

**MEETING NO. 22**  
**November 21, 2002**

**ERIE COUNTY LEGISLATURE**

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The Legislature was called to order by Chairman DeBenedetti.

All Members Present except Legislator Peoples.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Holt.

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

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

Minutes of previous meeting were tabled.

CHAIRMAN DeBENEDETTI directed that the Legislature enter into recess at 2:20 p.m.

The Clerk of the Legislature read the notice of the Public Hearing regarding the appropriation of funds for the Road Repair Reserve Fund.

Being that no one spoke in favor or opposition of this issue, the Clerk of the Legislature declared the Public Hearing closed.

CHAIRMAN DeBENEDETTI reconvened the Legislature at 2:23 p.m.

**MISCELLANEOUS RESOLUTIONS**

Item 3 – MR. McCARVILLE presented a resolution Honoring Chris Muraco of Rural/Metro on His Assistance with the Birth of Kyle Adam Ziemba. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. McCARVILLE presented a resolution Honoring Mr. Louis Sidoni by Boys' Town of Italy. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

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Item 5 – MR. DALE presented a resolution Honoring Imerse Entertainment for Locally Produced Film Tiny Magic. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. WEINSTEIN presented a resolution Honoring Honorable Vincent E. Doyle Upon His Retirement as 8<sup>th</sup> Judicial District Administrative Justice. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. DeBENEDETTI presented a resolution Acknowledging Five Participants that Represented the Riverside Buffalo Public and Erie County Library in the 4<sup>th</sup> Annual Battle of the Books Placing 3<sup>rd</sup> out of 38. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 8 – MS. CHASE presented a resolution Honoring Captain Kevin Caffery for Emergency Assistance in Fort Erie. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. McCARVILLE presented a resolution Honoring the Town of North Collins for its Sesquicentennial Anniversary. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 10 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 11 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 12 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 13 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 14 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #2) 2002 remain on the table.

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Item 15 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #1) 2002 be referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 16 – CHAIRMAN DeBENEDETTI directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 17 – CHAIRMAN DeBENEDETTI directed that Local Law No. 10 (Print #1) 2002 remain on the table.

**COMMITTEE REPORTS**

Item 18 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 458

November 14, 2002

ECONOMIC DEVELOPMENT  
 COMMITTEE  
 REPORT NO. 17

ALL MEMBERS PRESENT.

**ALL ITEMS ARE HEREBY TABLED.**

**MICHAEL H. RANZENHOFER**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 459

Re: Support for the NADC's Business Plan for

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Econ Devel & Local Control. (Intro. 22-1)

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

**WHEREAS**, the Niagara Falls International Airport (NFIA) has been under utilized for over 30 years, and

**WHEREAS**, a fully developed NFIA would become an engine for economic development in Western New York, and

**WHEREAS**, the Niagara County Industrial Development Agency (NCIDA) established the Niagara Airport Development Corporation (NADC), a local subsidiary of the NCIDA, which is responsible for developing a business plan for the ownership, operation, development and management of the NFIA, and

**WHEREAS**, the NADC on September 17, 2002, presented its Business Plan, "A Blueprint for Economic Success in Niagara County and the Western New York Region," and

**WHEREAS**, the NADC has selected TBI Management, Inc., a global company with nearly 70 years of private airport development and airport management experience, as its preferred operator of the NFIA, and

**WHEREAS**, TBI plc, a fully listed company on the London Stock Exchange, owns the Cardiff International Airport, South Wales, in the United Kingdom, the Belfast International Airport, the Stockholm Skavista Airport, and operates the Albany, New York International Airport, Burbank, Glendale, Pasadena Airport, Orlando/Sanford International Airport, the International Concourse of Hartsfield Atlanta International Airport, Terminal 3-Toronto's Pearson International Airport, to name just a few, and

**WHEREAS**, Norstar Development USA has been selected as the preferred developer of the Airport, Norstar and its related entities are engaged in commercial, industrial, and residential projects throughout North America, and

**WHEREAS**, Norstar Development USA intends to assemble a consortium of interested stakeholders, including local businesses, developers and investors with extensive experience in the international air cargo and trade, and

**WHEREAS**, the Western New York AFL-CIO Economic Development Group will facilitate the development of a job training facility adjacent to the airport for preparing training for aviation and non-aviation job skills, as based on the conservative forecast of potential money being invested at the airport, will equate to 1,050 jobs being created in the first five years of development at the airport, and

**WHEREAS**, local control and ownership of the NFIA by the NADC ensures the airport's best hope of becoming viable, which is key to the future economic prosperity on the Western New York Region, and

**WHEREAS**, the Federal Aviation Agency (FAA) views more favorably the transfer of ownership of an airport from one public agency to another public agency, (The Niagara Falls Airport Development Corporation (NADC) and the Niagara Frontier Transportation Authority (NFTA) are both public benefit agencies), and

**WHEREAS**, such transfer of ownership will allow the NFIA to remain eligible for full governmental assistance and non-recourse financing, and

**WHEREAS**, under the Federal Aviation Agency AIP Handbook, Order 5100.38A, Chapter 206, a public benefit corporation must own, operate or be the sponsor of the airport in order to be eligible for New York State and Federal Funds, and

**WHEREAS**, the Erie-Niagara Regional Partnership – an ad hoc subcommittee of the Erie and Niagara County Legislatures – unanimously recommended at their October 4, 2002 meeting that both counties' Legislatures support the aforementioned plan,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby reaffirm its commitment to fostering economic development throughout the region, for the betterment of the citizens of Erie County and Western New York, and be it further

**RESOLVED**, that this Honorable Body does hereby declare its support of the NADC and its Business Plan for the revitalization and development of the NFIA, along with its partners, the preferred operator TBI Inc., the preferred developer Norstar Development, USA and the AFL-CIO Economic Development Group, and be it further

**RESOLVED**, that this Honorable Body does further support the transfer of ownership from the NFTA to the NADC for the development, operation and management of the NFIA, such transfer of ownership will ensure that the NFIA will emerge from its dormant state to a viable airport facility, capitalizing on the majestic Niagara Falls, our International Border with Canada, the over 14 million tourists in the region, as well as our manufacturing and shipping facilities and foreign trade zone, positioning our region to become an international gateway to the world in air cargo, and tourism, and be it further

**RESOLVED**, that any contract entered into by and between the NADC, the proposed operator of the airport TBI Inc., the NFTA will contain a clause guaranteeing that neither the NADC, the NCIDA or operator losses may be passed onto the County of Niagara and that the County of Niagara will be indemnified and held harmless from any liability or losses, and be it further

**RESOLVED**, that the Erie County Legislature supports and encourages that a process be agreed to between the NADC, and its partners and the NFTA, and that negotiations commence expeditiously between the NADC and its partners and the NFTA and members of its Board of Commissioners regarding the potential transfer of ownership, and the development of the NFIA, to ensure the ultimate goal for the enhanced development at the airport, which will serve as an economic catalyst for development in the Western New York region, and be it further

**RESOLVED**, that a certified copy of this resolution be sent to Governor George Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, Congressman John J. LaFalce, U.S. Senator Charles Schumer, U.S. Senator Hillary Rodham Clinton, Senator George Maziarz, the Western New York delegation of the New York State Legislature, the Niagara County Legislature, Niagara Falls City Council, Town of Wheatfield Supervisor Timothy Demler, Town of Niagara Supervisor Steven Richards, City of Niagara Falls Mayor Irene Elia, NFTA Chairman Luiz Kahl, NFTA Commissioners and NCIDA Board of Directors Chairwoman Shirley Hamilton, NADC President Renae Kimble, TBI President Larry Gouldthrope, Norstar Development USA President Richard Higgins, and UAW Region Director Kevin Donovan, representing the Western New York AFL-CIO Economic Development Group.

**Fiscal Impact:** None for resolution.

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

CARRIED UNANIMOUSLY.

Item 20 – CHAIRMAN DeBENEDETTI directed the following resolution to be referred to the FINANCE & MANAGEMENT COMMITTEE.

Intro. 22-2 From LEGISLATORS SWANICK & KUWIK Re: Restoring Snow Removal Funds to Cities of Lackawanna & Tonawanda in 2002 Erie County Budget.

CHALLENGE THE CHAIR.

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

FAILED. (WEIGHTED VOTE: 7.537 – 8.502)

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

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 460

Re: Funding for Various Community Initiatives.  
(Intro. 22-3)

A RESOLUTION SUBMITTED BY LEGISLATOR WEINSTEIN

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

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

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$14,800 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
<b>Amherst Heritage</b> <i>(public enrichment &amp; education)</i>	<b>830/0931</b>	<b>\$1,000</b>
<b>Matthewson McCarthy Baseball</b> <i>(baseball equipment)</i>	<b>830/1173</b>	<b>\$3,800</b>
<b>The Maple East PTA</b> <i>(playground equipment)</i>	<b>830/0610</b>	<b>\$10,000</b>
<b>TOTAL</b>		<b>\$14,800</b>

And be it further

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$2,000 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) \$2,000, and be it further

**RESOLVED**, that the Erie County Library Budget is hereby amended, to increase the following account by \$2,000: Amherst Public Library (8209734208300156), and be it further

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

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Preisdent, Dolores Attea Sapienza Amherst Heritage Committee (173 Dellwood Road, Amherst, NY 14226-2445); Steven Perlow, Matthewson McCarthy Baseball (PO Box 171, Williamsville, NY 14231); Roseanne Stolzenberg, The Maple East PTA (1500 Maple Road, Williamsville, NY 14221); Mary Bobinski, Amherst Public Library (350 John James Audubon Pkwy); and to the Buffalo & Erie County Public Library – Ken Stone.

**Fiscal Impact: Appropriation of 2002- budgeted funds**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANMOUSLY.

RESOLUTION NO. 461

Re: Support for State Legislation Creating  
 Junior Big Game Hunting License (S.06037 /  
 A.09562) (Intro. 22-4)

**A RESOLUTION SUBMITTED BY LEGISLATOR FALKNER**

**WHEREAS**, hunting is a recreational activity enjoyed by millions of citizens throughout the United States and also provides food for those people who are in need, and

**WHEREAS**, recent reports from the Department of Environmental Conservation have shown an overall decline of those who apply for hunting licenses throughout New York State, and



**WHEREAS**, since 1991, when the junior hunting license was created, there has been only four accidents and there has been nearly 20,000 junior hunters every year since the inception of the program, and

**WHEREAS**, state revenues have decreased in recent years and allowing youth to acquire a junior big game hunting license will open a new source of previously untapped revenue for the state conservation fund, and

**WHEREAS**, many other states offer similar programs at a younger age than is proposed in these New York State Bills, including Pennsylvania which has a junior big game hunting license for the ages of 12 years and up, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature lends its support to the creation of the junior big game hunting license in New York State, and be it further

**RESOLVED**, that this Honorable Body does hereby urge the New York State Senate to pass S.06037 an act to amend the environmental conservation law in relation to big game hunting by people between the ages of fourteen and sixteen years when accompanied by a parent or legal guardian, that the New York State Assembly pass A.09562, companion legislation on this subject, and New York State Governor George Pataki sign these bills into law when passed, and be it further

**RESOLVED**, that certified copies of this resolution be sent to Erin M. Crotty, Commissioner of the New York State Department of Environmental Conservation, New York State Senate Majority Leader Joseph Bruno, Assembly Majority Leader Sheldon Silver, the Western New York delegation of the New York State Legislature, and New York State Governor George Pataki.

Fiscal Impact: None for resolution.

MR. SWANICK moved to refer the resolution to committee. MR. DALE seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 7.537 – 8.502)

MR. FALKNER moved the approval of the resolution. MR. LARSON seconded. MS. MARINELLI voted in the negative.

CARRIED. (WEIGHTED VOTE: 15.085 – 0.954)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 462

Re: Funding for Various Community Initiatives.  
 (Comm. 22-5)

A RESOLUTION SUBMITTED BY LEGISLATOR LARSON

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

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

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$8,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
<b>Memorial Volunteer Fire Co. Of Chaffee-Sardinia, NY, Inc.</b> <i>(public enrichment &amp; education)</i>	<b>830/1344</b>	<b>\$6,000</b>
<b>Springville Players</b> <i>(community theatre activities, youth classes)</i>	<b>830/</b>	<b>\$2,000</b>
<b>TOTAL</b>		<b>\$8,000</b>

And be it further

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**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the Legislature – Contractual Expense (DAC: 110905100830) to General Fund, Parks, Rec & Forestry-Parks, Buildings & Grounds Equipment (DAC 110942640931), and be it further

**RESOLVED**, that the Erie County Department of Parks, Recreation and Forestry budget for Buildings & Grounds Equipment is hereby increased by \$2,000 for the purchase of trees and landscaping at Como Lake Park, and be it further

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

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Memorial Volunteer Fire Company of Chaffee- Sardinia, NY, Inc. (PO Box 203, Chaffee, NY 14030); Mimo Fried, President, Springville Players, Inc. (PO Box 62, 35 East Main Street, Springville, NY 14141); and to the Department of Parks, Recreation & Forestry.

**Fiscal Impact: Appropriation of 2002- budgeted funds**

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

CARRIED UNANIMOUSLY.

**DELETE the FIRST RESOLVED clause and REPLACE with:**

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$25,942 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
<b>Memorial Volunteer Fire Co. Of Chaffee-Sardinia, NY, Inc.</b> <i>(public enrichment &amp; education)</i>	<b>830/1344</b>	<b>\$6,000</b>
<b>Springville Players</b> <i>(community theatre activities, youth classes)</i>	<b>830/</b>	<b>\$2,000</b>

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<b>Akron Fire Company</b> <i>(Equipment and training)</i>	<b>830/1482</b>	<b>\$10,442</b>
<b>Amherst Justice Court</b> <i>(security measures)</i>	<b>830/1238</b>	<b>\$7,500</b>
<b>TOTAL</b>		<b>\$25,942</b>

**In the SIXTH RESOLVED clause, ADD the following names:**

Dean Hyder, Akron Fire Company (1 Main Street, Akron, NY 14001); and to James Loughran, Amherst Justice Court (400 John James Audubon Parkway, West Amherst, NY 14228).

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 463

Re: Reviewing Procedures of Foster Child Program in Erie County Department of Social Services. (Intro. 22-6)

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

**WHEREAS**, recently, a child under the supervision of the Erie County Department of Social Services, put in foster care, was allegedly injured so severely by her foster mother that her injuries led to death, and

**WHEREAS**, a Blasdell man was convicted and sentenced to jail in July for the rape of a 16 year-old foster child, and

**WHEREAS**, federal data indicates that children are more likely to die while of abuse in foster care than in the general population, and

**WHEREAS**, about 1.6 percent of child deaths in the general population were due to abuse or neglect, according to “Child Maltreatment 1999,” a report issued by the U.S. Department of Health

and Human Services. For children in foster care, the death rate due to abuse or neglect was 2.1 percent, and

**WHEREAS**, the county has 89 people investigating reports of alleged child abuse and neglect and placing children in foster homes. Another 95 caseworkers oversee the more than 1,700 children in foster care, as well as hundreds more families who receive "preventative services," aimed at keeping those families together, and

**WHEREAS**, the number of children in foster care in Erie County declined by more than 30 percent over five years from 2,547 in 1997 to an estimated 1,778 this year, and

**WHEREAS**, there are fewer foster children and foster parents due to the federal Adoption and Safe Families Act, designed to speed up the adoption process established in 1997, and

**WHEREAS**, many of the children left in the foster care system have suffered previous histories of physical and emotional abuse and are deemed "special needs children," and require foster parents with specific training.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Erie County Legislature is committed to ensuring safety for all children involved in the foster care system under the supervision of the Erie County Department of Social Services, and further be it

**RESOLVED**, that the Erie County Legislature deems it necessary to review the qualifications and training guidelines required for participants in the foster care program in Erie County to prevent any child from being harmed while under foster care supervision, and further be it

**RESOLVED**, while acknowledging the heavy caseload for caseworkers, the Erie County Legislature requests the review of Child Protective Services and their role in evaluating reports of child abuse and neglect when dealing with foster care environments, and further be it

**RESOLVED**, that the Commissioner of Social Services, Deborah Merrifield is requested to appear at the next Human Services Committee meeting to discuss the investigation of the death of a child in Erie County foster care and to review the process of any internal review procedures when a tragedy of this nature occurs, and further be it

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra, Commissioner of Social Services Deborah Merrifield, Child Protective Services and the New York State Office of Children and Families.

**Financial Impact: None for resolution.**

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

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CARRIED UNANIMOUSLY.

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 464

Re: Funding for Community Initiatives.  
(Intro. 22-7)

A RESOLUTION SUBMITTED BY LEGISLATOR DeBENEDETTI

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

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

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
AMERICAN LEGION POST 1041	830/	\$5,000
<b>TOTAL</b>		<b>\$5,000</b>

And be it further

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

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; and to American Legion Post 1041 (533 Amherst Street, Buffalo, NY 14207).

**Fiscal Impact: Appropriation of 2002- budgeted funds**

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 26 – MS. CUSACK moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 20E-19. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 465

Re: County Funding Support for Camp  
 Conservation Project at Buffalo Zoo.

**WHEREAS**, as specified in the terms of the First Amendatory Agreement to the December 27, 2000 Agreement between the County of Erie (County), City of Buffalo (City) and the Buffalo Zoological Society (Zoo), concerning the restoration and rehabilitation of the Main Animal Building at the Buffalo Zoo (Zoo Project), for which Erie County has provided \$2,000,000 in addition to a bridge loan of \$650,000; and

**WHEREAS**, as specified in these Agreements, the Zoo and City agreed to make an active and good faith effort to pursue repayment of the \$650,000 bridge loan which has been provided by the County of Erie, for purposes of completing the Zoo's Project; and

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**WHEREAS**, the City and Zoo have recently received a grant from the State of New York in the amount of \$350,000 for this Zoo Project; and

**WHEREAS**, this Zoo Project, which includes two project components: Vanishing Animals, completed this summer, and Camp Conservation, is not only an important educational/outreach component that will maximize the value of this Zoo Project for residents of Erie County and for visitors from other areas, but also is necessary to satisfy accreditation expectations of the American Zoo and Aquarium Association; and

**WHEREAS**, the cost of completing this Zoo Project now exceeds initial project estimates and completion of the project now requires the use of the \$350,000 grant recently received from New York State,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County of Erie agrees that the \$350,000 New York State grant received by the City of Buffalo, on behalf of the Zoo, shall qualify as partial repayment for the County bridge loan on the condition that said grant revenue is used by the Zoo for the Camp Conservation project, pursuant to existing Agreements between the County, City and Zoo regarding this Zoo Project; and be it further

**RESOLVED**, that the County Executive is hereby authorized to execute the necessary Agreements between the County, City and Zoo to effectuate the City and Zoo's retention of the \$350,000 New York State grant for the Zoo Project; and be it further

**RESOLVED**, that certified copies of this resolution be sent to the County Executive, the County Comptroller, the Commissioner of the Department of Environment and Planning, the Director of the Division of Budget, Management and Finance; Honorable Members of the Western New York Legislative Delegation; Hon. Anthony Masiello, Mayor, City of Buffalo, City Hall, Niagara Square, Buffalo, New York 14202; and Donna Fernandes, President of the Buffalo Zoo, 300 Parkside Avenue, Buffalo, New York 14214.

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

CARRIED UNANIMOUSLY.

Item 27 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 20E-21. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 467

Re: Three Rod Road Bridge – Emergency Closure.



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WHEREAS, Erie County Highway maintenance forces identified a structural deficiency on the Three Rod Road Bridge during routine pavement maintenance operations, and

WHEREAS, that structural deficiency was evaluated by the Erie County Department of Public Works structural engineers and the bridge was deemed unsafe, and

WHEREAS, on August 28, 2002, after receiving the results of the structural evaluation, the Commissioner of Public Works immediately closed the bridge to all traffic, and

WHEREAS, on August 28, 2002 an emergency declaration was made concerning the structural integrity of the bridge,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes that the 2002 Capital Budget be amended to establish a project to be funded through Tobacco Funds in the amount of \$750,000.00 to implement the reconstruction of the Three Rod Road Bridge, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 28 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 20E-28. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 467

Re: Parks – Construction Contingency Increase.

WHEREAS, the Department of Public Works received bids for the 2002 Contractor Placed Pavement-North on May 23, 2002, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest bidder, Amherst Paving, and

WHEREAS, additional work needs to be performed on the project that was not initially anticipated and the County needs to increase the project in order to replace pavement in various County Parks,

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency for the Amherst Paving Contract be increased by an additional amount of \$51,500 to a new contingency amount of \$251,500 for the Department of Parks, Recreation and Forestry with authorization for the Commissioner of Public Works to approve change orders, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from Erie County Parks Road and Park Maintenance, Project 531, Fund 410, in the amount of \$51,500, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office; one copy to the Deputy Commissioner – Highways, one copy to the Director of Budget, Management & Finance; one copy to the Office of Parks, Recreation & Forestry; and one copy to the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

Item 29 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 20E-30. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 468

Re: Surplus Revenue Road Repair Reserve Fund.

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

WHEREAS, the 2002 Adopted budget appropriated \$6,019,434.00 from the Road Repair Reserve Fund for Capital repair of roads, bridges and equipment which repairs are of a type not recurring annually or at shorter intervals during the year, and

WHEREAS, the Road Repair Reserve Fund has an audited surplus from the 2001 Real Property Transfer Tax in the amount of \$1,341,045.00, and

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

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

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WHEREAS, a public hearing was held on November 21, 2002 at 2:00 p.m.

NOW, THEREFORE, BE IT

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

		<u>INCREASE</u>
Road Fund Road Repair Reserve Fund Balance	210-964-224-698-0105	\$1,341,045
Road Fund Road Repair Reserve Interdepartment Highways	210-964-224-882-2230	\$1,341,045
Road Fund Interdepartment -Road Repair Reserve	210-963-223-883-2240	\$1,341,045
Road Fund Oil & Chip & Road/Bridge Repairs	210-963-223-971	\$1,341,045

And be it further

RESOLVED, that the following road and bridge repair projects will be initiated during 2002:

**2002 TRANSFER TAX PROJECTS**

<u>OIL &amp; CHIPPING</u>	<u>COST</u>
HARDT	\$ 11,500.00
ZENNER	10,500.00
NORTH BOSTON	13,300.00
BACK CREEK	16,100.00
GOWANS	8,400.00
MILE BLOCK	28,000.00
DELAMETER	4,400.00
DERBY	15,700.00
DENNIS	6,000.00
QUAKER	36,400.00
STERNS	5,200.00
BREWER	7,300.00
LENOX	10,500.00
MARSHFIELD	8,400.00
ADAMS	7,700.00
TOWNSEND HILL	10,500.00
WHEELER HOLLOW	2,100.00
SPAULDING	3,500.00
TREVETT	18,200.00
WAGNER	14,000.00
VERMONT HILL	72,750.00
VERMONT STREET	17,250.00

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**ASPHALT OVERLAY**

WHITEHAVEN	279,345.00
CAIN	198,000.00
MICHAEL	238,000.00
HOPKINS	123,000.00

**PAVEMENT MARKINGS**

VARIOUS ROADS	175,000.00
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<b><u>GRAND TOTAL</u></b>	<b>\$ 1,341,045.00</b>
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And be it further

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

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

CARRIED UNANIMOUSLY.

Item 30 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 20E-31. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 469

Re: Roof Repair – Emergency Response  
 Services – All County Owned Buildings,  
 Contract Allowance Increase.

WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Roof Repair – Emergency Response Services – All County-owned Buildings, and

WHEREAS, a contract was awarded to Jameson Roofing Co., in the maximum amount of \$70,000.00, the total expenditure of which shall be based upon a project-by-project basis, and

WHEREAS, due to several emergencies from wind damage in January of 2002, the contract was increased from \$70,000.00 to 170,000.00,

NOW, THEREFORE, BE IT,

RESOLVED, that the total expenditure be increased from \$170,000.00 to \$220,000.00, with authorization for the Commissioner of Public Works to approve the work based upon the NYS Department of Labor Prevailing Wage Rate Schedule and for all materials furnished and installed for each emergency response repair, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2001 Roof Replacement & Waterproofing account, Project 197, Fund 410, in the amount of \$30,000.00 and from 2002 Roof Replacement & Waterproofing account, Project 296, Fund 410, in the amount of \$20,000.00, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 31 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 20E-34. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 470

Re: Authorization for Empire Zone Sales Tax Exemptions.

The Legislature of the County of Erie, providing exemptions from sales and compensating use taxes for receipts from sales of, and consideration given or contracted to be given for, or for the use of, property and services exempt from State sales and compensating use taxes pursuant to subdivision (z) of section 1115 of the New York Tax Law, pursuant to the authority of Article 29 of the Tax Law of the State of New York.

Be it enacted by the Legislature of the County of Erie, as follows:

SECTION 1. Subdivision (h) of section six of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is amended to read as follows:

- (h) For the period beginning March 1, 2001, and ending February 29, 2004, receipts from sales of and consideration given or contracted to be given for, or for the use of, property and services exempt from state sales and compensating use taxes pursuant

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to subdivision (z) of section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

SECTION 2. This resolution shall take effect March 1, 2003, and shall apply to sales made, services rendered and uses occurring during the period commencing March 1, 2003, and ending February 29, 2004, in accordance with the applicable transitional provisions in sections 1106, 1216 and 1217 of the New York Tax Law.

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

CARRIED UNANIMOUSLY.

Item 32 – MR. McCARVILLE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 18E-15. MS. CUSACK seconded. LEGISLATORS DALE, DUSZA, FISHER, KUWIK, MARINELLI, SCHROEDER, & SWANICK voted in the negative.

CARRIED. (WEIGHTED VOTE: 9.295 – 6.744)

RESOLUTION NO. 471

Re: DISS – Director of Fleet Operations  
Position.

**WHEREAS**, the consulting team of Lumsden & McCormick LLP and the Center for Governmental Research (“CGR”) under a contract with the County of Erie, studied certain functions of County government to evaluate operational efficiencies and improve the delivery of services; and

**WHEREAS**, as part of this study the Lumsden & McCormick/CGR consultants conducted a comprehensive review of how the County currently manages its fleet operations; and

**WHEREAS**, their recommendation indicates that the County needs to aggressively move towards a model whereby the entire County fleet is managed and controlled by a central fleet manager in order to achieve operating efficiencies and reduce costs; and

**WHEREAS**, to achieve this goal and implement their recommendations the Division of Information and Support Services is requesting the addition of a Director of Fleet Operations, and

**WHEREAS**, it is necessary to recruit at step 2 of job grade 16 in order to secure and retain a qualified and experienced individual.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby provide authorization to create the position of Director of Fleet Operations, Job Grade 16, with a variable minimum of Step 2, in the Division of Information and Support Services; and be it further,

**RESOLVED**, that the funds for the new position are available from unexpended personal service appropriations in DISS's 2002 budget, 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 Personnel Department, and the Director of Information & Support Services.

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

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED: 9.295 – 6.744)

Item 33 – MR. WEINSTEIN moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 20E-4. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 472

Re: Appointment to ECMC Board of Managers.

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Richard Anthony Downey, Jr. of 91 Huntington Court, Williamsville, New York 14221 to the Erie County Medical Center Board of Managers for the remainder of the term ending December 31, 2002.

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

CARRIED UNANIMOUSLY.

Item 34 – MS. CHASE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 20E-36. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 473

Re: Emergency Services – EPA Industrial Security Seminar Grant.

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WHEREAS, the funds received will be used to conduct a seminar for Industrial Officials, Emergency Responders, and Community Officials, in conjunction with the Local Emergency Planning Committee (LEPC) and the United States Environmental Protection Agency, and

WHEREAS, these funds will be used to purchase supplies, materials and pay for the costs of the seminar,

NOW THEREFORE BE IT

RESOLVED, that the Department of Emergency Services, in conjunction with the LEPC and the United States Environmental Protection Agency, is authorized to conduct an Industrial Security Seminar, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to conduct this important Industrial Security Seminar:

Department of Emergency Services  
 EPA Industrial Security Seminar Grant

Revenue

SFG000 - Local – Other	<u>\$2,500</u>
TOTAL	<u>\$2,500</u>

Appropriations

SFG826 – Other Expenditures	\$1,000
SFG830 – Contractual	<u>\$1,500</u>
TOTAL	<u>\$2,500</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.

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

CARRIED UNANIMOUSLY.

Item 35 – MR. WEINSTEIN moved to discharge the REGIONALISM AD HOC COMMITTEE from further consideration of Comm. 18E-14. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.



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RESOLUTION NO. 474

Re: Centralized Regional GIS / Real Property  
Tax System.

**WHEREAS**, the Division of Information and Support Services has been connecting towns to the Erie County Centralized Regional GIS/Real Property Tax System, and

**WHEREAS**, the Division of Information and Support Services has received positive responses from all of the towns, and

**WHEREAS**, the Division of Information and Support Services is currently providing technical support and offering new applications such as SAP (Systems, Applications, and Products in Data Processing) and E-Mail to those towns, and

**WHEREAS**, the Division of Information and Support Services will need to request additional funding to continue supporting the towns and providing additional applications such as SAP and E-Mail,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Division of Information and Support Services is authorized to continue providing technical support and additional applications such as SAP and E-Mail to the towns participating in the County's Centralized Regional GIS/Real Property Tax System, and be it further

**RESOLVED**, that the 2002 Capital Budget is hereby amended to increase the Centralized Regional GIS/Real Property Tax System capital project in the amount of \$1,200,000 for the cost of existing personnel in this project, and be it further

**RESOLVED**, that the sum of \$1,200,000 for the cost of personnel necessary to continue supporting the towns in the Centralized Regional GIS/Real Property Tax System will be provided from proceeds in the Tobacco Trust Account, 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 Division of Information and Support Services.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

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Item 36 – MR. DALE moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

GRANTED.

CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

Intro. 22-8 From LEGISLATORS DALE & DUSZA Re: Acknowledgements Concerning Tree Replacement and Artifact Discovery in Contracts for Capital Improvements to Sewer District No. 1.

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

GRANTED.

RESOLUTION NO. 475

Re: Transfer of Funds to Sheriff's Department.  
(Intro. 22-9)

A RESOLUTION SUBMITTED BY LEGISLATORS DeBENEDETTI & CHASE

**WHEREAS**, the Erie County Sheriff's Department has requested additional funds that would allow them to enter into contract with a consulting firm to perform a thorough analysis of law enforcement services, and

**WHEREAS**, there are surplus funds available in the Legislature's Out of Area Travel and Other Expenses accounts that if transferred to the Sheriff's Department would allow them to enter into aforementioned contract, and

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$7,000 from the Legislature – Out of Area Travel fund (110905100825) to Fund 110, Project 931, Department 150 Sheriff – Dues & Fees (110931150821), and be it further

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$15,141 from the Legislature – Other Expenses fund (110905100826) to Fund 110, Project 931, Department 150 Sheriff – Dues & Fees (110931150821), and be it further

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**RESOLVED**, that the Erie County Sheriff's Department's Dues & Fees budget is hereby amended and increased by \$22,141, which will allow them to enter into contract with Warshaw & Associates, Inc., and be it further

**RESOLVED**, that the Erie County Executive is hereby authorized to enter into contract with the agency cited, Warshaw & Associates, Inc., and be it further

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Assistant County Attorney Kristin M. Baudo; and to Erie County Sheriff Patrick Gallivan.

**Fiscal Impact: Appropriation of 2002- budgeted funds**

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

CARRIED UNANIMOUSLY.

**ADD the following Co-Sponsors:** WEINSTEIN, FALKNER, McCARVILLE, CUSACK, KUWIK, SCHROEDER, HOLT, FISHER, DALE, DUSZA, & MARINELLI.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 476

Re: Appointments to Erie County Citizens  
 Committee on Rape & Sexual Assault  
 (CORSA). (Comm. 22E-1)

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**RESOLVED**, that the Erie County Legislature does hereby confirm the appointment and reappointment of the following individuals to the Erie County Citizens Committee on Rape and Sexual Assault (CORSA).

<u>Name</u>	<u>Term Expires</u>
Dr. Carol M. Brownscheidle 6878 Omphalius Road Colden, New York 14033	December 31, 2004
Ms. Melissa Fincher-Mergi, RN BSN 633 Meadowbrook Drive Lewiston, New York 14092	December 31, 2004
Ms. Beth J. Koenig 564 Winspear Avenue Buffalo, New York 14215	December 31, 2004
Ms. Martha LaCorte Crime Victims Specialist New York State Police - Troop A 4525 W. Saile Drive Batavia, New York 14020	December 31, 2004
Rev. James A. Lewis, III 106 Rohr Street Buffalo, New York 14211	December 31, 2004
Mr. Gregory Skibitsky 52 Gina Meadows East Amherst, New York 14051	December 31, 2004
Ms. Gloria Soto Executive Director Hispanics United of Buffalo 254 Virginia Street Buffalo, New York 14201	December 31, 2004
Mr. Michael Weiner 26 Dorchester Road Buffalo, New York 14222	December 31, 2004

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

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CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 39 – (Comm. 22E-2) Letter to All Legislators Re: Yield-Burning Settlement.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 40 – (Comm. 22E-3) Reappointments to Senior Services Advisory Board.

RECEIVED, FILED & PRINTED.

November 12, 2002

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

RE: Reappointments to Senior Services Advisory Board

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Administrative Code Section 11-E-03, do hereby reappoint the following individuals to the Senior Services Advisory Board for the term ending December 31, 2004.

**Mrs. Elizabeth Deichman**  
**20 N. Pearl Street**  
**Buffalo, New York 14202**

**Mrs. Eileen Jacobi**  
**7650 Sisson Highway**  
**Eden, New York 14057**

**Ms. Audrey McCarthy**  
**61 A Georgian Lane, #6**  
**Williamsville, New York 14221**

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**Mr. William Schulz**  
**167 Woodbridge Avenue**  
**Buffalo, New York 14214**

**Mr. Percy Smith**  
**83 Detroit Street**  
**Buffalo, New York 14206**

Respectfully submitted,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG/kme

cc: Appointees

Commissioner Pamela Krawczyk

Item 41 – (Comm. 22E-4) Appointment to Community Coordinating Council on Children & Families.

RECEIVED, FILED & PRINTED.

November 12, 2002

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

Re: Appointment to the Community Coordinating Council on Children and Families

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 16-F of the Erie County Charter, do hereby appoint the following individual to the Community Coordinating Council on Children and Families:

<u>Name</u>	<u>Appointment Description</u>
Robin B. Zymroz 5405 Shadyside Drive Clarence, New York 14031	Suburban School District Representative

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Respectfully submitted,

**JOEL A. GIAMBRA**  
**ERIE COUNTY EXECUTIVE**

JAG/kme

cc: Appointee

Susan E. Davidson

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 477

Re: Reappointments to ECMC Board of  
 Managers. (Comm. 22E-5)

**RESOLVED**, that the Erie County Legislature does hereby confirm the reappointment of Jody L. Lomeo of 6150 Walnut Creek Court, East Amherst, New York 14051 to the Erie County Medical Center Board of Managers for a term to expire December 31, 2007, and be it further

**RESOLVED**, that the Erie County Legislature does hereby confirm the reappointment of Richard Anthony Downey, Jr. of 91 Huntington Court, Williamsville, New York 14221 to the Erie County Medical Center Board of Managers for a term to expire December 31, 2007.

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

CARRIED UNANIMOUSLY.

**FROM LEGISLATOR SCHROEDER**

Item 43 – (Comm. 22E-6) Copy of Letter to Nassau County Medical Center Re: Communication on PBC.

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM THE COMPTROLLER**

Item 44 – (Comm. 22E-7) Letter to All Legislators & County Executive Re: County of Erie 2003 Tentative Budget.

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Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 45 – (Comm. 22E-8) Transfer of Funds from “Extraordinary County Aid to Local Governments” Account to County Attorney “Dues & Fees” Account.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 46 – (Comm. 22E-9) Senior Services – Authorization to Amend WRAP-SOFA, III-C-2 & III-D Grant Budgets, Capital Projects & Replacement Van Purchase.

Item 47 – (Comm. 22E-10) Senior Services – Authorization to Amend AAA, CSC, II-E, PSA & ORT Grant Budgets.

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

Item 48 – (Comm. 22E-11) DISS – Web Media Services Incorporated Contract for Website Consulting Services.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 49 – (Comm. 22E-12) Resubmission to Correct Comm 18E-8 (2002) – Engineering Close-Out 11/5/98 Bergmann Associates.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 50 – (Comm. 22E-13) Buffalo Convention Center Management Corporation Request for Additional 2002 Operating Subsidy.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 51 – (Comm. 22E-14) SEQR – Negative Declaration – Purchase of Great Lakes Collection Bureau (45 Oak & 100 North Division, City of Buffalo).

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 52 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.



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RESOLUTION NO. 478

Re: Funding for ECIDA for Construction of  
 Hotel in East Aurora. (Comm. 22E-15)

WHEREAS, The County of Erie desires to participate in the construction of a hotel for tourism development and corporate travelers in the Village of East Aurora; and

WHEREAS, The Aurora Ventures hotel project will help increase the ability of East Aurora to become a tourism draw and also a premier attraction to the residents of the County; and

WHEREAS, The development of the hotel is an important tool for tourism and convention activity and the attraction of new visitors to the Buffalo Niagara region; and

WHEREAS, The project will be required to meet the job creation requirements of the Department of Housing and Urban Development, which call for the creation of jobs which benefit primarily low and moderate income individuals,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency or its affiliated subsidiary, the Industrial Land Development Corporation, in amounts not to exceed \$250,000, of which \$125,000 will be a loan and \$125,000 will be a grant, for the purpose of assisting in the funding of a hotel project in East Aurora to be developed by Aurora Ventures; and be it further

RESOLVED, That the source of these funds shall be \$250,000.00 available in the Erie County Community Development Block Grant Program in the Department of Environment and Planning; 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. McCARVILLE moved to amend the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

**DELETE the first Resolved clause and REPLACE with the following:**

RESOLVED, That the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency or its affiliated subsidiary, the Industrial Land Development Corporation, in amounts not to exceed \$250,000, of which \$125,000 will be a loan and \$125,000 will be a grant, for the purpose of assisting in the funding of a conference center project in East Aurora to be developed by Aurora Ventures; and be it further

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

CARRIED UNANIMOUSLY.

Item 53 – (Comm. 22E-16) Health – Transfer of Funds.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 54 – (Comm. 22E-17) EC/Southtowns Sewage Treatment Agency – Proposed Village of Blasdell Connection EC Sewer Agency Report.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM ECC**

Item 55 – (Comm. 22D-1) Notice of Various Meetings Held 11/12/02 & 11/20/02.

Received and filed.

**FROM ECMC**

Item 56 – (Comm. 22D-2) Notice of Meeting Held 11/14/02.

Item 57 – (Comm. 22D-3) Notice of Meeting to be Held 12/6/02.

The above two items were received and filed.

**FROM THE COUNTY ATTORNEY**

Item 58 – (Comm. 22D-4) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM DEP**

Item 59 – (Comm. 22D-5) SEQR – Negative Declaration – Notice of Determination of Non-Significance – ECSD No. 2 Boundry.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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**FROM THE COUNTY ATTORNEY**

Item 60 – (Comm. 22D-6) Copy of Memo to Board of Elections Re: Request for Certification of Election of County Proposition No. 1 – 11/5/02 General Election.

Item 61 – (Comm. 22D-7) Certified Copy of Local Law No. 3 – 2002 (Public Benefits).

The above two items were received and filed.

**FROM ECMC**

Item 62 – (Comm. 22D-8) Agenda & Minutes for Regular Meeting Held 11/14/02.

Received and filed.

**FROM THE CLERK OF THE LEGISLATURE**

Item 63 – (Comm. 22D-9) Memo to All Legislators Re: 11/21/02 Regular Session/Public Hearing.

RECEIVED, FILED & PRINTED.

November 15, 2002

To: All Erie County Legislators  
 From: Laurie A. Manzella, Clerk  
 Subject: **NOVEMBER 21, 2002 – REGULAR SESSION  
 PUBLIC HEARING**

At last week's Session Meeting No. 20 – 2002, your honorable body approved Comm. 20E-29 pertaining to the calling of a Public Hearing on a proposed appropriation of \$1,341,045.00 from the Erie County Road Repair Reserve Fund for various road and bridge repair projects during 2002. A copy of the certified resolution is attached for your information.

The Public Hearing is scheduled for:

<p>Thursday, November 21, 2002          2:00 p.m.          Chambers of the Erie County Legislature</p>
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As has been properly done in the past, Chairman DeBenedetti will call for a brief recess at the beginning of our regular Session on November 21<sup>st</sup> in order for the hearing to be held. Please call me if you have any questions regarding this matter.

ATTACHMENTS – 2

c: Harry V. Wahl, Chief of Staff – Majority  
 Chuck Eaton, Chief of Staff – Minority  
 Joseph McMahan, Majority Staff

LEGAL NOTICE  
 NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to New York State Tax Law Section 1432 and General Municipal Law Section 6-d, the Erie County Legislature will hold a public hearing on Thursday, November 21, 2002 at 2:00 p.m. The hearing will be held in the Chambers of the Erie County Legislature located in the Ceremonial Courtroom, Part 6, 2<sup>nd</sup> floor of the old County Hall, 92 Franklin Street, in the City of Buffalo, New York. The subject of the public hearing is the appropriation of \$1,341,045.00 from the Erie County Road Repair Reserve Fund for the following road and bridge repair projects during 2002:

**2002 TRANSFER TAX PROJECTS**

<b><u>OIL &amp; CHIPPING</u></b>	<b><u>COST</u></b>
HARDT	\$ 11,500.00
ZENNER	10,500.00
NORTH BOSTON	13,300.00
BACK CREEK	16,100.00
GOWANS	8,400.00
MILE BLOCK	28,000.00
DELAMETER	4,400.00
DERBY	15,700.00
DENNIS	6,000.00
QUAKER	36,400.00
STERNS	5,200.00
BREWER	7,300.00
LENOX	10,500.00
MARSHFIELD	8,400.00
ADAMS	7,700.00
TOWNSEND HILL	10,500.00
WHEELER HOLLOW	2,100.00
SPAULDING	3,500.00

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TREVETT	18,200.00
WAGNER	14,000.00
VERMONT HILL	72,750.00
VERMONT STREET	17,250.00
<b><u>ASPHALT OVERLAY</u></b>	
WHITEHAVEN	279,345.00
CAIN	198,000.00
MICHAEL	238,000.00
HOPKINS	123,000.00
<b><u>PAVEMENT MARKINGS</u></b>	
VARIOUS ROADS	<u>175,000.00</u>
<b>GRAND TOTAL</b>	<b>\$ 1,341,045.00</b>

A copy of the proposed resolution is available for public inspection in the office of the Clerk of the Erie County Legislature, 25 Delaware Avenue, 7<sup>th</sup> Floor, Buffalo, New York.

LAURIE A. MANZELLA  
 Clerk  
 Erie County Legislature

**FROM ECC**

Item 64 – (Comm. 22D-10) Agenda for Meeting Held 11/20/02.

Received and filed.

**FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY**

Item 65 – (Comm. 22D-11) Notice & Agenda for Meeting to be Held 11/21/02.

Received and filed.

**FROM PURCHASE**

Item 66 – (Comm. 22D-12) Memo to All Department Heads Re: Purchasing Review for Request for Proposal (RFPs).

Received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

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**FROM THE CITY OF BUFFALO**

Item 67 – (Comm. 22M-1) Certified Resolution Re: Additional Aid for Housing.

Received and filed.

**FROM THE NFTA**

Item 68 – (Comm. 22M-2) Board Minutes.

Received and filed.

**FROM THE ERIE COUNTY HUMAN SERVICES ADVISORY COMMITTEE**

Item 69 – (Comm. 22M-3) 2003 Human Services Public Benefit Funding Requests.

Received and filed.

**FROM THE NYS COMPTROLLER**

Item 70 – (Comm. 22M-4) Report of County Inmate Health Care Costs.

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM CONGRESSMAN QUINN**

Item 71 – (Comm. 22M-5) Receipt of Resolution.

Received and filed.

**FROM CONCERNED CITIZENS OF WNY**

Item 72 – (Comm. 22M-6) Letter to Various Elected Officials Re: CSX Railroad.

Received and filed.

**FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD**

Item 73 – (Comm. 22M-7) Notice of Meeting to be Held 11/21/02.

Received and filed.

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**MEMORIAL RESOLUTIONS**

Item 74 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Andrew Richard Kolbert.

Item 75 – Legislator Chase requested that when the Legislature adjourns, it do so in memory of William Dispenca.

Item 76 – Legislator Chase requested that when the Legislature adjourns, it do so in memory of Douglas Lloyd.

Item 77 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Stella Dukat.

Item 78 – – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Donna M. Fisher.

Item 79 – – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Michael Funk.

Item 80 – – Legislator DeBenedetti requested that when the Legislature adjourns, it do so in memory of Maryanne Lotito.

**ADJOURNMENT**

Item 81 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. WEINSTEIN moved that the Legislature adjourn until 2 p.m. Monday, November 25, 2002. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Monday, November 25, 2002 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA**  
**CLERK**