

MEETING NO. 24
December 5, 2002

ERIE COUNTY LEGISLATURE

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The Legislature was called to order by Chairman DeBenedetti.

All Members Present except Legislator Peoples.

The invocation was led by Fr. John Alderson, OFM – Sts. Rita & Patrick RC Church.

The Pledge of Allegiance was led by Ms. Fisher.

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.

MR. WEINSTEIN moved the approval of the minutes of Meeting No. 19 of 2002. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN DeBENEDETTI directed that the Legislature enter into recess at 2:33 p.m.

The Clerk of the Legislature read the notice of the Public Hearing regarding LL Intro. 10-1 of 2002 A Local Law Providing for Exemption for Real Property Taxation to the Extent of Any Increase in Value Attributable to Alteration or Rehabilitation of Historic Properties.

Nancy Mingus, Chair of the Historic Preservation Commission for the Town of Amherst, was the first speaker.

Joseph Maciejewski, Deputy Commissioner of the Erie County Real Property Tax Division was the second speaker.

Being that no one else was present to speak in favor or opposition of this issue, the Clerk of the Legislature declared the Public Hearing closed.

CHAIRMAN DeBENEDETTI reconvened the Legislature at 2:38 p.m.

MISCELLANEOUS RESOLUTIONS

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Item 3 – MR. SCHROEDER presented a resolution Honoring the 32-Year Career of Thomas Reilly Upon His Retirement from the Erie County Department of Probation. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. McCARVILLE presented a resolution Honoring Colden Elementary DARE Graduates. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. LARSON presented a resolution Honoring George MacPeck for 50 Years of Service to Bowmansville Volunteer Fire Association. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. RANZENHOFER presented a resolution Honoring Harold Frey for His Many Years of Service on the Clarence Planning Board. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 7 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 8 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

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

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

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

Item 12 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #1) 2002 be referred to the FINANCE & MANAGEMENT COMMITTEE.

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

Item 14 – CHAIRMAN DeBENEDETTI directed that Local Law No. 10 (Print #1) 2002 remain on the table.

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

Item 15 – MS. CHASE presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 480

Re: Funding for Carseat Safety Checks.
(Intro. 24-1)

A RESOLUTION SUBMITTED BY LEGISLATORS CHASE, CUSACK & 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 \$7,500 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 931, Department 150 Sheriff – Overtime (110931150801), and be it further

RESOLVED, that the Erie County Sheriff's Department's Overtime budget is hereby amended and increased by \$7,500, for the purpose of funding overtime expenses for the Sheriffs who perform car seat safety checks throughout the county, and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; the County Attorney's Office; and to Erie County Sheriff Patrick Gallivan.

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

Item 16 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 481

Re: Funding for Community Projects.
(Intro. 24-2)

A RESOLUTION SUBMITTED BY LEGISLATOR RANZENHOFER

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$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:

NAME

LINE

AMOUNT

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Cheektowaga Town Dog Kennel <i>(safety improvements)</i>	830/	\$5,000
TOTAL		\$5,000

And be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; and Town of Cheektowaga Supervisor Dennis H. Gabryszak (Cheektowaga Town Hall, Broadway & Union, Cheektowaga, NY 14227).

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,000 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>
Cheektowaga Town Dog Kennel <i>(safety improvements)</i>	830/	\$5,000
Amherst Youth Board <i>(computer equipment)</i>	830/0865	\$5,000
TOTAL		\$10,000

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And be it further

- **In the LAST RESOLVED clause, ADD the following contact information:**

Marie-Diana Pouli, Town of Amherst Youth Board, (Harlem Road Community Center, 4255 Harlem Road, Amherst NY 14226)

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

CARRIED UNANIMOUSLY.

Item 17 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 482

Re: Funding for Community Initiative.
 (Intro. 24-3)

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 \$6,605 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>
Girl Scout Council <i>(facility upgrades)</i>	830/	\$6,605

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TOTAL

\$6,605

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 Lisa Wardynski, Girl Scout Council (70 Jewett Parkway, Buffalo, NY 14214)

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 18 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

GRANTED.

Comm. 24E-49 From LEGISLATOR MARINELLI Re: Notice of Absence from December 9, 2002 Committee Meetings and December 12, 2002 Session.

RECEIVED, FILED & PRINTED.

December 4, 2002

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Laurie A. Manzella, Clerk
Erie County Legislature

Dear Madam Clerk:

Please be advised that I will not be in town the week of December 9, therefore I will not be in attendance at our last session December 12, or any committee meetings that may be scheduled.

Please receive, file and print this letter.

Sincerely,

Legislator Lynn Marinelli

Item 19 – MS. FISHER moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

GRANTED.

Comm. 24E-50 From LEGISLATOR FISHER Re: Notice of Absence at December 9, 2002 Committee Meetings.

RECEIVED, FILED & PRINTED.

December 5, 2002

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

Dear Madam Clerk:

Because of a scheduling conflict caused by the majority's scheduling of Legislative Committee meetings on Monday, December 9, I will be unable to attend any scheduled meetings of the Legislature's Community Enrichment or Human Services Committees on the day.

Kindly enter this communication in the official proceedings of the Legislature. Thank you.

Very truly yours,

JUDITH P. FISHER
Erie County Legislator
4th District

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 20 – (Comm. 24E-1) Audit – Public Benefit Agency Contracts Administrated by Erie County Legislature for Period 1/1/01 – 12/31/01.

Item 21 – (Comm. 24E-2) Audit – Buffalo & Erie County Botanical Gardens Society Contract Compliance for Period 1/1/01 – 6/30/02.

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

FROM LEGISLATOR SWANICK

Item 22 – (Comm. 24E-3) Proposed Minority Amendments to County Executive’s 2003 Tentative Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 23 – (Comm. 24E-4) Letter to Clerk of Legislature Re: Request for Copy of Audio Recording of Special Session (11/25/02).

Item 24 – (Comm. 24E-5) Letter to Clerk of Legislature Re: Request for Written Records of Special Session (11/25/02).

Item 25 – (Comm. 25E-6) Letter to Chairman DeBenedetti with Attached Memorandum from Legal Counsel Re: County Executive’s 2003 Tentative Budget.

The above three items were received and filed.

FROM THE COMPTROLLER

Item 26 – (Comm. 24E-7) Apportionment & Distribution of 4% Sales Tax Received by EC from NYS for 11/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 27 – (Comm. 24E-8) Social Services – Authorization to Contract – Center for Governmental Research “Blueprint for Change.”

Item 28 – (Comm. 24E-9) Probation & Youth Detention Services – Transfer of Funds.

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

Item 29 – (Comm. 24E-10) DEP – EPA Grant Application – Water Quality Cooperative Agreement Allocation.

Item 30 – (Comm. 24E-11) ECSD No. 1 – Engineering Agreement (9-22-93) Close-Out – Nussbaumer / Clark.

Item 31 – (Comm. 24E-12) ECSD No. 1 – Overflow Retention Facility – Contract No. 1A – Close-Out – Kenaidan Construction.

Item 32 – (Comm. 24E-13) ECSD No. 3 – Blasdell Extension Agency Report.

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

Item 33 – (Comm. 24E-14) Probation & Youth Detention Services – Authorization to Amend State JJDP Contract.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 34 – (Comm. 24E-15) ECSD No. 5 – Contract No. 12L – Close-Out – Milherst Construction.

Item 35 – (Comm. 24E-16) ECSD No. 2 – Contract No. 14EV – Close-Out – Kandey.

Item 36 – (Comm. 24E-17) ECSD No. 4 – NYS Water Pollution Control Revolving Loan Program – William Street Subtrunk.

Item 37 – (Comm. 24E-18) ECSD No. 3 – Eminent Domain Proceedings – Contract No. 12AM – Greenmeadow Pumping Station Elimination.

Item 38 – (Comm. 24E-19) ECSD No. 2 – Authorization of Easement Acquisition – Town of Evans.

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

Item 39 – (Comm. 24E-20) Buffalo Convention Center Boiler & Exterior Chiller Replacement.

Item 40 – (Comm. 24E-21) Rath Building Site Rehabilitation – Phase II – Contingency Fund Increase.

Item 41 – (Comm. 24E-22) MOU for USEPA Brownfield Showcase Communities.

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

Item 42 – (Comm. 24E-23) Installation of Artwork at ECC.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 43 – (Comm. 24E-24) Ratification of Collective Bargaining Agreement Between EC & NYSNA for Period 7/1/02 (Retro) – 12/31/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 44 – (Comm. 24E-25) Emergency Services – Revision to Upgrade EC's Emergency Information System.

Item 45 – (Comm. 24E-26) 2002 Budget Revision – STOP DWI – GO SAFE! Program.

Item 46 – (Comm. 24E-27) 2002 STOP-DWI Grant Revision.

Item 47 – (Comm. 24E-28) CPS – Contract with Louis J Oshier.

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

Item 48 – (Comm. 24E-29) Individual Access Passes for Disabled Persons.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 49 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 483

Re: Appointment of Dr John Brach to EC
 Citizens Committee on Rape & Sexual Assault
 (CORSA). (Comm. 24E-30)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Dr. John Brach of 11178 Jamison Road, East Aurora, New York 14052 to the Erie County Citizens Committee on Rape and Sexual Assault (CORSA) for a term to expire December 31, 2004.

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

CARRIED UNANIMOUSLY.

Item 50 – (Comm. 24E-31) Request for Approval of New Form of Insurance Certificate.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 51 – (Comm. 24E-32) District Attorney – Internet Crimes Against Children Grant.

Item 52 – (Comm. 24E-33) District Attorney – Victim/Witness Assistance Grant.

Item 53 – (Comm. 24E-34) District Attorney – Be Safe Grant.

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

Item 54 – (Comm. 24E-35) Veterans Services – Transfer of Funds.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 55 – (Comm. 24E-36) Preparation of School District Tax Rolls & Bills.

RECEIVED, FILED & PRINTED.

TO THE ERIE COUNTY LEGISLATURE: 2002-2003

STATEMENT, MATERIALS AND LABOR IN PRODUCING SCHOOL DISTRICT TAX BILLS
 AND THE SPREADING OF ASSOCIATED COSTS:

TAX BILLS	\$ 9,250.00
TAX ROLL PAPER	600.00
DATA PROCESSING CHARGES	23,676.68

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WAGES	29,158.40
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TOTAL	\$ 62,685.08

265,061 PARCELS →→ 0.23649302 COST PER PARCEL

AKC1 OUT OF COUNTY	\$ 50.00
CITY OF TONAWANDA	50.00
ATT1 & SCC1 FLAT CHARGE @ \$50.00 EACH	100.00

Total to Spread **\$ 62,885.08**

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SCHOOL DISTRICT	CODE	PARCELS	COST
ALDEN CENTRAL SCHOOL DISTRICT #1	AC-1	4726	\$1,117.67
AKRON CENTRAL SCHOOL DISTRICT	AKC1	3437	862.83
AMHERST CENTRAL SCHOOL DISTRICT	AM-1	9126	2,158.24
SWEET HOME CENTRAL SCHOOL DISTRICT	AM-7	10881	2,573.28
ATTICA CENTRAL SCHOOL DISTRICT	ATT1	0	50.00
EAST AURORA UNION FREE DIST #1	AU-1	5858	1,385.38
CHEEKTOWAGA CENTRAL SCHOOL DIST #1	CH-1	8135	1,923.8
UNION FREE SCHOOL DIST #2 (MARYVALE)	CH-2	7449	1,761.64
UNION FREE SCHOOL DIST #3 (CLEV-HILL)	CH-3	4601	1,088.10
UNION FREE SCHOOL DIST #9 (SLOAN)	CH-9	5168	1,222.20
CLARENCE CENTRAL SCHOOL DISTRICT	CLC1	10509	2,485.31
SPRINGVILLE-GRIFFITH INSTITUTE	CNC1	6412	1,516.39

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DEPEW UNION FREE SCHOOL DISTRICT	DUFC	6814	1,611.46
EDEN CENTRAL SCHOOL DISTRICT #1	EC-1	4755	1,124.52
FRONTIER CENTRAL SCHOOL DIST #4	FR-4	15486	3,662.33
GRAND ISLAND CENTRAL SCHOOL DIST	GIC1	8432	1,994.11
GOWANDA CENTRAL SCHOOL DISTRICT	GOC1	1397	330.38
HAMBURG CENTRAL SCHOOL DISTRICT	HC-1	9924	2,346.96
HOLLAND CENTRAL SCHOOL DISTRICT	HDC1	3385	800.53
IROQUOIS CENTRAL SCHOOL DISTRICT #1	IRC1	7549	1,785.29
LACKAWANNA CENTRAL SCHOOL DIST	LK-1	6938	1,640.79
LANCASTER CENTRAL SCHOOL DIST #1	LC-1	16348	3,866.19
LAKE SHORE CENT. EVANS-BRANT SCHOOLS	LC-1	10380	2,454.80
NORTH COLLINS CENTRAL SCHOOL DIST #1	NCC1	2429	574.44
ORCHARD PARK CENTRAL SCHOOL #1	OPC1	13042	3,084.34
PIONEER CENTRAL SCHOOL DISTRICT	PC-1	893	211.19
SILVER CREEK CENTRAL SCHOOL DIST #1	SCC1	0	50.00
KENMORE-TONAWANDA UNION FREE SCHOOL	UNF1	26494	6,265.65
WILLIAMSVILLE CENTRAL SCHOOL DIST	WMC3	26590	6,288.35
WEST SENECA CENTRAL SCHOOL DISTRICT	WSC1	21413	5,064.03
CITY OF TONAWANDA	TCSD	6490	1,584.84
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TOTAL		265,061	\$ 62,885.08

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TO: HONORABLE ERIE COUNTY LEGISLATURE

PREPARATION OF VILLAGE TAXES

Tax Bills	\$ 3,000.00
Tax Roll, Assessment Roll, and Worksheets	1,600.00
Wages	4,096.65
Data Processing Time	5,870.08

TOTAL COST \$ 14,566.73

Cost per Parcel=> 0.409892

<u>VILLAGE</u>	<u>PARCEL COUNT</u>	<u>COST</u>	<u>TOTAL BILLING</u>
Akron	1,164	\$ 477.11	\$ 477.11
Alden	877	359.47	359.47
Angola	952	390.22	390.22
Blasdell	1,171	479.98	479.98
Depew	6,647	2,724.55	2,724.55
East Aurora	2,599	1,065.31	1,065.31
Farnham	216	88.54	88.54
Gowanda	1,207	494.74	494.74
Hamburg	3,663	1,501.43	1,501.43
Kenmore	5,680	2,328.18	2,328.18
Lancaster	4,328	1,774.01	1,774.01
North Collins	535	219.29	219.29
Orchard Park	1,178	482.85	482.85
Sloan	1,600	655.83	655.83
Springville	1,615	661.97	661.97
Williamsville	2,106	863.23	863.23
TOTAL	35,538	\$ 14,566.73	\$ 14,566.73

Item 57 – (Comm. 24E-38) Preparation of City of Lackawanna Tax Rolls & Bills.

RECEIVED, FILED & PRINTED.

TO HONORABLE ERIE COUNTY LEGISLATURE

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PREPARATION OF LACKAWANNA CITY TAXES	2002	
Tax Bills		\$ 275.00
Tax Rolls, Assessment Roll and Worksheets		525.00
Wages		2,485.15
Data Processing Time		1,613.99
Total Cost		\$ 4,899.14

Item 58 – (Comm. 24E-39) Levy & Apportion of EC Real Property Tax – 2003.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 59 – (Comm. 24E-40) Preparation of City of Tonawanda Tax Rolls & Bills.

RECEIVED, FILED & PRINTED.

TO HONORABLE ERIE COUNTY LEGISLATURE

PREPARATION OF TONAWANDA CITY TAXES	2002	
Tax Bills		\$ 255.00
Tax Rolls, Assessment Roll and Worksheets		250.00
Wages		990.30
Data Processing Time		1,613.99
Total Cost		\$ 3,109.29

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 484

Re: Section 520 Exemption for 2003.
 (Comm. 24E-41)

BE IT RESOLVED, that the Erie County Director of Budget, Management and Finance and/or successor to Commissioner of Finance is directed to spread the amount of taxes, as indicated on the attached schedule, upon the tax rolls of the several municipalities in Erie County, being taxes due from the exemption removal on properties transferred during the past year, pursuant to Section 520 of the Real Property Tax Law, and be it further

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

520 EXEMPTION REMOVAL FOR 2003 COUNTY TAX

<u>TOWN</u>	<u>520 TOWN</u>	<u>520 COUNTY</u>	<u>520 SCHOOL</u>
<u>REMOVAL</u>	<u>EXEM. REMOVAL</u>	<u>EXEM. REMOVAL</u>	<u>EXEM.</u>
ALDEN	\$ 682.45	\$ 2,427.07	\$ 949.69
AMHERST	95,942.49	102,411.00	68,321.69
AURORA	4,212.12	10,921.29	9,105.49
BRANT	144.47	913.07	703.91
CHEEKTOWAGA	80,129.92	66,635.02	13,757.44
CLARENCE	6,027.91	14,660.84	7,260.34
COLDEN	363.69	688.45	0.00
CONCORD	331.20	1,412.44	339.04
EDEN	1,886.12	2,475.05	754.99
ELMA	106.41	3,359.98	4,383.82
EVANS	1,869.74	1,709.04	2,630.34
GRAND ISLAND	8,213.40	14,014.84	11,582.42
HAMBURG	34,091.86	38,444.97	16,450.70
HOLLAND	955.21	1,899.28	349.55
LANCASTER	11,841.65	17,147.36	11,462.55
NEWSTEAD	7,440.93	23,016.07	45,017.61
ORCHARD PARK	11,637.72	16,149.63	16,635.08
TONAWANDA	55,853.84	63,426.56	44,779.17
WALES	301.96	2,347.88	1,452.42
WEST SENECA	41,156.03	24,165.72	36,952.30
BUFFALO CITY	12.51	85,839.51	0.00
TOTAL	\$ 363,201.63	\$494,065.07	\$ 292,888.55
GRAND TOTAL OF TOWN, COUNTY, AND SCHOOL			\$1,150,155.25

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

CARRIED UNANIMOUSLY.

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Item 61 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 485

Re: Downtown Pedestrian / Transit Mall Special District –Adoption of Mall District Service Charge Roll for 2003. (Comm. 24E-42)

WHEREAS, after a public hearing, held on September 17, 2002 by Buffalo Place Inc., and upon adoption of Intro 19-1, October 17, 2002, the Erie County Legislature determined that the total amount to be raised by mall district service charges for 2003 for the downtown pedestrian/transit mall special district shall be the sum of \$ 1,176,983.00, and

WHEREAS, the 2003 Mall District Budget requires that the amount to be raised by Mall District payments in lieu for 2003 for the downtown pedestrian/transit mall special district shall be the sum of \$ 18,000.00, and

WHEREAS, the Director of Budget, Management and Finance has established the 2003 mall district service charge and payment in lieu roll apportioning the amount to be raised and has transmitted such roll to the Erie County Legislature for adoption.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the mall district service charge and payment in lieu roll established by the Director of Budget, Management and Finance for the purpose of assessing 2003 service charges for the downtown pedestrian/transit mall special district, and be it further

RESOLVED, that 2003 mall district service charges and payment in lieu shall be assessed, due and a lien on benefited properties within the downtown pedestrian/transit mall special district on and as of January 2, 2003 and shall be payable to the Director of Budget, Management and Finance as provided in Erie County Local Law No. 8-1984, and be it further

RESOLVED, that late fees shall be collected on payments made after the dates provided in Erie County Local Law No. 8-1984, and an interest budget line of \$10,000.00 shall be added to the Mall Budget for collection of these late fees, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to make adjustments and modifications as he deems appropriate, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Budget Director Joseph Passafiume, Erie County Attorney Frederick A. Wolf, Erie County Comptroller Nancy Naples and the Director of Real Property Tax Services, Joseph L. Maciejewski.

MEETING NO. 24
December 5, 2002

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

Item 62 – (Comm. 24E-43) Health – Vita Grant 12/1/02 – 3/31/04.

Item 63 – (Comm. 24E-44) Health – Early Intervention Grant Transfer of Funds.

Item 64 – (Comm. 24E-45) Health – Public Health Preparedness/Response to Bioterrorism.

Item 65 – (Comm. 24E-46) Health – Childhood Lead Poisoning Prevention.

Item 66 – (Comm. 24E-47) Authorization to Accept Grant from NYS Office of Alcoholism & Substance Abuse to Enter Executive Agreement with ECC for Counselor Training.

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

Item 67 – (Comm. 24E-48) Letter to Clerk of Legislature Declaring Int 20-6 (2002) & Int 22-2 (2002) are Null & Void.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECC

Item 68 – (Comm. 24D-1) Minutes of Meeting Held 10/30/02.

Received and filed.

FROM THE BOARD OF ELECTIONS

Item 69 – (Comm. 24D-2) Transfer of Funds in EC Board of Elections 2002 Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 70 – (Comm. 24D-3) Letter to County Executive Re: Comm 20E-58 (2003 Tentative Budget as Amended & Approved by Erie County Legislature).

Received and filed.

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ERIE COUNTY LEGISLATURE

Item 71 – (Comm. 24D-4) Notice of Public Hearing – LL Intro No. 10 – 2002.

RECEIVED, FILED & PRINTED.

November 25, 2002

To: All Erie County Legislators
 From: Laurie A. Manzella, Clerk
 Subject: ***NOTICE OF PUBLIC HEARING – LOCAL LAW INTRO. NO. 10 - 2002***

On October 8, 2002, the following proposed local law (a copy of which is attached) was clocked-in and laid on the table of the Erie County Legislature:

- Local Law Intro. No. 10 – 2002 entitled, *A LOCAL LAW providing for an exemption from real property taxation to the extent of any increase in value attributable to alteration or rehabilitation of historic properties.*

The County Attorney's office has advised me that, pursuant to subdivision 1 of section 444-a of the Real Property Tax Law, the Erie County Legislature is required hold a public hearing on this local law before considering it for further action.

Therefore, at our next regular Session, scheduled for December 5, 2002, at 2:00 p.m., Chairman Albert DeBenedetti will call for a brief recess in order to hold the hearing.

A copy of the NOTICE OF PUBLIC HEARING, which was sent to the county's official newspapers for publication, is also attached for your information.

Thank you.

ATTACHMENTS – 2

c: *Susannah M. Bochenek, 2nd Assistant County Attorney (with attachments)*
Harry V. Wahl, Chief of Staff – Majority (with attachments)
Charles E. Eaton, Chief of Staff – Minority (with attachments)
Joseph McMahon, Majority Staff (with attachments)

LEGAL NOTICE
 NOTICE OF PUBLIC HEARING

MEETING NO. 24
December 5, 2002

ERIE COUNTY LEGISLATURE

NOTICE IS HEREBY GIVEN that, pursuant to subdivision 1 of section 444-a of the Real Property Tax Law, the Erie County Legislature will hold a Public Hearing on Thursday, December 5, 2002 at 2:00 p.m. concerning Erie County LOCAL LAW INTRO. NO. 10 – 2002, entitled:

A LOCAL LAW providing for an exemption from real property taxation to the extent of any increase in value attributable to alteration or rehabilitation of historic properties.

The hearing will be held in the Chambers of the Erie County Legislature located in the Ceremonial Courtroom, Part 6, 2nd floor of the old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

A copy of the proposed local law is available for public inspection Monday through Friday from 9:00 a.m. to 5:00 p.m. in the office of the Clerk of the Legislature on the 7th floor of 25 Delaware Avenue, in the City of Buffalo, New York.

LAURIE A. MANZELLA
Clerk
Erie County Legislature

FROM THE COUNTY ATTORNEY

Item 72 – (Comm. 24D-5) Notice that LL 3-2002 Has Been Filed with State Records & Law Bureau.

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 73 – (Comm. 24D-6) Copy of Letter to Legislator Swanick Re: Receipt of Request for Public Records (FOIL).

Received and filed.

FROM ECWA

Item 74 – (Comm. 24D-7) 2003 Adopted Operating & Maintenance Budget & Capital Budget.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMC

MEETING NO. 24
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ERIE COUNTY LEGISLATURE

Item 75 – (Comm. 24D-8) Notice of Meeting to be Held 12/6/02 & Minutes of Previous Meeting.

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 76 – (Comm. 24D-9) Acknowledgement of Receipt for Copy of Audiotape Signed by Minority Chief of Staff.

Item 77 – (Comm. 24D-10) Copy of Letter to Legislator Swanick Re: Acknowledgement of Request for Public Records (FOIL).

The above two items were received and filed.

FROM THE COUNTY ATTORNEY

Item 78 – (Comm. 24D-11) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 79 – (Comm. 24D-12) Memo to Board of Elections Re: Certification of Election Results – County Proposition No. 1.

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM COMMUNITY SERVICES FOR THE DEVELOPMENTALLY DISABLED

Item 80 – (Comm. 24M-1) Letter to County Executive Re: Beth J Koenig Acknowledgement of Appointment to EC Citizens Committee on Rape & Sexual Assault.

Received and filed.

FROM NYPA

Item 81 – (Comm. 24M-2) Niagara Power Project – Status of Efforts & Notification of Meeting Dates & Times.

Received and filed.

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ERIE COUNTY LEGISLATURE

FROM TIOGA COUNTY

Item 82 – (Comm. 24M-3) Resolution Encouraging Support of Upstate Dairy Industry.

Received and filed.

FROM NYSDEC

Item 83 – (Comm. 24M-4) Notice of Meeting to be Held 12/5/02.

Item 84 – (Comm. 24M-5) Notice of Meeting Held 12/4/02.

The above two items were received and filed.

FROM NYPIRG

Item 85 – (Comm. 24M-6) Copy of Letter to Legislator Holt Re: Pesticide Neighbor Notification.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ECIDA

Item 86 – (Comm. 24M-7) Notice of Meeting to be Held 12/11/02.

Received and filed.

FROM NYPA

Item 87 – (Comm. 24M-8) First-Stage Consultation Report – Volume I.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE NFTA

Item 88 – (Comm. 24M-9) Copies of 17A Report & Capital Expenditure Reports for 2nd Quarter of Year Ending 3/31/03.

Received and filed.

MEMORIAL RESOLUTIONS

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ERIE COUNTY LEGISLATURE

Item 89 – Legislator Chase requested that when the Legislature adjourns, it do so in memory of David Roth.

Item 90 – Legislator Chase requested that when the Legislature adjourns, it do so in memory of Mary Sullivan.

Item 91 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Henry Polanski.

Item 92 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Mary Rogowski.

Item 93 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Alice Bialasik.

Item 94 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Joseph Gajkowski.

Item 95 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Jurik Potienko.

Item 96 – Legislator Kuwik requested that when the Legislature adjourns, it do so in memory of Louis A. Abad.

Item 97 – Legislator Holt requested that when the Legislature adjourns, it do so in memory of Sarah Lacky.

Item 98 – Legislator Holt requested that when the Legislature adjourns, it do so in memory of Dwight Hayes.

Item 99 – Legislator Larson requested that when the Legislature adjourns, it do so in memory of George MacPeek.

Item 100 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Monica Labenski.

Item 101 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Frances Poborcyak.

Item 102 – Legislator Schroeder requested that when the Legislature adjourns, it do so in memory of Mrs. Mickey Fahey.

ADJOURNMENT

MEETING NO. 24
December 5, 2002

ERIE COUNTY LEGISLATURE

Item 103 – 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. Thursday, December 12, 2002. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, December 12, 2002 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK