 2003.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) November 6, 2003.

(Adopted) _____, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 5 of the County of Erie, New York, (the “District”) has heretofore been established and an increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York; and

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, such County Legislature has heretofore received a report and estimate of cost from County engineers (the Erie County Department of Environment and Planning), dated October 28, 2003 relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 5 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 5 in said County, consisting of the construction and installation of approximately 1,620 linear feet of 8" gravity sewer installed from the existing Sisters of St. Joseph's treatment plant's wet well to the Town of Clarence's proposed sanitary sewer on Hillcrest Drive; and the construction and installation of approximately 2,260 linear feet northerly on Hillcrest Drive to the Town of Clarence's trunk sewer on Greiner Road, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design and engineering of the facilities of said Sewer District No. 5 is \$200,000, to be assessed against a benefitted area which consists of the Sisters of St. Joseph Extension of said Sewer District No. 5; and

WHEREAS, it is now desired to call a public hearing to consider said modification of plans for such increase and improvement in accordance with the provisions of Section 253-b of the County Law; NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, in Buffalo, New York, in said County, on the 11th day of December, 2003, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 5 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, in Buffalo, New York, in said County, on the 11th day of December, 2003, at 1:30 o'clock P.M., (Prevailing Time), for the

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of the facilities of Erie County Sewer District No. 5 in said County (the "District").

The modification of plans for increase and the improvement of the facilities consisting of the construction and installation of approximately 1,620 linear feet of 8" gravity sewer installed from the existing Sisters of St. Joseph's treatment plant's wet well to the Town of Clarence's proposed sanitary sewer on Hillcrest Drive; and the construction and installation of approximately 2,260 linear feet northerly on Hillcrest Drive to the Town of Clarence's trunk sewer on Greiner Road, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated October 28, 2003, which also has been filed with said County Legislature.

The maximum estimated cost of the aforesaid design and engineering of facilities is \$200,000, to be assessed against a benefitted area which consists of the Sisters of St. Joseph Extension of said Sewer District No. 5.

Dated: Buffalo, New York,

_____, 2003.

BY ORDER OF THE COUNTY
 LEGISLATURE OF THE COUNTY OF
 ERIE, NEW YORK

By Laurie Manzella
 Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in Amherst Bee and in Front Page, the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

3. Item Page -2003 (Comm. 17E-28)

COUNTY EXECUTIVE

WHEREAS, the Division of Information and Support Services has determined that account 110-927510826, Other Expenses, in its 2003 Operating Budget requires an additional appropriation, and

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, the Division of Information and Support Services is requesting authorization to transfer funds from account 110-9043038301299, Regionalism/Economic Development Fund, to account 110-927510826, Other Expenses, in their department in order to continue to provide Mailroom Services to all County departments.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$50,000 is hereby transferred to the Other Expenses Account, DAC 110-927510826, in the 2003 Budget of the Division of Information and Support Services from the Regionalism/Economic Development Fund, DAC 110-9043038301299, and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Division of Information and Support Services, and the Director of Central Data Processing.
 (5-0)

4. Item Page -2003 (Comm. 18E-9)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Economic Development (NYSDED) provides grant assistance to implement pollution prevention technical assistance initiatives; and

WHEREAS, the NYSDDED has solicited a proposal from Erie County for participation in the Pollution Prevention Technical Assistance Program; and

WHEREAS, in March of 2003, the Erie County Department of Environment and Planning (DEP) developed and submitted a proposal for funding from NYSDDED to implement a Pollution Prevention Technical Assistance Program; and

WHEREAS, on March 28, 2003, the NYSDDED granted approval of the application allocating funding of \$195,369 over two years for a Pollution Prevention Technical Assistance Program to be implemented in Erie County; and

WHEREAS, in order to meet the requirements of the grant award for the 1:1 local match of project costs, it is necessary to allocate \$25,000 in County funds for the duration of the Program to cover a portion of the match; and

WHEREAS, the remainder of the required County match will be met through overhead and in-kind expense contributions.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the NYSDDED to accept and implement the Pollution Prevention Technical Assistance Program in an amount not to exceed \$195,369 in grant resources; and be it further

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, that the sum of \$25,000 is hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to Account 886-6209, Interfund Subsidies, in the budget of the DEP to be used for the required local match; and be it further

RESOLVED, that the revenue from the Pollution Prevention Technical Assistance Program is hereby appropriated in the grant as follows:

REVENUE:

641	State Aid – New York State Department of Economic Development	\$195,369
686-6200	Interfund Revenue – Environment and Planning	<u>25,000</u>
TOTAL REVENUE		\$220,369

APPROPRIATIONS:

800	Personnel Services	\$160,534
805	Fringe Benefits	48,335
810	Office Supplies	500
824	Local Travel and Mileage	500
825	Out-of-Area Travel	1,500
826	Other Expenses	<u>9,000</u>
TOTAL APPROPRIATIONS		\$220,369

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)

5. Item Page -2003 (Comm. 18E-26)

COUNTY EXECUTIVE

WHEREAS, the Village of Blasdell has become part of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, ECSD No. 3 is desirous of having a joint construction project with the Village of Blasdell to rebuild the Pearl and Orchard Avenue sanitary sewers when the Village reconstructs the roads in 2004 and 2005.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Village of Blasdell for the rebuilding of the Pearl and Orchard Avenue sanitary sewers together with the Village's reconstruction of the road is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to reimburse the Village of Blasdell an amount not to exceed \$100,000.00 from ECSD No. 3 Capital Account, Fund 430 Project 446 for the replacement of the Pearl and Orchard Avenue sanitary sewers subject to the approval and verification of the cost by the County's Division of Sewerage Management; 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., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance; and Ernest Jewett, Mayor, Village of Blasdell.

(5-0)

6. Item Page -2003 (Comm. 18E-27)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has projects planned for sanitary sewer improvements and reducing inflow and infiltration along French Road in the Town of Cheektowaga; and

WHEREAS, the Erie County Department of Public Works has let a project for the resurfacing of French Road in the Town of Cheektowaga; and

WHEREAS, both the Erie County Department of Public Works and the Erie County Department of Environment and Planning desire to consolidate the construction projects along French Road to alleviate inconvenience to the public and reduce costs to the rate payers.

NOW, THEREFORE, BE IT

RESOLVED, that an interdepartmental joint agreement between the Erie County Department of Public Works and Environment and Planning Department with low bidder, Diamond "D" Construction, Inc., under Bid No. MF-01-03, for the purpose of sanitary sewer improvements and addressing inflow and infiltration along French Road which will suit the needs of both departments be approved; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate a sum of \$273,655.60 for the sewer portion of Erie County Department of Public Works Bid MP-01-03

improvements, from Sewer Capital Erie County Sewer District No. 1, Fund No. 430, Project No. 694 for the interdepartmental joint agreement for the sanitary sewer improvements; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to Nancy Naples, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney; and three (3) certified copies to the Deputy Commissioner of Highways, Department of Public Works.

(5-0)

7. Item Page -2003 **AS AMENDED**
 (Comm. 18E-29)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works has received the following low bid for the Times Beach Public Access Project, ECDPW Project No. JZ-03-14:

<u>PROJECT NO.</u>	<u>LOW BIDDER</u>	<u>AMOUNT OF BID</u>
JZ-03-14	Gleason's Nursery, Inc. 780 Sheridan Drive Williamsville, New York 14221	\$103,678

and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Times Beach Public Access Project, ECDPW Project No. JZ-03-14, be awarded to the low bidder as follows:

<u>PROJECT NO.</u>	<u>LOW BIDDER</u>	<u>AMOUNT OF BID</u>
JZ-03-14	Gleason's Nursery, Inc. 780 Sheridan Drive Williamsville, New York 14221	\$103,678

and be it further

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

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, that the sum of \$10,370 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency; and be it further

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

RESOLVED, that funding for this contract shall be taken from Fund 410, Project 431 which was authorized by 2003 Consolidated Bond Resolution #149-2003; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; Lawrence Jasinski, Commissioner of the Department of Parks and Recreation; Maria Lehman, Commissioner of the Department of Public Works; John S. Rizzo, Deputy Comptroller; and Gregory Dudek, Assistant County Attorney.

(5-0)

8. Item Page -2003 **AS AMENDED**
 (Comm. 18E-30)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works has received the following low bid for the Seneca Bluffs Habitat Restoration Project, ECDPW Project No. JZ-02-06:

<u>PROJECT NO.</u>	<u>LOW BIDDER</u>	<u>AMOUNT OF BID</u>
JZ-02-06	Birch Grove Landscaping and Nursery, Inc. P. O. Box 117 East Aurora, New York 14052	\$127,000

and

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

WHEREAS, in order to provide adequate resources to award the contract for the amount proposed by the lowest bidder, it is necessary to allocate \$10,000 in County funds from the Regionalism/Economic Development Fund.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$10,000 is hereby transferred from the Regionalism/Economic Development Fund (DC 110 9043038301299) to Account 886, Interfund Subsidies, in the budget of the Department of Environment and Planning to be used for Seneca Bluffs Wetland Restoration Project construction contract; and be it further

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, that the existing grant budget for the Seneca Bluffs Wetland Restoration Project (Project #578) is hereby revised to include the additional County resources as follows:

REVENUES:

ACCOUNT	DESCRIPTION	CURRENT BUDGET	REVISIONS	REVISED BUDGET
360	Other Local Share Revenue	\$105,000	0	\$105,000
553	State Aid – NYSDEC	106,500	0	106,500
553-400	State Aid – NYSDOS	100,000	0	100,000
641	Federal Aid – U.S. Department of Agriculture	4,000	0	4,000
686-6200	Interfund Revenue - Environment and Planning	50,000	10,000	60,000
<u>TOTAL REVENUES</u>		\$365,500	\$10,000	\$375,500

APPROPRIATIONS:

ACCOUNT	DESCRIPTION	CURRENT BUDGET	REVISIONS	REVISED BUDGET
800	Salaries	\$120,000	0	\$120,000
805	Fringe Benefits	33,000	0	33,000
824	Travel and Mileage	1,900	0	1,900
826	Other Expenses	1,100	0	1,100
830	Contractual Services	209,500	10,000	219,500
<u>TOTAL APPROPRIATION:</u>		\$365,500	\$10,000	\$375,500

and be it further

RESOLVED, that the Seneca Bluffs Habitat Restoration Project, ECDPW Project No. JZ-02-06, be awarded to the low bidder as follows:

<u>PROJECT NO.</u>	<u>LOW BIDDER</u>	<u>AMOUNT OF BID</u>
JZ-02-06	Birch Grove Landscaping and Nursery, Inc. P. O. Box 117 East Aurora, New York 14052	\$127,000

and be it further

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, that the County Executive be, and hereby is, authorized to execute the contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Seneca Bluffs Wetland Restoration Project (Project #578) or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the sum of \$10,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency; and be it further

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

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; Lawrence Jasinski, Commissioner of the Department of Parks and Recreation; Maria Lehman, Commissioner of the Department of Public Works; the Comptroller's Office; and Gregory Dudek, Assistant County Attorney.

(5-0)

DALE W. LARSON
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 597

November 6, 2003

HUMAN SERVICES

COMMITTEE
 REPORT NO. 13

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

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

Item Page -2003 (Intro. 9-5)
 a. **MINORITY CAUCUS:** Restoring Essential Funding to ECMC Health Care Network.
 (4-0) Legislator Fisher absent.

Item Page -2003 (Intro. 10-7)
 b. **MINORITY CAUCUS:** Authorizing the Transfer of Essential Funding to ECMC Health
 Care Network.
 (4-0) Legislator Fisher absent.

Item Page -2003 (Comm. 15E-17)
 c. **SMITH:** Copy of Letter to Coordinator of Council on Children & Families Re: CGR Study.
 (4-0) Legislator Fisher absent.

2. Item Page -2003 (Comm. 18E-13)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Protective Services for Adults (PSA) and Community Services Coordinator (CSC) grants for the period January 1, 2003 to December 31, 2003, and

WHEREAS, the Department of Senior Services (Department) has reviewed the budgets and actual costs of carrying out the programs through year-end, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the PSA grant, Project 763, be revised as follows:

	CURRENT BUDGET	AMENDED CHANGES BUDGET	
REVENUES			
Account Description			
326 Interest & Earnings	\$9,000	-\$6,600	\$2,400
TOTAL CHANGE		<u><u>-\$6,600</u></u>	
APPROPRIATIONS			
800 Personal Services	\$849,918	-\$58,000	\$791,918

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

805 Fringe Benefits	211,485	27,000	238,485
821 Dues & Fees	1,460	1,000	2,460
826 Other Expenses	3,000	1,200	4,200
880/5100 Interfund Expenses	21,000	1,200	22,200
930 Motor Vehicle Equipment	0	21,000	21,000
TOTAL CHANGE		<u><u>-\$6,600</u></u>	

and be it further

RESOLVED, that the budget for the CSC grant, Project 766, be revised as follows:

		CURRENT		AMENDED
		BUDGET CHANGES		BUDGET
APPROPRIATIONS				
Account	Description			
800	Personal Services	\$86,543	-\$2,000	\$84,543
805	Fringe Benefits	\$23,045	\$7,600	30,645
810	Office Supplies	\$2,000	-\$1,438	562
825	Out of Area Travel	\$1,500	-\$1,000	500
933	Other Expenses	3,162	-3,162	0
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services. (4-0) Legislator Fisher absent.

3. Item Page -2003 **AS AMENDED**
 (Comm. 18E-14)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Senior Aides grant for the period July 1, 2003 to June 30, 2004, and

WHEREAS, the grantor, Senior Service America, has allocated an additional \$309,933 of federal funds to this grant program which delivers employment and training services to persons age 55 and over, and

WHEREAS, the Department of Senior Services contracts with Supportive Services Corp. to administer this program, and

WHEREAS, the County budget for this grant is in need of revision and the contract with Supportive Services Corp. needs to be amended, and

WHEREAS, Supportive Services Corp. will have sufficient funds available to cover the additional required match.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the Senior Aides grant for the period July 1, 2003 to June 30, 2004, Project 778, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
443	In-Kind Contributions	\$ 25,506	\$41,495	\$67,001
664	Federal Aid	679,882	<u>309,933</u>	<u>989,815</u>
	TOTAL CHANGE		<u><u>\$351,428</u></u>	
 APPROPRIATIONS				
830/235	Supportive Services Corporation	\$767,063	<u>\$351,428</u>	\$1,118,491
	TOTAL CHANGE		<u><u>\$351,428</u></u>	

and be it further

RESOLVED, that the County Executive is authorized to amend the existing contract with Supportive Services Corp. for the period July 1, 2003 to June 30, 2004 to reflect the additional grant funds, and be it further

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

(4-0) Legislator Fisher absent.

AS AMENDED
 (Comm. 18E-20)

4. Item Page -2003

COUNTY EXECUTIVE

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

WHEREAS, the Erie County Health Department wishes to enter into a lease agreement with St. Simon’s Episcopal Church for space located at 200 Cazenovia Street, Buffalo, New York, to be utilized as a WIC distribution site, and

WHEREAS, in order to accommodate the technical needs of the WIC Program it will be necessary to have electrical and computer data renovation related work provided and installed by St. Simon’s Episcopal Church in an amount not to exceed \$4,453.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into a lease agreement with St. Simon’s Episcopal Church for space located at 200 Cazenovia at a rate of \$600 monthly, plus a one-time payment not to exceed \$4,453 for electrical and data wiring installation, commencing December 1, 2003, there being funds available in the WIC Program budget, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.
 (4-0) Legislator Fisher absent.

5. Item Page -2003 (Comm. 18E-21)
COUNTY EXECUTIVE

WHEREAS, the Department of Health has a contract with the New York State Department of Health to be the local entity responsible for completing source water assessments for approximately 110 public water systems in Erie County, and for identifying potential contamination risks to those systems, and

WHEREAS, the Department of Health has determined that budgetary adjustments are necessary in order to more effectively and efficiently meet the requirements of the program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to implement the necessary budgetary adjustment as follows:

Department of Health
SOURCE WATER ASSESSMENT PROGRAM
04/1/99- 3/31/03
PROJECT #388

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553-	STATE AID	\$15,850	\$0	\$15,850
	TOTAL	<u>\$15,850</u>	<u>\$0</u>	<u>\$15,850</u>

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

EXPENSES

800	PERSONAL SERVICES	\$ 7,650	\$-4,462	\$ 3,188
805	FRINGE BENEFITS	1,000	-615	385
821	DUES & FEES	400	79	479
825	OUT OF AREA TRAVEL	3,300	0	3,300
826	OTHER EXPENSES	200	14	214
933	LAB & TECH EQUIPMENT	3,300	4,984	8,284
	TOTAL	<u>\$15,850</u>	<u>\$0</u>	<u>\$15,850</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Division of Budget, Management and Finance, and the Office of the Comptroller. (4-0) Legislator Fisher absent.

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

MR. WEINSTEIN moved to separate items #1.a & 1.b. and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved to send item 1.a. back to the HUMAN SERVICES COMMITTEE. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved to send item 1.b. back to the HUMAN SERVICES COMMITTEE. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 598

November 6, 2003

COMMUNITY ENRICHMENT
 COMMITTEE

REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

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

Item	Page	-2003	(Comm. 13M-10)
a.	STUDIO ARENA: Copy of Published Article in American Theatre Magazine.		
	(4-0) Legislator Fisher absent.		

Item	Page	-2003	(Comm. 18E-2)
b.	COMPTROLLER: Deloitte & Touche LLP Management Letter – Audit of ECC for Year Ended 8/31/02.		
	(4-0) Legislator Fisher absent.		

2.	Item	Page	-2003	(Comm. 18E-10)
	COUNTY EXECUTIVE			

WHEREAS, Erie County is committed to providing opportunities for youth in Erie County so these individuals can participate in programs that enhance their opportunities for future success and prosperity in our community and region; and

WHEREAS, Junior Achievement of WNY Inc., has requested County funds in order to develop programs that link community volunteers with at-risk, low-income youth to better prepare them to enter the working world; and Kids Voting Western New York – Erie 1 BOCES has requested County funds to focus on programs that increase understanding and involvement by youth in our voting process and procedures; and

WHEREAS, both of these programs have been determined to be important components to enhancing educational opportunities for youth in this County, and these programs can assist in preparing our youth to become more involved in making decisions regarding their well being and that of our community,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements which will provide funds, as specified below, to the two organizations administering funds for these youth focused programs; and be it further

RESOLVED, that funds for these programs in the amount of \$15,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds (DAC 110 9043038301299) to separate sub-accounts under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Junior Achievement of WNY, Inc.
 Kids At Risk Program – \$5,000

Kids Voting Western New York – Erie 1 BOCES
 Voting Process Education Program – \$10,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; Janice Zigel, President, Junior Achievement of WNY, Inc., 181 Franklin Street, Buffalo, New York 14202; and Tracy Reed, Executive Director, Kid’s Voting Western New York – Erie 1 BOCES, 1050 Maryvale Drive, Cheektowaga, New York 14225.

(4-0) Legislator Fisher absent.

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

COUNTY EXECUTIVE

WHEREAS, the Frank Lloyd Wright’s Rowing Boathouse Corporation (the “Boathouse Corporation”), a local not-for-profit agency, has obtained the rights from the Frank Lloyd Wright Foundation to utilize plans prepared by Frank Lloyd Wright, the “Father of American Architecture”, for a rowing boathouse that was designed in 1907 but never constructed; and

WHEREAS, the Boathouse Corporation proposes to build this world-class architecture on a parcel located at the foot of Porter Avenue, and that parcel is owned by the State University of New York, acting by and through the State University of New York at Buffalo (the “College”); and this parcel was originally intended to be used by the College for the expansion of its Great Lakes Center, if and when the College could obtain the necessary funding; and

WHEREAS, construction of the Frank Lloyd Wright’s Rowing Boathouse (the “Boathouse”) would make the City of Buffalo and Erie County a destination with the second largest collection of work by Frank Lloyd Wright in the world, and the Boathouse would also serve as a new facility for the world-famous West Side Rowing Club; and this combination of community recreation, historic preservation and cultural tourism purposes provides a prime example of the new economic development strategies being implemented in this City and County; and

WHEREAS, in order for this Boathouse Project to proceed, certain real property transactions must be effectuated with respect to the Boathouse parcel and replacement parcels needed by the State of New York regarding the Great Lakes Center Building, and the New York State Division of Military and Naval (DMNA) Affairs National Guard truck depot which is located adjacent to the Boathouse parcel; and

WHEREAS, a State Environmental Quality Review (SEQR) coordinated review for the construction of the Frank Lloyd Wright’s Rowing Boathouse was conducted by the City of Buffalo, and this review included review of the land transfers that are necessary for the completion of the action, and the City of Buffalo issued a SEQR negative declaration for this action in March 2003; and

WHEREAS, the State of New York acting by and through its State Commissioner of General Services, the State University of New York, the County of Erie and the Frank Lloyd Wright's Rowing Boathouse Corporation have determined that this Boathouse Project will provide a public benefit to the people of the City of Buffalo, County of Erie and State of New York; and

WHEREAS, in order to effectuate the Boathouse Project an "Inter-Municipal Exchange Agreement" involving the aforesaid parties stipulates the necessary requirements and conditions required of all parties in order to facilitate and construct this Frank Lloyd Wright's Rowing Boathouse Project; and

WHEREAS, as part of this "Inter-Municipal Agreement", New York State will cause those portions of the State-owned Boathouse parcel, located outside of the Federal Harbor Line, to be conveyed in fee title to the County of Erie pursuant to Section 75 of the Public Lands Law contingent upon the County satisfying certain conditions; and

WHEREAS, one of these precedent conditions regarding ownership transfer of this Boathouse parcel to Erie County requires that Erie County lease the Boathouse parcel to the Boathouse Corporation for a term not less than 25 years for public/recreational purposes; and

WHEREAS, as required by this condition in the "Inter-Municipal Exchange Agreement", Erie County will execute an agreement with the Frank Lloyd Wright's Rowing Boathouse Corporation, and as part of this agreement Erie County will further stipulate that in consideration of the Boathouse Corporation's considerable commitment of resources to this Boathouse Project, the County shall require the Boathouse Corporation to pay an annual lease fee to the County for an amount not to exceed one dollar (\$1.00); and

WHEREAS, an additional precedent to approval of this "Inter-Municipal Exchange Agreement", requires that Erie County provide written certification confirming the availability of funds, for an amount not to exceed \$800,000, for the design and construction the new DMNA truck depot necessitated by these parcel transfers,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreements necessary for the construction of the Frank Lloyd Wright's Rowing Boathouse Project which will include (1) an "Inter-Municipal Exchange Agreement" between Erie County and the New York State Commissioner of General Services, the State University of New York, and the Frank Lloyd Wright's Rowing Boathouse Corporation (Boathouse Corporation), as well as (2) an Agreement between Erie County and the Frank Lloyd Wright's Rowing Boathouse Corporation, as well as (3) other related agreements with involved and interested agencies necessary for the construction of the Boathouse Project; and be it further

RESOLVED, that a requirement in the Erie County-Boathouse Corporation Agreement will require the Boathouse Corporation pay to Erie County an annual lease fee for the parcel that shall not exceed one dollar (\$1.00); and be it further

RESOLVED, that the 2003 Capital Budget is hereby amended to provide \$800,000 for the design and construction of the new DMNA truck depot's total cost, with County funds being made available from the Tobacco Trust Fund; and be it further

RESOLVED, that Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning, Hon. Anthony Masiello, Mayor of the City of Buffalo, City Hall, 65 Niagara Square, Buffalo, New York 14202; and members of the Inter-Municipal Exchange Agreement: Commissioner of General Services, Erastus Corning Tower, 41st Floor, The Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12242; Robert Ruggeri, Esq., Associate Counsel, the State University of New York, State University Plaza, Albany, New York 12246; Dr. Stanley Kardonsky, Vice President for Finance, SUNY College at Buffalo, 1300 Elmwood Avenue, Buffalo, New York 14222; and Theodore E. Marks, President, the Frank Lloyd Wright's Rowing Boathouse Corporation, 100 River Rock Drive, Buffalo, New York 14207.
 (4-0) Legislator Fisher absent.

AS AMENDED
 (Comm. 18E-23)

4. Item Page -2003

COUNTY EXECUTIVE

WHEREAS, the County of Erie owns title to the ECC buildings and grounds and holds such property in trust for the College's use and purposes; and

WHEREAS, ECC is, according to Education Law, "empowered and authorized through its board of trustees to accept gifts, grants, bequests and devices absolutely or in trust for such purposes as the college trustees may deem appropriate or proper for carrying on the programs and objectives of the college"; and

WHEREAS, the ECC Board of Trustees wishes to implement the attached naming rights policy in an effort to enhance the marketability of ECC's academic programs and its commitment to workforce development for the Western New York community; and

WHEREAS, the ECC Board of Trustees has previously approved a Board policy pertaining to naming rights with an attached fee schedule particular to the area being named; and

WHEREAS, in accordance with such Board policy, naming rights revenues are to be deposited in a restricted account in the Erie Community College Foundation;

NOW, THEREFORE, BE IT

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

RESOLVED, that the ECC Board of Trustees is hereby authorized to implement the attached naming rights policy in an effort to enhance the marketability of ECC's academic programs and its commitment to workforce development for the Western New York community; and be it further

RESOLVED, that the components to which the naming rights may attach include, but are not limited to, buildings, individual rooms, labs, classrooms and other structural components of the College; and be it further

RESOLVED, that the fees received pursuant to the naming rights agreements shall be used exclusively for the operation and improvement of the College; and be it further

RESOLVED, that each naming rights agreement shall be approved by the ECC Board of Trustees, approved as to content by the ECC President or his designee, approved as to form by the County Attorney and signed by the County Executive; and be it further

RESOLVED, that the ECC Board of Trustees shall obtain all necessary approvals from the State University of New York and other appropriate agencies prior to selling the naming rights; and be it further

RESOLVED, that the Erie Community College shall provide the Erie County Legislature with a copy of the quarterly financial reports which reflect revenues and expenditures of the accounts associated with the naming rights policy, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the President of ECC, the Chairman of the ECC Board of Trustees, the Director of Budget, Management & Finance, the Comptroller and the County Attorney.

(4-0) Legislator Fisher absent.

5. Item Page -2003 (Comm. 18E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie Community College Foundation, Inc. (Foundation) was incorporated in 1987 with its primary mission to support the educational objectives of the College; and

WHEREAS, as the Foundation becomes more active in fulfilling its mission, certain operational issues and relationships need to be clarified with the College; and

WHEREAS, the ECC Board of Trustees wishes to enter into an Operating Agreement with the Foundation which clarifies many issues;

NOW, THEREFORE, BE IT

RESOLVED, that the ECC Board of Trustees is hereby authorized to sign the attached Operating Agreement with the ECC Foundation in order to set forth a contractual agreement concerning their continued relationship; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the President of ECC, the Chairman of the ECC Board of Trustees, the Erie County Executive, the Director of Budget, Management & Finance, the Comptroller and the County Attorney.
 (4-0) Legislator Fisher absent.

6. Item Page -2003 (Comm. 18E-32)
COUNTY EXECUTIVE

WHEREAS, Erie County has a long history of supporting community programs and activities that are determined to be important to the County's social and economic vitality; and

WHEREAS, Alleyway Theatre, Inc., the Iron Island Preservation Society of Lovejoy, Inc., Mudpies Children's Museum, and the Town of West Seneca have requested funds for community projects detailed below, and the merits of these projects have been substantiated by support from other funding sources, as well as by significant volunteer help from members of the community; and

WHEREAS, these organizations are requesting funds for the following community projects and purposes: Alleyway Theatre – a matching grant for a sprinkler system at Upper West Arts Center; the Iron Island Preservation Society of Lovejoy – Iron Island Museum rehabilitation and programming; Mudpies Children's Museum – Phase I architectural and design plans for the proposed downtown children's museum; and the Town of West Seneca – expansion plans and studies for the West Seneca Senior Citizen Center,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds, as specified below, to the organizations administering funds for these community programs; and be it further

RESOLVED, that funds for these cultural projects and programs in the amount of \$157,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds (DAC 110 9043038301299) to separate sub-accounts under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Alleyway Theatre, Inc.

Upper West Arts Center/Sprinkler System – \$35,000

Iron Island Preservation Society of Lovejoy, Inc.

Iron Island Museum/Rehabilitation and Programming – \$25,000

Mudpies Children's Museum

Phase I Architectural and Design Plans – \$72,000

Town of West Seneca

West Seneca Senior Citizens Center- expansion plans/studies – \$25,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; Neal Radice, Executive Director, Alleyway Theatre, One Curtain Up Alley, Buffalo, New York 14202-1911; Linda J. Duvall, President, Iron Island Preservation Society of Lovejoy, Inc., 998 Lovejoy Street, Buffalo, New York 14204; Bonny K. Ryder, Director, Mudpies Children's Museum, 185 Elm Street, Buffalo, New York 14203; and the Honorable Paul T. Clark, Supervisor, Town of West Seneca, West Seneca Town Hall, 1250 Union Road, West Seneca, New York 14224.
 (4-0) Legislator Fisher absent.

ELISE M. CUSACK
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

Item 24 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 599

November 6, 2003

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT.

1. Item Page -2003 (Comm. 18E-31)

COUNTY EXECUTIVE

WHEREAS, County records from various departments, including the County Clerk, are stored in a variety of locations, including downtown office buildings, the County Records Center on the grounds of Erie County Medical Center, and other locations; and

WHEREAS, these locations are running out of functional space to store and retrieve records; and

WHEREAS, there is interest on behalf of willing partners to further explore the opportunities to participate in such a regional records facility; and

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, the operation of a central and regional records management system providing storage and retrieval services with respect to all records is in the best interest of the citizens of Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized, in cooperation with the Erie County Clerk, to solicit a Request for Proposals to study the feasibility of creating a regional records facility, including opportunities for incorporating willing partners, for an amount not to exceed \$100,000; and be it further

RESOLVED, that the source of funds for this study shall be a transfer of \$100,000 from the Regionalism/Economic Development Fund, (DAC 110 9043038301299) to a new sub-account for this purpose under payments monitored by the Department of Environment and Planning, 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 Commissioner of the Department of Environment and Planning, the County Clerk, and the County Comptroller.
 (5-0)

STEVEN P. McCARVILLE
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 25 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 600

November 6, 2003

REGIONALISM AD HOC
 COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

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

- | | | | | |
|----|----------------------------------|---|-------|---------------|
| | Item | Page | -2003 | (Comm. 9E-3) |
| a. | COMPTROLLER: | Proposal to Consolidate City of Buffalo & County of Erie
Comptroller's Offices.
(4-0) Legislator Fisher absent. | | |
| | Item | Page | -2003 | (Comm. 9M-13) |
| b. | AFSCME LOCAL 650: | Merger of County & City Comptroller's Offices.
(4-0) Legislator Fisher absent. | | |
| | Item | Page | -2003 | (Comm. 15M-4) |
| c. | MAYOR OF CITY OF BUFFALO: | Draft of Buffalo's Comprehensive Plan.
(4-0) Legislator Fisher absent. | | |

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 601

Re: Bishop Mansell's Appointment as
Archbishop of Hartford, Connecticut.
(Intro. 20-1)

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

WHEREAS, the Archbishop-elect of the Archdiocese of Hartford, Connecticut, Henry Joseph Mansell was born in 1937 in the Bronx, New York, and

WHEREAS, Bishop Mansell attended both the North American College and the Gregorian University in Rome as a seminarian for the Archdiocese of New York, and

WHEREAS, Bishop Mansell was ordained a priest of the Archdiocese of New York in 1962, and

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, Bishop Mansell faithfully served the Archdiocese of New York as a Parochial Vicar, Pastor, Auxiliary Bishop and Chancellor until 1995, when he was appointed Ordinary of the Diocese of Buffalo, New York, and

WHEREAS, Bishop Mansell has shown outstanding leadership as Bishop of the Diocese of Buffalo, faithfully overseeing more than 700,000 Catholics, 550 priests and 265 parishes throughout the eight counties of Western New York, as well as showing exceptional concern for Catholic Education, Catholic Health Care and the extensive Catholic Charities network, and

WHEREAS, the Archbishop-elect, as Metropolitan Archbishop of Hartford, will shepherd 719,953 Catholics, 499 priests, 308 permanent deacons, 1,191 religious, and will have limited jurisdiction over the dioceses of Bridgeport, Norwich and Providence, which are in the Hartford province,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature extends its sincerest thanks to Archbishop-elect Henry J. Mansell for his tireless and extensive leadership to the Diocese of Buffalo, and be it further

RESOLVED, that this Honorable Body wishes the Archbishop-elect continued success as Ordinary of the Archdiocese of Hartford, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to The Most Reverend Henry J. Mansell, D.D. Archbishop-elect, Archdiocese of Hartford, Connecticut.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 27 – CHAIRMAN SWANICK directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 20-2 From CHAIRMAN SWANICK, ET AL Re: Erie County Legislature's Recommendations to the Governor for Appointment to the Board of Directors of the ECMC Corporation.

Item 28 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 602

Re: Consideration for Public Benefit Funding.
(Intro. 20-3)

A RESOLUTION SUBMITTED BY
LEGISLATOR DUSZA

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Buffalo Building Trades Development Partnership, Inc.	\$2,500	DUSZA
TOTAL	\$2,500	

And be it further

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

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

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorneys
 Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 603

Re: Consideration for Public Benefit Funding.
 (Intro. 20-4)

A RESOLUTION SUBMITTED BY
 LEGISLATOR DEBENEDETTI

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Hispanic United Of Buffalo, Inc.	\$2,000	DEBENEDETTI
Buffalo Greenfund Neighbor Housing Services	\$5,000	DEBENEDETTI
Erie Regional Housing Development Corp.	\$10,000	DEBENEDETTI
21st Ward Independence Day Association, Inc.	\$6,000	DEBENEDETTI
West Side Neighborhood Housing Services	\$2,500	DEBENEDETTI
Buffalo Building Trades Development Partnership, Inc.	\$2,500	DEBENEDETTI

TOTAL	\$28,000
-------	----------

And be it further

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,500 from the Legislature – Contractual Expense (DAC 110905100830) to General Fund, Interfund Transfers, Interfund-Library (DAC 1109253208864200), and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account: Interfund-Subsidy revenue (DAC 8209734206863200) \$2,500, and be it further

RESOLVED, that the Buffalo and Erie County Library Budget is hereby amended to increase the following account: Library Buildings & Grounds (DAC 820973420931) \$2,500, earmarked for the Riverside Branch Library, and be it further

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Hispanic United Of Buffalo, Inc.	\$2,000	DEBENEDETTI
Buffalo Greenfund Neighbor Housing Services	\$5,000	DEBENEDETTI
Erie Regional Housing Development Corp.	\$10,000	DEBENEDETTI
21st Ward Independence Day Association, Inc.	\$6,000	DEBENEDETTI
West Side Neighborhood Housing Services	\$2,500	DEBENEDETTI

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Buffalo Building Trades Development Partnership, Inc.	\$10,000	DEBENEDETTI
TOTAL	\$35,500	

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 604 Re: Consideration for Public Benefit Funding.
(Intro. 20-5)

A RESOLUTION SUBMITTED BY
 LEGISLATOR LARSON

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Greater Lancaster Museum of Fire Fighting	\$20,000	LARSON
Holland Boys & Girls Club	\$7,000	LARSON
TOTAL	\$27,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 31 – CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 20-6 From the MINORITY CAUCUS Re: Safety of Public Safety Officers Transporting & Guarding Prisoners at ECMC.

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

CARRIED UNANIMOUSLY.

Re: Transfer of Necessary Funding for North Jefferson Library. (Intro. 20-7)

A RESOLUTION SUBMITTED BY
 LEGISLATOR HOLT

WHEREAS, branch libraries play an important role in providing residents free access to a multitude of resources, and

WHEREAS, the Buffalo and Erie County Public Library System is in the process of enhancing library services in the City of Buffalo by constructing a new modern library facility on North Jefferson Avenue, and

WHEREAS, the Library is in need of additional funding to complete the construction project for the new branch on Jefferson Avenue, and

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, residents have been outspoken in their desire for the County to maintain and improve community libraries,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature has made investing in library services a priority, and be it further

RESOLVED, that this Honorable Body does hereby amend the 2003 Buffalo and Erie County Public Library budget to include an additional \$250,000 toward the new North Jefferson Branch Library project, and be it further

RESOLVED, that the source of funding for this project shall be \$250,000 in available funds from Tobacco Trust Fund Proceeds, and be it further

RESOLVED, that certified copies of this resolution be sent to the Buffalo and Erie County Public Library, the Department of Budget, Management and Finance, the County Comptroller and the County Executive.

Fiscal Impact: Transfer of \$250,000 in tobacco trust fund proceeds.

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

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors:

**CUSACK, WEINSTEIN, KUWIK, FISHER, DALE, DeBENEDETTI, SMITH,
 DUSZA & MARINELLI**

CHAIRMAN SWANICK directed that the resolution be referred to the FINANCE & MANAGEMENT COMMITTEE as amended.

GRANTED.

Item 33 – MR. HOLT presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 605

Re: Support for the Continuation of NYS's
 Power for Jobs Program. (Intro. 20-8)

A RESOLUTION SUBMITTED BY LEGISLATORS

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

HOLT, KUWIK, DUSZA, DEBENEDETTI, MARINELLI, SCHROEDER,
SMITH, DALE & FISHER

WHEREAS, in July 1997, the State of New York established the Power for Jobs program, a temporary initiative designed to help lower the price of electricity for businesses, especially manufacturing and other entities that require extensive amounts of electricity and which were considering leaving the state due to the high cost of electricity, and

WHEREAS, under the program, businesses receive three-year allotments of electricity in exchange for maintaining or increasing a certain number of jobs in their organizations, and

WHEREAS, the New York Power Authority, which administers the program, states that more than 700 businesses and non-profit organizations employing more than 300,000 persons have benefited from the program, and

WHEREAS, smaller businesses have routinely used the program to save tens of thousands of dollars per year in electricity costs, and large businesses have saved millions per year in electricity costs, and

WHEREAS, in 1998, 2000 and 2002, the State Legislature and Governor extended or expanded the Power for Jobs program to enable certain businesses to maintain their subsidy for more than three years, and

WHEREAS, recent reports indicate that the State may not renew the Power for Jobs program in 2004, citing the state's budget deficit, and

WHEREAS, such a development would have an immediate, significant and negative impact on local and regional businesses, given the high cost of energy in New York, potentially driving businesses out of business, or out of the state,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the Power for Jobs program, and expresses its desire that the State of New York and New York Power Authority continue to fund and administer this vitally important program, and be it further

RESOLVED, that certified copies of this resolution be submitted to Governor George Pataki, New York State Assembly Speaker Sheldon Silver, Senate President Joseph Bruno, Louis P. Ciminelli, Chairman of the New York Power Authority (The Cyclorama Building, 369 Franklin Street, Buffalo, NY 14202), and to the Western New York Delegation of the New York State Legislature.

Fiscal Impact: Positive for local economic development.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

MR. HOLT moved to amend the resolution to include Et Al Sponsorship. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 34 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 606

Re: Support for the Elimination of Tolls.
(Intro. 20-9)

RESOLUTION SUBMITTED BY
LEGISLATOR SWANICK

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

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors:

**RANZENHOFER, FALKNER, CHASE, CUSACK, WEINSTEIN,
DeBENEDETTI, DUSZA, FISHER & SMITH**

MR. RANZENHOFER moved to further amend the resolution. MS. CHASE seconded. MS. MARINELLI voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.046 – 0.954)

REPLACE with the following:

WHEREAS, there have been numerous public pronouncements recently suggesting the elimination of toll barriers for commuters into the City of Buffalo, and

WHEREAS, these toll barriers have been likened to a “commuter tax” on persons entering Buffalo for work or pleasure, and

WHEREAS, one the major justifications for their elimination is the disparity placed on commuters to Buffalo with these tolls in relation to commuters in other cities in upstate New York, and

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, the toll barriers around the City of Buffalo are under the control and jurisdiction of the NYS Thruway Authority, and

WHEREAS, the toll barriers located at Ogden, Breckenridge and at the North and South Grand Island Bridges along I-190 are the archetype example of a “commuter tax,” and

WHEREAS, equity and parity with other cities in upstate NYS calls for the elimination of the toll barriers at Ogden, Breckenridge and at the North and South Grand Island Bridges along I-190, and

WHEREAS, the elimination of the toll barriers located at Ogden, Breckenridge and at the North and South Grand Island Bridges along I-190 could be accomplished by the transfer of control and jurisdiction of these roadways from the NYS Thruway Authority to the NYS Department of Transportation,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby call for the elimination of the toll barriers located at Ogden, Breckenridge and at the North and South Grand Island Bridges along I-190, and be it further

RESOLVED, that this Honorable Body does hereby request that control and jurisdiction of I-190 be transferred from the NYS Thruway Authority to the NYS Department of Transportation, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, NYS Thruway Authority, NYS Department of Transportation, Mayor Masiello, Town of Tonawanda, Town of Grand Island, GBNRTC, and County Clerk Swarts.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. CHASE seconded. MS. MARINELLI voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.046 – 0.954)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 607

Re: Consideration for Public Benefit Funding.
(Intro. 20-10)

RESOLUTION SUBMITTED BY
LEGISLATOR CUSACK

MS. CUSACK moved to amend the resolution. MS. CHASE seconded.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

ADD THE FOLLOWING:

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Alexander Hamilton Elementary School	\$1,000	CUSACK
Edison Elementary School	\$2,000	CUSACK
MusicalFare Theatre	\$2,990	CUSACK
TOTAL	\$5,990	

And be it further

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

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

Fiscal Impact: None

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

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 36 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 18E-22. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 608

Re: Sale to Adjoining Owner of County-Owned
 In Rem Inventory Property St. Mary's Street,
 Lancaster, New York SBL# 104.190-4-13.

WHEREAS, as the Mapping Department of the Division of Budget, Management and Finance was doing an update on County owned parcels, it was determined that, when the vacant parcel referenced above was deeded to adjoining homeowner Mary Ann Nuwer on August 18, 1986 by the previous assessed owner, it was already affected by delinquent tax liens for the years 1983 through 1986 and was consequently subject to being foreclosed upon by the County, and

WHEREAS, due to said unpaid taxes, the parcel was included in Erie County In Rem Action No. 142 as Serial No. 1069 and was thereafter struck to the County at a tax foreclosure public auction such that Referee's Deed conveying the property to Erie County was recorded on July 14, 1987, and

WHEREAS, despite the fact that the Referee's Deed conveying the property to Erie County was recorded in 1987, subsequent assessment rolls prepared by the Town of Lancaster Assessor have continued to show adjoining homeowner Mary Ann Nuwer was the owner thereof and she has fully paid all taxes affecting the property since 1991,

NOW, THEREFORE BE IT RESOLVED, that the following parcel of County-owned *in rem* tax foreclosure inventory property be transferred to Mary Ann Nuwer of 70 St. Mary's Street, Lancaster, New York 14086 without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act for the sum of One and 00/100 Dollars (\$1.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Lancaster, Town of Lancaster, County of Erie and State of New York being part of Farmlots four (4) and six (6), Township 11 and Range 6, Sublot 36 as filed under Map Cover 1106 in the Erie County Clerk's Office, and further described on Erie County Tax Maps as Section, Block and Lot No. 104.190-4-13 (St. Mary's Street 24.70 x 152.02) and be it further

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

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

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

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

CARRIED UNANIMOUSLY.

Item 37 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 18E-33. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 609

Re: Bond Amending the Bond Resolution to Provide for Additional funds for the Construction of Various Bridge and Culvert Improvements.

RESOLUTION NO. 609 -2003

BOND RESOLUTION DATED NOVEMBER 13, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED MAY 8, 2003, AND AMENDED JULY 10, 2003 AND OCTOBER 2, 2003 TO PROVIDE FOR ADDITIONAL FUNDS FOR THE CONSTRUCTION OF VARIOUS BRIDGE AND CULVERT IMPROVEMENTS.

(Introduced) OCTOBER 14, 2003

(Adopted) NOVEMBER 13, 2003

Recitals

WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2003 Capital Budget of the County, pursuant to the bond resolution adopted by the Legislature, on May 8, 2003 and amended on July 10, 2003 and October 2, 2003, and hereinafter referred to; and

WHEREAS, it is now necessary to provide additional county funds for the construction of various purposes; as described in the 2003 Capital Budget of the County;

NOW, THEREFORE, BE IT

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

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

SECTION (A) Section 1. Row 39 column B of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 and October 2, 2003, which states "\$2,500,000" is hereby amended to state "\$7,630,000."

Section 2. Row 39 column C of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 and October 2, 2003 stating "\$2,500,000" is hereby amended to state "\$7,630,000." Bonds of the County in the principal amount of \$5,130,000 are hereby authorized to be issued, in addition to \$2,500,000 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. Row 39 column F of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 and October 2, 2003 stating "5 yrs., Par. 62(2nd)" is hereby amended to state "20 yrs., Par. 10."

Section 4. Row 39 column G of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 and October 2, 2003, stating "Design for various bridges throughout the County, based on condition rating and needs" is hereby amended to state "Design and reconstruction of various bridges throughout the County, based on condition rating and needs."

Section 5. Row 40 column B of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 and October 2, 2003, which states "\$300,000" is hereby amended to state "\$1,000,000."

Section 6. Row 40 column C of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 and October 2, 2003 stating "\$300,000" is hereby amended to state "\$1,000,000." Bonds of the County in the principal amount of \$700,000 are hereby authorized to be issued, in addition to \$300,000 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 7. Row 40 column F of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 and October 2, 2003 stating "5 yrs., Par. 62(2nd)" is hereby amended to state "20 yrs., Par. 10."

Section 8. Row 40 column G of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 and October 2, 2003, stating "Design for various culverts with low condition ratings and spans greater than five

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

(5) feet and less than twenty (20) feet" is hereby amended to state "Design and reconstruction of various culverts with low condition ratings and spans greater than five (5) feet and less than twenty (20) feet."

Section 9. Resolution No. 149-2003 of said County duly adopted by the Legislature on May 8, 2003 and amended on July 10, 2003 and October 2, 2003 entitled:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2003 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$45,781,757, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$3,620,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$42,161,757 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

is hereby amended to read as follows:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2003 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$51,611,757 APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$3,620,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$47,991,757 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

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

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

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

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

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED UNANIMOUSLY.

Item 38 – MR. HOLT moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Intro. 15-3. MR. DALE seconded.

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 9.345 -7.655)

RESOLUTION NO. 610

Re: County Assistance to Stem the Violence in the City of Buffalo.

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

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

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

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

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

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

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

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

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

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

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

NOW, THEREFORE, BE IT

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

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

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

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

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

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

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

Fiscal Impact: \$100,000

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

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 15.808 – 1.192)

SUSPENSION OF THE RULES

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

GRANTED.

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

GRANTED.

Comm. 20E-57 From COUNTY EXECUTIVE Re: OPEN ITEM – The Labor Management Health Care Coalition.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR LARSON

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Item 40 – (Comm. 20E-1) Copy of Letter to Health Commissioner Re: NYS Clean Indoor Air Act.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 41 – (Comm. 20E-2) Copy of Memo to All Department Heads Re: EC Claims.

Received and filed.

FROM LEGISLATOR DALE

Item 42 – (Comm. 20E-3) Copy of Letter to Comptroller Re: Audit Request.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR HOLT

Item 43 – (Comm. 20E-4) Copy of Letter to County Executive Re: Recommendation for Appointment to Commission on the Status of Women.

Received and filed.

FROM LEGISLATOR DALE

Item 44 – (Comm. 20E-5) Copy of Letter to County Attorney Re: Information Request.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 45 – (Comm. 20E-6) Apportionment & Distribution of 4% Sales Tax for 10/2003.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RANZENHOFER

Item 46 – (Comm. 20E-7) Additional Late Responses Received Re: MBE/WBE Requirements.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR HOLT

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Item 47 – (Comm. 20E-8) Copy of Letter to Budget Director Re: Budget Monitoring Report.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 48 – (Comm. 20E-9) Management Letter Issues by Deloitte & Touche for Year Ended 12/31/02.

Item 49 – (Comm. 20E-10) Quarterly Investment Report 7/1/03 – 9/30/03.

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

FROM LEGISLATOR DALE

Item 50 – (Comm. 20E-11) Copy of Letter to County Attorney Re: Document Request.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR FISHER

Item 51 – (Comm. 20E-12) Notice of Absence From Committee Meetings.

RECEIVED, FILED & PRINTED.

November 5, 2003

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

Dear Madam Clerk:

Please be advised that due to previously scheduled commitments, I will be unable to attend the upcoming meetings of the Legislature's Human Services and Community Enrichment Committees, scheduled to be held on Thursday, November, 6, 2003.

These plans were set well in advance of the release of the committee schedule and, regrettably, cannot be altered. I would ask that this communication be filed in your office, and received, filed and printed by the Legislature at our November 13, 2003 regular session.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Thank you for your cooperation.

Very truly yours,

Judith P. Fisher
Erie County Legislator
4th District

FROM LEGISLATOR DALE

Item 52 – (Comm. 20E-13) Copy of Letter to Health Commissioner Re: NYS Clean Indoor Air Act.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR DeBENEDETTI

Item 53 – (Comm. 20E-14) Copy of Letter to Budget Director Re: Tobacco Securitization.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 54 – (Comm. 20E-15) EC/SSTA Engineering Service Agreement – Change Order No. 4.

Received and filed.

FROM THE COMPTROLLER

Item 55 – (Comm. 20E-16) County of Erie 2004 Tentative Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 611

Re: Bond Resolution - \$17,078,220 – Various Retirement Incentive Programs.
(Comm. 20E-17)

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 611 -2003

BOND RESOLUTION DATED NOVEMBER 13, 2003

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$17,078,220 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE CERTAIN PAYMENTS FOR VARIOUS RETIREMENT INCENTIVE PROGRAMS PROVIDED FOR ELIGIBLE EMPLOYEES OF THE COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$17,078,220; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$17,078,220 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Introduced) NOVEMBER 10, 2003

(Adopted) NOVEMBER 13, 2003

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), and to the provisions of other laws applicable thereto, \$17,078,220 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance (a) payments for the 2000 Retirement Incentive Program provided for eligible employees of the County, adopted in accordance with the provisions of Part A of Chapter 86 of the New York Laws of 2000 and Local Law No. 4-2000, at the estimated maximum cost of \$5,477,072; and (b) payments for the 2002 Retirement Incentive Program provided for eligible employees of the County, adopted in accordance with the provisions of Chapter 69 of the New York Laws of 2002, and Local Law No. 2-2002, at the estimated maximum cost of \$11,601,148. The estimated total cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$17,078,220. The plan of financing includes the issuance of \$17,078,220 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 99 of the Law, is five (5) years.

Section 3. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a

declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. 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 bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 5. 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 6. 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 7. This Resolution shall take effect immediately upon approval by the County Executive.

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

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

FROM THE SHERIFF

Item 57 – (Comm. 20E-18) Transfer of Funds.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 58 – (Comm. 20E-19) Health – A Systems Approach to Reducing the Burden of Asthma – 7/1/03 – 6/30/04 – Project #681.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 59 – (Comm. 20E-20) Buffalo & Erie County Central Library Renovation – Phase IA – Contingency Fund Increase.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 612

Re: Appointment to Erie County Consumer Protection Committee. (Comm. 20E-21)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Sue Derenda of Consumer Credit Counseling Services of Buffalo, Inc., 3980 Sheridan Drive, Suite 308, Amherst, New York 14226 to the Erie County Consumer Protection Committee for a term to expire December 31, 2004.

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

CARRIED UNANIMOUSLY.

Item 61 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

RESOLUTION NO. 613

Re: Re-Appointment to Erie County
Commission on the Status of Women.
(Comm. 20E-22)

RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of Tanya Perrin Johnson of 125 William Price Parkway, Buffalo, New York 14214 to the Erie County Commission on the Status of Women for a term to expire June 30, 2006.

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

CARRIED UNANIMOUSLY.

Item 62 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 20E-23 From the COUNTY EXECUTIVE Re: Close Out & Balancing of Old Capital Projects.

Item 63 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 614

Re: Purchase of 2003 Tax Sale Certificates.
(Comm. 20E-24)

RESOLVED, that pursuant to Article VII of the Erie County Tax Act, the Acting Erie County Commissioner of Finance be, and hereby is, authorized to bid for and purchase, on behalf of the County of Erie, all Tax Certificates upon real estate in Erie County for which 2003 real property taxes have not been paid, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 64 – (Comm. 20E-25) Appropriation of Unanticipated Revenue – County Clerk's Office.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 65 – (Comm. 20E-26) District Attorney – Victim/Witness Assistance & Child Victim Advocacy Program Grants.

Item 66 – (Comm. 20E-27) District Attorney – Violent Juvenile Prosecution Grant.

Item 67 – (Comm. 20E-28) District Attorney – Elder Abuse Training Program Grant.

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

Item 68 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 615

Re: Acceptance of Grant Funding from
 NYSEMO to Update EC Comprehensive
 Emergency Management Plan.
 (Comm. 20E-29)

WHEREAS, funds have been received from the New York State Emergency Management Office through the Federal Government to update the Comprehensive Emergency Management Plan, its annexes and addendum, and

WHEREAS, an agreement with the consultant, Ecology and Environment, Inc., in the amount of \$93,000, was approved by Resolution, 25-E-20 (2002) to be paid by County funds transferred from the E-911 Reserve Fund Balance to the Department of Emergency Services' operating budget, and

WHEREAS, an extension to Ecology and Environment's Agreement as referenced by the NYS Office of General Services pre-established hourly rates not to exceed a total of \$55,000 is requested to conduct a study of outdoor facilities and develop training programs for the Domestic Preparedness annex of the Comprehensive Emergency Management Plan is requested, and

WHEREAS, this grant will provide funds for Erie County's portion of Ecology and Environment's consultation fees, and

WHEREAS, these funds will also be utilized to purchase emergency management software for the proper handling of emergency incidents by all municipalities of Erie County,

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to implement the revisions to Legislative Resolution 15-E-35 (2003)

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

as approved by the New York State Emergency Management Office, to update the Erie County Comprehensive Emergency Management Plan, its annexes, addendums, extend an agreement with Ecology and Environment, Inc., as referenced by the NYS General Services pre-established hourly rates not to exceed a total of \$55,000 to develop WMD Training and conduct a study for outdoor training facilities, and to purchase Emergency Management Software, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to revise the present grant which will assist the Department of Emergency Services:

Department of Emergency Services
 Erie County Comprehensive Emergency Planning Grant

Revenue	Current Budget	Proposed Revision	New Totals
SFG684 - Federal Aid – Other	<u>\$206,209</u>	<u>0</u>	<u>\$206,209.</u>
TOTAL	\$206,209	0	\$206,209.
Appropriations			
SFG800-000 – Personnel			
(Interns) Fees	\$ 35,000	\$-22,000	\$ 13,000
SFG810 - Office Supplies	10,000	\$ - 9000	1,000
SFG821 – Dues and Fees	40,000	\$ - 4000	36,000
SFG825 – Long Distance Travel	8,000	\$ - 5000	3,000
SFG826 – Other Expenditures	12,209	\$- 10000	2,209
SFG830 – Contractual	90,000	\$+55000	145,000
SFG933 – Lab and Tech Equip	<u>11,000</u>	<u>\$- 5000</u>	<u>6,000</u>
TOTAL	\$206,209	\$ 0	\$206,209

and, be it further

RESOLVED, that Ecology and Environment, Inc. will be paid for Erie County's portion of the costs authorized by Resolution, 25-E-20 (2002) from this grant, and be it further

RESOLVED, that Ecology and Environment, Inc. will be retained to study the feasibility for an outdoor training facility and develop training programs for Weapons of Mass Destruction (WMD) incidents, and be it further

RESOLVED, that the necessary emergency management software be paid for and distributed to all municipalities of Erie County, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance; the Office of the Comptroller; Lawrence K. Rubin, Commissioner of Department of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; and the Department of Emergency Services.

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

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 616

Re: Emergency Services – Transfer of Funds.
 (Comm. 20E-30)

WHEREAS, the Department of Emergency Services wishes to modify its 2003 budget so that the Department can provide training programs, purchase needed supplies and equipment, and

WHEREAS, funds are available in the 2003 Department of Emergency Services' Budget which will be transferred in order for this purpose,

NOW THEREFORE BE IT

RESOLVED, that authorization is hereby granted for the modification of the Department of Emergency Services 2003 Budget so that the Department can provide training programs, purchase needed supplies and equipment, as follows:

Department of Emergency Services
 Modification to Department's 2003 Budget

Appropriations

	<u>Adopted Budget</u>	<u>Amount of Change</u>	<u>Proposed Modification</u>
Acct. 821 Dues and Fees	17,593	- 2,000	15,593
Acct 822 Rentals	6,000	+ 500	6,500
Acct 823 Repairs and Maintenance	32,500	+4,500	37,000
Acct. 825 Long Distance	4,025	- 1,000	3,025
Acct. 826 Other Expenses	22,066	+3,000	25,066
Acct. 933 Lab & Tech. Equipment	16,400	- 5,000	11,400
Total Change		<u>0</u>	

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 70 – (Comm. 20E-31) Social Services – Adoption Now Initiative.

Item 71 – (Comm. 20E-32) Senior Services – Authorization to Amend CSE, EISED, CSI, & III-E Grant Budgets & Related Contracts.

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

Item 72 – (Comm. 20E-33) ECC City Campus Athletic Facility Locker Rooms – Contingency Fund Increase.

Item 73 – (Comm. 20E-34) EC Rath Building – Fire Alarm System Replacement – Contingency Fund Increase.

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

Item 74 – (Comm. 20E-35) Parks, Recreation & Forestry – Fund Transfer for Tire Purchase.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 75 – (Comm. 20E-36) Probation – City of Buffalo – Code of Conduct Program Reimbursement.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 76 – (Comm. 20E-37) Authorization to Remove 2 Vehicles from Fleet Reductions Surplus Auction List.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 77 – (Comm. 20E-38) CPS – Adjustments to Grant Budget.

Item 78 – (Comm. 20E-39) CPS – Transfer of Funds.

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

Item 79 – (Comm. 20E-40) ECSD No. 5 – EC Sewer Agency Report – Increase & Improvement of Facilities (2003) – Sewer Rehabilitation.

Item 80 – (Comm. 20E-41) OPEN ITEM: Sewer District Bond Authorization.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Item 81 – (Comm. 20E-42) ECSD No. 2 –Engineering Service Agreements – Work Order – SW-6, Comm 18E-41 – Stearns & Wheler.

Item 82 – (Comm. 20E-43) EC/SSTA Engineering Services Agreement – Change Order No. 4 – Stearns & Wheler.

Item 83 – (Comm. 20E-44) ECSD No. 3 – Engineering Service Agreements – Work Order – PH-6 Comm. 18E-41.

Item 84 – (Comm. 20E-45) ECSD No. 5 – EC Sewer Agency Report – Modification of Plans (2003) – Sisters of Saint Joseph.

Item 85 – (Comm. 20E-46) ECSD No. 3 – NYSDOT Property Appropriation – Holland.

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

Item 86 – (Comm. 20E-47) Development of Jefferson Avenue Incubator Project.

Item 87 – (Comm. 20E-48) Contracts/Design – Sherwood Greenway Project – Town of Tonawanda.

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

Item 88 – (Comm. 20E-49) PILOT Agreement for Frederick Douglass Redevelopment – Phase III.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 89 – (Comm. 20E-50) Housing Foreclosure Prevention Contract – “Don’t Borrow Trouble” Program – Buffalo Urban League.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 90 – (Comm. 20E-51) PILOT for Washington Apartments – 499-501 Washington Street – Buffalo.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 91 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

RESOLUTON NO. 617

Re: Funding for Village of Williamsville Water
 System Merger Feasibility Study.
 (Comm. 20E-52)

WHEREAS, Erie County is interested in assisting with the effort by the Village of Williamsville to study its water system for the purpose of merging with the Erie County Water Authority (ECWA); and

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

WHEREAS, The Village of Williamsville has an older independent water system that may be in need of upgrades to meet established standards for improved water service and fire protection; and

WHEREAS, The Village of Williamsville desires to upgrade its water system in order to merge with the ECWA; and

WHEREAS, Erie County desires to work with the Village of Williamsville which is implementing this process,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed Ten Thousand Dollars (\$10,000) with the Village of Williamsville; and be it further

RESOLVED, that the source of the funds will be \$10,000 available in the Regionalism/Economic Development, DAC 110 904 303 830, Sub-account 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.

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

CARRIED UNANIMOUSLY.

Item 92 – (Comm. 20E-53) FFY 03 Urban Areas Security Initiative Grant Program Orange Threat Alerts Level Reimbursements.

Received and referred to the PUBLIC SAFETY COMMITTEE.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Item 93 – (Comm. 20E-54) Coalition Against Nuclear Materials in Tonawanda Consultant Contract 2003.

Item 94 – (Comm. 20E-55) City of Buffalo Recycling Coordinator Grant.

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

Item 95 – (Comm. 20E-56) Citizens Salary Review Commission Appointments.

RECEIVED, FILED & PRINTED.

November 10, 2003

Hon. Charles M. Swanick
Chairman
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

RE: Citizens Salary Review Commission

Dear Chairman Swanick:

I hereby submit the following names for the appointment to the Citizens Salary Review Commission:

Sharon Hanson, Chair
Adelphia Cable Communications
355 Chicago Street
Buffalo, New York 14204

Peter Zaleski
246 Ruskin Road
Buffalo, New York 14226

Elinore Mundy
PO Box 128
Glenwood, New York 14069-0126

Albert Michael
925 Delaware Avenue
Buffalo, New York 14209

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Anthony Perna, MD
 41 Delaware Road
 Kenmore, New York 14217

William Christ, Esq.
 3400 HSBC Center
 Buffalo, New York 14203

It is my understanding that the Majority members of the Erie County Legislature have two (2) appointments and the Minority members have one (1) appointment. I would appreciate the names, addresses, and contact telephone numbers of the Legislature's appointments as soon as possible.

Thank you, in advance, for your cooperation.

Very truly yours,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/TPD:ke

cc: Hon. David Swarts, Erie County Clerk
 Hon. Nancy Naples, Erie County Comptroller
 Hon. Patrick Gallivan, Erie County Sheriff

COMMUNICATIONS FROM THE DEPARTMENTS

FROM DEP

Item 96 – (Comm. 20D-1) SEQR – Negative Declaration – EC Parks System Master Plan Update.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 97 – (Comm. 20D-2) Transmittal of New Claims Against Erie County.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 98 – (Comm. 20D-3) Meeting Notice.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Received and filed.

FROM ECMC

Item 99 – (Comm. 20D-4) Financial Statements for 9/03.

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 100 – (Comm. 20D-5) Clock-In Deadline for Regular Session to be Held 11/13/03.

RECEIVED, FILED & PRINTED.

October 28, 2003

To: All Erie County Legislators & Staff
From: Laurie A. Manzella, Clerk
Subject: **CLOCK-IN DEADLINE FOR REGULAR SESSION
TO BE HELD NOVEMBER 13, 2003**

Rule No. 2.33 of the Legislature's Rules of Order specifically states that ". . . *all petitions, resolutions, offers or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date . . .*".

Due to the fact that Tuesday, November 11, 2003 is a County holiday, the official clock-in deadline, for the Regular Session to be held November 13, 2003, will be on **Monday, November 10, 2003 at 11:00 a.m.**

Be advised that items clocked-in after 11:00 a.m. on November 10th may not be addressed until the next regular Session scheduled for November 20, 2003.

Please contact me if you have any questions.

c: Hon. Joel A. Giambra, Erie County Executive
Hon. Frank J. Clark, Erie County District Attorney

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Hon. Patrick M. Gallivan, Erie County Sheriff
Hon. Nancy A. Naples, Erie County Comptroller
Hon. David J. Swarts, Erie County Clerk
Other Interested Parties

FROM DEP

Item 101 – (Comm. 20D-6) ECSD No. 5 – Increase & Improvements of Facilities.

Received and filed.

FROM ECC

Item 102 – (Comm. 20D-7) Minutes of Board Meeting.

Item 103 – (Comm. 20D-8) Agenda & Minutes of Board Meeting.

The above two items were received and filed.

FROM THE DIRECTOR OF FLEET SERVICES

Item 104 – (Comm. 20D-9) Copy of Letter to Legislator Dale Re: Questions Raised in Government Affairs Committee.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM EC EMC

Item 105 – (Comm. 20M-1) Meeting Notice & Agenda.

Received and filed.

FROM CITY OF BUFFALO COMMON COUNCIL

Item 106 – (Comm. 20M-2) Copy of Certified Resolution Re: Sharing of Medicaid Relief with City of Buffalo.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM EMPIRE STATE DEVELOPMENT

Item 107 – (Comm. 20M-3) Notice of Public Meeting – Erie Canal Harbor Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM GOVERNOR PATAKI

Item 108 – (Comm. 20M-4) Receipt of Resolution.

Received and filed.

FROM THE BOARD OF HEALTH

Item 109 – (Comm. 20M-5) Meeting Notice, Agenda & Minutes.

Received and filed.

FROM CONGRESSMAN QUINN

Item 110 – (Comm. 20M-6) Receipt of Resolution.

Received and filed.

FROM STAR SWIMMING

Item 111 – (Comm. 20M-7) Funding Request.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM EC CULTURAL RESOURCES ADVISORY BOARD

Item 112 – (Comm. 20M-8) 2004 Cultural Funding Recommendations for EC.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF LANCASTER

Item 113 – (Comm. 20M-9) Copy of Certified Resolution Re: Request for Executive Order to Reduce 6% Interest Factor on Late Payment of Property Taxes (Military).

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC CULTURAL RESOURCES ADVISORY BOARD

Item 114 – (Comm. 20M-10) 2004 Cultural Funding Recommendations – Applicant Observations.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CITIZENS REGIONAL TRANSIT CORPORATION

Item 115 – (Comm. 20M-11) Airport/Transit Road Light Rail Corridor Proposal.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC HUMAN SERVICES ADVISORY COMMITTEE

Item 116 – (Comm. 20M-12) Report of 2004 Human Services Public Benefit Funding Requests.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NEWSTEAD TOWN BOARD

Item 117 – (Comm. 20M-13) Copy of Certified Resolution Re: Federal Government's "Free Trade" Policy.

Received and filed.

FROM ECIDA

Item 118 – (Comm. 20M-14) Notice of Board of Directors Meeting.

Received and filed.

FROM NFTA

Item 119 – (Comm. 20M-15) Board Minutes.

Received and filed.

FROM NYSDEC

Item 120 – (Comm. 20M-16) Fact Sheet – Fourth Street Site Project Update.

Received and filed.

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 121 – (Comm. 20M-17) Notice of Special Board Meeting.

Received and filed.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 122 – (Comm. 20M-18) EC Agricultural District No. 13.

Received and filed.

MEMORIAL RESOLUTIONS

Item 123 – Legislator Swanick requested that when the Legislature adjourns, it do so in memory of the men and women of the United States Military.

Item 124 – Legislator Smith requested that when the Legislature adjourns, it do so in memory of Donald Allen, Jr.

Item 125 – Legislator Fisher requested that when the Legislature adjourns, it do so in memory of John Sprauge.

Item 126 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Ollie M. Bishop.

Item 127 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of John Burek.

Item 128 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Joseph W. Gonciarz.

Item 129 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Richard Lisecki.

Item 130 – Legislator Holt requested that when the Legislature adjourns, it do so in memory of Charles Robert Sayles.

Item 131 – Legislator Larson requested that when the Legislature adjourns, it do so in memory of Lielah Cummings.

Item 132 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Margaret Cassidy Whetzle, mother of Mary Lou Rath.

Item 133 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Wilda Buth.

Item 134 – Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Lou Nanni.

MEETING NO. 20
November 13, 2003

ERIE COUNTY LEGISLATURE

ADJOURNMENT

Item 135 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. RANZENHOFER moved that the Legislature adjourn until 10 a.m. Wednesday, November 19, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Wednesday, November 19, 2003 at 10 a.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK