

**ERIE COUNTY LEGISLATURE
MEETING NO. 25
December 11, 2003**

The Legislature was called to order by Chairman Swanick.

All Members Present.

The invocation was led by Msgr. David M. Gallivan, Pastor, Holy Cross Church.

The Pledge of Allegiance was led by Mr. Larson.

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

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. RANZENHOFER moved the approval of Minutes for Meetings No. 22, 23 and 24 of 2003. MR. WEINSTEIN seconded. MR. DALE in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. CHASE, ET AL presented a resolution Honoring Eden Resident George Zittel in his Retirement. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 – MS. CHASE, ET AL presented a resolution Honoring the Hamburg Chapter of the American Association of Retired Persons on Their 30th Anniversary as Nonprofit, Nonpartisan Organization. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. LARSON, ET AL presented a resolution Honoring Retiring Wales Supervisor Mary Weinman for her Many Years of Public Service. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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Item 8 – MR. SCHROEDER, DUSZA, ET AL presented a resolution Presenting a War Time Flag to the Erie County Legislature from P.F.C. Peter C. Ray, Bagram, Afghanistan. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. DeBENEDETTI, ET AL presented a resolution Honoring Buffalo's 1st Annual Puerto Rican Day Parade of 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. CHASE presented a resolution Honoring Eden High School Varsity Football Team. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. SWANICK, RANZENHOFER, HOLT, ET AL presented a resolution Honoring Legislator Dale W. Larson for his Years of Public Service. MS. CHASE seconded.

Item 12 – MR. SWANICK, RANZENHOFER, HOLT, ET AL presented a resolution Honoring Legislator Judith P. Fisher for her Years of Public Service. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. SWANICK, RANZENHOFER, HOLT, ET AL presented a resolution Honoring Legislator David Dale for his Public Service. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. SWANICK, RANZENHOFER, HOLT, ET AL presented a resolution Honoring Legislator Gregory P. Falkner for his Public Service. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 15 – MS. FISHER presented a resolution Commending Laurie Dann and Waterfest, Inc. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 16 – MR. DALE presented a resolution Honoring Friends Corpus Cristi Planning and Development Committee. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 17 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 18 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

Item 19 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 20 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 21 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #1) 2003 remain on the table.

Item 22 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 23 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 24 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 25 – CHAIRMAN SWANICK directed that Local Law No. 8 (Print #1) 2003 remain on the table.

Item 26 – CHAIRMAN SWANICK directed that Local Law No. 15 (Print #1) 2003 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 27 – CHAIRMAN SWANICK directed that Local Law No. 16 (Print #1) 2003 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

COMMITTEE REPORTS

Item 28 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 648

December 8, 2003

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 16

ALL MEMBERS PRESENT EXCEPT LEGISLATOR LARSON.

1. RESOLVED, that the following items are hereby received, filed and referred to Comm. 15E-10 (2003) From LEGISLATOR RANZENHOFER Re: Consolidation of Economic Development Committee Items.

	Item	Page	-2003	(Comm. 17M-6)
a.	ECIDA: Buffalo Waterfront Projects Presentation.			
				(4-0) Legislator Larson absent.

	Item	Page	-2003	(Comm. 24M-8)
b.	ASSEMBLYMAN HIGGINS: Copy of Letter to NYS Assembly Speaker Re: Outer Harbor Access Improvements Funding Request.			
				(4-0) Legislator Larson absent.

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

	Item	Page	-2003	(Intro. 9-16)
a.	HOLT & DeBENEDETTI: Requesting Information From ECIDA Concerning Status of Advanced Training Center.			
				(4-0) Legislator Larson absent.

	Item	Page	-2003	(Comm. 12E-2)
b.	COMPTROLLER: DPW – Audit of Locally Administered Federal Aid Capital Projects Reimbursement Claiming Process for Period 8/1/00 – 9/30/02.			
				(4-0) Legislator Larson absent.

	Item	Page	-2003	(Comm. 15E-4)
c.	COUNTY EXECUTIVE: Response to Comptroller's Audit – Locally Administered Federal Aid Capital Projects – Reimbursement Claiming Process 8/1/00 – 9/30/02.			
				(4-0) Legislator Larson absent.

	Item	Page	-2003	(Comm. 16M-7)
d.	BUFFALO & EC WORKFORCE INVESTMENT BOARD: Copy of Letter to Commissioner of DEP Re: Buffalo China.			
				(4-0) Legislator Larson absent.

	Item	Page	-2003	(Comm. 20M-11)
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- e. **CITIZENS REGIONAL TRANSIT CORPORATION:** Airport/Transit Road Light Rail Corridor Proposal.
 (4-0) Legislator Larson absent.

3. Item Page -2003 (Comm. 24E-11)

COUNTY EXECUTIVE

WHEREAS, the County of Erie is required by law to enter into an agreement with the New York State Unified Court System ("UCS") pursuant to which the County shall provide for the cleaning and minor or emergency repairs to court facilities occupied by the UCS and owned by the County; and

WHEREAS, the UCS reimburses the County for such cleaning and minor or emergency repairs; and

WHEREAS, the most recent contract with the UCS has expired; and

WHEREAS, the UCS desires to renew the contract for an additional five-year term.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the UCS pursuant to which the County, through the Department of Public Works, shall provide for the cleaning and minor or emergency repairs to court facilities occupied by the UCS and owned by the County; and be it further

RESOLVED, that the length of this agreement shall be five (5) years; and be it further

RESOLVED, that the terms and conditions of this agreement shall be determined by the Commissioner of Public Works and the UCS and shall be subject to the review and approval of the County Attorney; and be it further

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

(4-0) Legislator Larson absent.

MICHAEL H. RANZENHOFER
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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Item 29 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 649

December 8, 2003

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 15

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

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

Item Page -2003 (Comm. 24E-3)
 a. **MINORITY CAUCUS:** Proposed 2004 Erie County Budget Amendments.
 (5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 24M-10)
 b. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2003 State Equalization Rates.
 (5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 24M-11)
 c. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 2003 Class Equalization Rates.
 (5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

2. Item Page -2003 (Comm. 24E-12)
COUNTY EXECUTIVE

WHEREAS, by Resolution adopted on October 2, 2003 [Comm. 16E-5], the Erie County Legislature authorized the incorporation of the Erie Tax Certificate Corporation [“ETCC”], the local development corporation [“LDC”] incorporated pursuant to Section 1411 of the Not-For-Profit Corporation Law for the purpose, among others, of purchasing County-owned tax certificates; and

WHEREAS, the sale to the ETCC of County-owned tax certificates representing delinquent real property taxes from 2002 and prior years successfully closed on November 6, 2003; and

WHEREAS, on November 28, 2003, the County of Erie acquired new tax certificates, namely, those representing delinquent real property taxes from 2003, the current year; and

WHEREAS, in order to provide for the sale of County-owned tax certificates

from 2003, thereby lessening the burdens of County government and acting in the public interest, the Erie County Legislature has determined that it should again authorize, as may be deemed necessary or advisable by the County Executive, the incorporation of another LDC pursuant to Section 1411 of the Not-For-Profit Corporation for the purpose, among others, of purchasing County-owned tax certificates.

NOW, THEREFORE, be it

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive, if he deems same to be necessary or advisable, to cause to be incorporated an LDC pursuant to Section 1411 of the Not-For-Profit Corporation Law; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of Finance to sell, transfer and convey, either to the ETCC or to such other, newly incorporated LDC, whatever County-owned tax certificates from 2003 may be jointly selected by the ETCC, or LDC, and the Commissioner of Finance, provided that, except as set forth below relative to tax certificates affecting properties whose owner is bankrupt or which have identified environmental issues, the consideration to be paid for such sale shall include an initial cash payment equal to at least 70% of the redemption value of all tax certificates sold (less amounts sufficient to fund a working capital reserve fund and to pay the reasonable legal and other costs of the County to complete said sale) together with the beneficial interest in a Delaware Statutory Trust to be formed by the ETCC, or LDC, for the purpose of receiving the net proceeds of collection on the tax certificates sold (after payment of principal and interest on a note to be issued by the ETCC, or LDC, to finance the initial cash payment, payments into a working capital reserve fund, servicing indemnification obligations, if any, and such miscellaneous costs as may be agreed upon); and be it further

RESOLVED, that the consideration to be paid to the County by the ETCC, or LDC, for tax certificates affecting properties whose owner is bankrupt or which have identified environmental issues shall not include any initial cash payment but shall consist entirely of the County's beneficial interest in the Delaware Statutory Trust to be formed by the ETCC, or LDC, for the purpose of receiving net proceeds of collection on the tax certificates sold (after payment of principal and interest on a note issued by the ETCC, or LDC, to finance the initial cash payment, payments into a working capital reserve fund, servicing indemnification obligations, if any, and such miscellaneous costs as may be agreed upon); and be it further

RESOLVED, that the Erie County Legislature hereby empowers and authorizes the County Executive, the Budget Director and the Commissioner of Finance (collectively the "Authorized Officers"), and each of them, to execute and deliver the instruments necessary to transfer, assign and convey all of Erie County's right, title and interest in any tax certificates sold, together with any other agreements, documents and instruments as any of the Authorized Officers may deem necessary or advisable to carry out the purpose and intent of this resolution and to mail or otherwise forward any notices or other communications deemed necessary or desirable by any Authorized Officers to the Owners of the real properties affected by the tax certificates being sold or to any other persons in connection with the sale thereof; and be it further

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RESOLVED, that certified copies of this Resolution be forwarded to the County Executive, the Budget Director, the County Attorney, the County Comptroller and the Deputy Commissioner of Finance.

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

3. Item Page -2003 (Comm. 24E-19)
COUNTY EXECUTIVE

WHEREAS, the Buffalo Convention Center Management Corporation (BCCMC) has requested an additional 2003 operating subsidy in the amount of \$200,000 to offset a projected year-end operating deficit; and

WHEREAS, services and oversight provided by the BCCMC are integral to promoting the use of the Convention Center as part of our region's convention and tourism destination marketing efforts; and

WHEREAS, maintaining the fiscal health of this organization is important given the Buffalo Convention Center's role in hosting conventions and special events that can result in increased revenues, as well as enhanced tourism and related economic impacts for our region,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with the Buffalo Convention Center Management Corporation for the purpose noted above; and be it further

RESOLVED, that funds in the amount of \$200,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds (DAC 1109043038301299) to a separate sub-account under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Buffalo Convention Center Management Corporation, Inc. – \$200,000

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; and Richard Geiger, President, Buffalo Convention Center Management Corporation, 617 Main Street, Suite 400, Buffalo, New York 14203.

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

CHARLES M. SWANICK
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 650

December 8, 2003

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 17

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

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

a.

Item	Page	-2003	(Comm. 22M-4)
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NYSDEC: Fact Sheet – Brownfields Site Investigation – Franczyk Park – 564 Babcock Street.
 (5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

b.

Item	Page	-2003	(Comm. 22M-6)
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NYSDEC: Fact Sheet – Alltft Landfill & Ramco Steel Hazardous Waste Sites.
 (5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

c.

Item	Page	-2003	(Comm. 24E-39)
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COUNTY EXECUTIVE: ECSD No. 6 – Construction Inspection Service Agreement – Work Order DG-7.
 (5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

d.

Item	Page	-2003	(Comm. 24E-42)
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SWANICK: Appointment to Erie County Agricultural & Farmland Protection Board.
 (5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

2.

Item	Page	-2003	(Comm. 20E-47)
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COUNTY EXECUTIVE
 RESOLUTION NO. 651

RESOLUTION DATED _____, 2003

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ERIE COUNTY LEGISLATURE

A RESOLUTION APPROVING (1) AN INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK AND (2) AN APPLICATION TO THE STATE COMPTROLLER FOR CONSENT FOR EXPENDITURE OF FUNDS FOR SAID INCREASE AND IMPROVEMENT OF FACILITIES.

(Introduced) December 8, 2003.

(Adopted) _____, 2003.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly caused to be prepared a report and estimate of cost, by the County Engineers (Erie County Department of Environment and Planning) relating to an increase and improvement of the facilities of Erie County Sewer District No. 5, which report and estimate of cost have been filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, such report and estimate of cost have been accepted and adopted on October 9, 2003 by the Board of Managers of said District pursuant to a written resolution which has been filed with said County Legislature; and

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

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District is \$3,000,000; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$20.90 for the Town of Clarence and \$16.15 for the Town of Amherst, is above the Average Estimated Cost of \$12.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

WHEREAS, said County Legislature duly adopted Resolution No. 595 on the 13th day of November, 2003, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid increase and improvement of facilities in accordance with the aforesaid report and estimate of cost; and

WHEREAS, said County Legislature has heretofore duly caused to be prepared by the Department of Environment and Planning an Application to the State Comptroller for his consent to the total expenditure for such increase and improvement, such Application to be executed and verified by and on behalf of the County by the County Executive; and

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WHEREAS, said public hearing was duly held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 11th day of December, 2003, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing; and

WHEREAS, said County Legislature has reviewed said Application, as prepared by the Department of Environment and Planning; and

WHEREAS, the aforesaid increase and improvement has been determined to be a "Type II Action" pursuant to the Regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed will not result in any significant environmental impacts;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of Erie County Sewer District No. 5 in the County of Erie, New York, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$3,000,000.

Section 2. Said Application to the State Comptroller was prepared at the direction of said County Legislature;

Section 3. Said County Legislature believes the contents of the Application to be accurate.

Section 4. Said County Legislature has determined that the expenditure for which consent is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.

Section 5. The cost of the proposed expenditure is to be assessed against a benefitted area which consists of the entire area of Erie County Sewer District No. 5.

Section 6. Said Application is hereby directed to be forwarded by the County Executive to the State Comptroller to obtain his consent to the total expenditure authorized herein, and such expenditure shall not be made or contract let for the purposes authorized herein until such consent has been obtained.

Section 7. This resolution shall take effect immediately.

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

3. Item Page -2003 (Comm. 24E-10)

COUNTY EXECUTIVE

WHEREAS, the utility aggregate experienced a growth in the number of members enrolled again in 2003, and

WHEREAS, the price of natural gas and electricity experienced unexpected fluctuations, and

WHEREAS, the actual expenditure for utilities within the Utility Enterprise Fund have exceeded the budget set for the year 2003 by \$3.0 million, and

WHEREAS, the bills paid under the Utility Enterprise Fund are then billed to the various municipalities and County departments as a source of revenue, and

WHEREAS, without an increase in the budget for the Utility Enterprise Fund, the utility bills cannot be paid,

NOW, THEREFORE, BE IT,

RESOLVED, that the budget for the Utility Enterprise Fund shall be increased from \$31,824,896 to \$34,824,896 with the appropriations in Account 820, Utility Expense, and the revenues in Account 487, Other General Services – Other Governments being increased by a total of \$3.0 million, 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.

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

4. Item Page -2003 (Comm. 24E-20)

COUNTY EXECUTIVE

WHEREAS, the 2004 Assessment Rolls for Erie County Sewer District Nos. 1-6 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers at least five (5) days prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2003; and

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WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, at 1:30 p.m., local time on November 13, 2003 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2004 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy A. Naples, County Comptroller, and Gregory Dudek, Assistant County Attorney. (5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

5. Item Page -2003 (Comm. 24E-22)

COUNTY EXECUTIVE

WHEREAS, Erie County is interested in assisting with the effort by the members of the Southtowns Consortium Water Study to provide potable water to their residents; and

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

WHEREAS, the members of the Consortium have areas of their communities obtaining potable water from well systems; and

WHEREAS, the members of the Consortium desire to upgrade these well water systems in order to provide service from the Erie County Water Authority (ECWA); and

WHEREAS, Erie County desires to work with the members of the Consortium in implementing this process,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed a total of twenty thousand dollars (\$20,000), with the Towns of Colden, Eden and Holland who represent members of the Consortium; and be it further

RESOLVED, that the source of the funds will be \$20,000 available in the Regionalism / Economic Development Fund, DAC 110 904 303 830 1299, which will be transferred to new sub-

account under Agency Payments monitored by the Department of Environment and Planning, Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning, and the County Attorney.
(5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

6. Item Page -2003 (Comm. 24E-37)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract 11BV to Tom Greenauer Development, Inc. for the Erie County Sewer District No. 3 Creekside Sewer Replacement; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract 11BV in the final contract amount of \$716,328.48 which includes a \$90,000.00 Grant from the Community Development Block Grant Fund awarded to the Town of Boston, and Change Order No.2 final, a decrease of \$5,205.52, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 11BV between the County of Erie and Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140 is accepted in the amount of \$716,328.48, which includes a \$90,000.00 Grant from the Community Development Block Grant Fund awarded to the Town of Boston, and Change Order No.2 final, a decrease of \$5,205.52, and final payment is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract 11BV between the County of Erie and Tom Greenauer Development, Inc. in the amount of \$716,328.48 and make final payment from Sewer Capital, Erie County Sewer District No.3 Fund No.430, Project No.510; and cancel any unused balances; and be it further

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

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

7. Item Page -2003 (Comm. 24E-38)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Pratt & Huth Associates, LLP, to provide engineering services, and

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WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all engineering services are now complete, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Pratt & Huth Associates, LLP dated November 5, 1998 at the final contract amount of \$8,071.96.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement November 5, 1998 between the County of Erie/Erie County Sewer District Nos. 2 & 5 and Pratt & Huth Associates, LLP be formally closed-out in the final contract amount of \$8,071.96, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement between the County of Erie/Erie County Sewer Districts No.2 & 5 and Pratt & Huth Associates, LLP dated November 5, 1998, and be it further

RESOLVED, that the Clerk of Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Gregory Dudek, Assistant County Attorney and John S. Rizzo, Deputy Comptroller. (5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

8. Item Page -2003 (Comm. 24E-40)

COUNTY EXECUTIVE

WHEREAS, Capital Project 430 519, Acquisition of Facilities (1983) will be closed out in 2003; and

WHEREAS, there is a cash balance of \$463,993.88 as of September 30, 2003; and

WHEREAS, there is a debt service balance of \$2,624,222 remaining for this project; and

WHEREAS, the use of said cash will have no impact on the approved 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, Capital Project 430 519 be closed and that \$463,993.88 and any additional accrued interest be transferred to the Debt Service Fund to satisfy the remaining outstanding debt; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management, and Gregory Dudek, Assistant County Attorney. (5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

9. Item Page -2003 (Comm. 24E-41)

COUNTY EXECUTIVE

WHEREAS, Capital Project 430-532, Increase and Improvement of Facilities 1989, will be closed out in 2003; and

WHEREAS, there is a restricted cash balance of \$10,112.48 plus accrued interest and an unrestricted deficit of \$3,439.83 as of September 30, 2003; and

WHEREAS, there is debt service remaining for this project; and

WHEREAS, the use of said cash will have an impact of \$3,439.83 on the approved 2003 Sewer Fund Operating Budget.

NOW, THEREFORE, BE IT

RESOLVED, that \$10,112.48 and any additional accrued interest be transferred from the Capital Fund into Erie County Sewer District No. 6 Debt Service Fund for future Debt Service payments; and be it further

RESOLVED, \$3,439.83 be transferred from Fund Balance to the Bond Account 430 532 to offset the unrestricted cash deficit; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management and Gregory Dudek, Assistant County Attorney.
 (5-0) Legislator Larson absent. Chairman Swanick present as Ex-Officio Member.

JEANNE Z. CHASE
CHAIRPERSON

MR. RANZENHOFER moved to separate item #2 and moved the approval of the balance of the report. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved the approval of item #2. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

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

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December 11, 2003

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

RESOLUTION NO. 652

December 8, 2003

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT.

1. Item Page -2003 (Comm. 24E-17)

COUNTY EXECUTIVE

WHEREAS, the United States Department of Justice, Violence Against Women Office, has awarded \$496,553 to the Erie County Probation Department as part of their grants to Encourage Arrest Policies and Enforce Orders of Protection, and

WHEREAS, these funds will be used to create one (1) Deputy Sheriff Detective, one (1) Probation Officer and a part-time Training Instructor, to attend to the duties and responsibilities as outlined in the grant proposal, and enter into contracts with Child and Family Services, Haven House and the University of Buffalo, and

WHEREAS, these funds will allow the Probation Department and the Sheriff's Office to plan, administer and implement a coordinated response of probation/police services in the rural areas of Erie County and standardize police domestic violence training.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the United States Department of Justice and is authorized to accept funding in the amount of \$496,553, and be it further

RESOLVED, that the Sheriff's Office is authorized to create one (1) Deputy Sheriff Detective, J.G. 9; the Probation Department, (1) Probation Officer, J. G. II; and Central Police Services, a part time Training Instructor, J. G. II; for 19 hours a week; in the grant fund, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with Child and Family Services and Haven House to provide one full-time Victim Advocate to work on this project, and to be a member of the planning team and to enter into a contract with the University of Buffalo to provide technical assistance in the production of a training curriculum for the Police Academy, and be it further

RESOLVED, that authorization is hereby provided to budget those funds in the grant fund as follows:

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December 11, 2003

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Central Police Services-Grant Fund
 Violence Against Women
 August 1, 2003 – July 31, 2005

<u>Revenue</u>		<u>Increase</u>
Acct. 684-100	Federal Aid Miscellaneous	<u>\$101,243</u>
	Total Revenue	<u>\$101,243</u>

<u>Appropriations</u>		<u>Increase</u>
Acct. 800	Personnel Services	\$27,864
Acct. 805	Fringe Benefits	8,379
Acct. 830	Contractual Services	62,000
Acct. 810	Office Supplies	<u>\$3,000</u>
	Total Appropriation	<u>\$101,243</u>

Erie County Probation and Youth Detention Services
 Dept Code 650-Violence Against Women
 August 1, 2003 to July 31, 2005

<u>Revenue</u>		<u>Increase</u>
Acct. 684-100	Federal Aid Miscellaneous	<u>\$282,321</u>
	Total Revenue	<u>\$282,321</u>

<u>Appropriations</u>		
Acct. 800	Personal Services	\$106,879
Acct. 805	Fringe Benefits	32,139
Acct 830	Contractual Services	72,149
Acct 810	Office Supplies	5,250
Acct 933	Laboratory and Technical Equipment	41,429
Acct. 825	Travel Out of Area	<u>24,475</u>
	Total Appropriation	<u>282,321</u>

SHERIFF'S OFFICE - GRANT FUND
 Violence Against Women

<u>REVENUE</u>		<u>Increase</u>
Acct. 684-100	Federal Aid Miscellaneous	<u>112,989</u>
	TOTAL REVENUE	<u>\$112,989</u>

<u>APPROPRIATIONS</u>		<u>Increase</u>
Acct. 800	Personal Services	\$86,868
Acct. 805	Fringe Benefits	<u>26,121</u>
TOTAL APPROPRIATIONS		<u>\$112,989</u>

and it be further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Department of Personnel, the Department of Central Police Services, the Office of the Comptroller and the Office of the Sheriff.

(5-0)

2, Item Page -2003 (Comm. 24E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Central Police Services (CPS) has been awarded a grant from the Public Safety Foundation of America, and

WHEREAS, said funds will enable the CPS 911 Communications Center to become Phase II compliant with Federal regulations and promote the ability of this center to locate and assist cellular telephone callers in Erie County who need assistance,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$30,250 with the Public Safety Foundation of America, and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the Department of Central Police Services as follows:

Grant Fund
Central Police Services – E-911 Phase II
January 1, 2004 – December 31, 2004

<u>Revenue</u>	<u>Increase</u>
Other Revenue-Account 517	\$30,250
 <u>Appropriation</u>	 <u>Increase</u>
Acct. 821 Dues and Fees	\$30,250

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 Central Police Services.
 (5-0)

3. Item Page -2003 (Comm. 24E-25)

COUNTY EXECUTIVE

WHEREAS, 2003 Bureau of Justice Assistance Congressionally Mandated Awards funds identified “Terrorism Prevention and Response Training for Law Enforcement and Other Responders” as a critical need, and

WHEREAS, Erie County is building a new Regional Public Safety Campus (RPSC) which will include an Emergency Response Training Center as part of the facility, and

WHEREAS, Erie County has received funding under the FY 2003 BJA Congressionally Mandated Awards in the Amount of \$496,750, and

WHEREAS, these funds can be used for developing and conducting training, as well as training equipment and materials,

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, through the Department of Central Police Services, is authorized to enter into an agreement with the U.S. Department of Justice, Bureau of Justice, to accept funding in the amount of \$496,750 to be used to equip and staff the Emergency Response Training Center in the new RPSC, and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund – Central Police Services
 Emergency Response Training Center
 10/01/03 – 12/31/04

<u>Revenue</u>	<u>Increase</u>
Acct. 684-0100 Federal Revenue	\$496,750
Total Revenue	<u>\$496,750</u>

<u>Appropriation</u>	<u>Increase</u>
Acct. 800 – Personal Services	\$ 50,217
Acct. 805 – Fringe Benefits	\$ 13,559
Acct. 810 – Office Supplies	\$ 3,200
Acct. 821 – Dues and Fees	\$ 7,000

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Acct. 825 – Out of Area Travel	\$ 7,900
Acct. 932 – Furniture, Fixtures, Office Equip	\$163,374
Acct. 933 – Lab & Tech Equipment	<u>\$251,500</u>
Total Appropriation	<u>\$496,750</u>

And be it further

RESOLVED, that authorization is hereby provided to establish a position of Training Instructor, JG11, in the “Emergency Response Training Center” grant budget, and be it further

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

(5-0)

5. Item Page -2003 (Comm. 24E-26)

COUNTY EXECUTIVE

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

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

WHEREAS, all grant accounts need to be closed out on the Erie County’s general ledger,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Points of Entry Grant to reflect actual expenses incurred and to properly close out the grant as of October 31, 2003, to be adjusted as follows:

POINTS OF ENTRY GRANT – Project #617

November 1, 2002 to October 31, 2003

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 State Aid	\$ 37,325	\$ - 0 -	\$ 37,325.00
Acct. 686 1400 Interfund DA	<u>24,372</u>	<u>9,283.91</u>	<u>33,655.91</u>
Total Revenue	<u>\$ 61,697</u>	<u>\$ 9,283.91</u>	<u>\$ 70,980.91</u>

<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 800 Personal Services	\$ 54,063	\$ 5,536.45	\$ 59,599.45
Acct. 803 M/C Salary Adj.	(3,968)	3,968.00	- 0 -
Acct. 805 Fringe Benefits	<u>11,602</u>	<u>(220.54)</u>	<u>11,381.46</u>
Total Appropriations	<u>\$ 61,697</u>	<u>\$ 9,283.91</u>	<u>\$ 70,980.91</u>

and be it further

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

JEANNE Z. CHASE
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

Item 32 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 653

December 8, 2003

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 13

ALL MEMBERS PRESENT.

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

- | | | | | |
|----|-------------------------|-------------------------------------------------------------------------------|-------|---------------|
| | Item | Page | -2002 | (Intro. 19-4) |
| a. | DALE: | Support for Televised Legislative Sessions and Committee Meetings. | | |
| | | (5-0) | | |
| | Item | Page | -2003 | (Comm. 7E-3) |
| b. | DALE: | Copy of Letter to Legislator Ranzenhofer Re: 2003 Legislature Rules of Order. | | |
| | | (5-0) | | |
| | Item | Page | -2003 | (Comm. 22D-3) |
| c. | COUNTY ATTORNEY: | Transmittal on New Claims Against Erie County. | | |
| | | (5-0) | | |
| | Item | Page | -2003 | (Comm. 24D-5) |
| d. | COUNTY ATTORNEY: | Notice of Claims. | | |
| | | (5-0) | | |

e. Item Page -2003 (Comm. 24D-6)
COUNTY ATTORNEY: Notice of Claims.
 (5-0)

2. Item Page -2003 (Comm. 24E-18)
COUNTY EXECUTIVE

WHEREAS, it is necessary to recruit at Step 4 for an Assistant County Attorney position in order to secure and retain an attorney with the skill set necessary to interface with the public on a constant basis and handle sensitive child support collection matters;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the variable minimum for the position of Assistant County Attorney, Job Group 14, Step 4, effective upon the commencement of County service, and be it further

RESOLVED, that no budget transfers are necessary to accomplish the foregoing, and be it further

RESOLVED, that certified copies if this Resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Personnel and the Department of Law.
 (5-0)

3. Item Page -2003 **AS AMENDED**
 (Comm. 24E-27)
COUNTY EXECUTIVE

Whereas, the County has undertaken a project, called the SAP project, to implement a new payroll and accounting system; and

Whereas, in connection with said SAP Project, employees have worked extensive hours in calendar year 2003; and

Whereas, most of the employees assigned to the SAP Project are compensated for overtime hours worked with compensatory time rather than cash; and

Whereas, employees working on the SAP Project have been unable to utilize their accrued vacation leave and/or compensatory time, resulting in accruals that exceed the maximum allowable banks; and

Whereas, due to time constraints of the SAP Project, the employees are not likely to be able to utilize their accrued time by their respective anniversary dates; and

Whereas, the County does not want to penalize the employees working on the SAP Project;

NOW THEREFORE BE IT

Resolved, that the Erie County Commissioner of Personnel is hereby authorized to compensate, on a cash basis, employees assigned to the SAP Project for their accrued compensatory and vacation time that was earned while working on the SAP Project, and be it further

Resolved, that individuals on the Core Team of the SAP Project will be allowed to opt for direct cash payment for future overtime worked while on the SAP Project through December 31, 2004, and be it further

Resolved, that the Commissioner of Personnel will submit a report to the Erie County Legislature and appear before the Government Affairs Committee by June 30, 2004, and be it further

Resolved, that certified copies of this resolution be forwarded to the Commissioner of Personnel, the Director of Labor Relations, the Erie County Comptroller and the Budget Director.
(5-0)

STEVEN P. McCARVILLE
CHAIRMAN

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

CARRIED UNANIMOUSLY.

MR. HOLT moved to reconsider the GOVERNMENT AFFAIRS COMMITTEE Report #13. MR. DALE seconded.

CARRIED UNANIMOUSLY.

MR. HOLT moved to separate item #2 and moved the approval of the balance of the report. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

MR. McCARVILLE moved the approval of item #2. MR. RANZENHOFER seconded. MR. DALE and MR. DeBENEDETTI in the negative.

CARRIED. (WEIGHTED VOTE: 15.153 – 1.847)

Item 33 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 654

December 8, 2003

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 14

ALL MEMBERS PRESENT EXCEPT LEGISLATORS CHASE & FISHER.

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

	Item	Page	-2003	(Intro. 9-5)
a.	MINORITY CAUCUS:	Restoring Essential Funding to ECMC Health Care Network.		
	(3-0) Legislators Chase and Fisher absent.			

	Item	Page	-2003	(Intro. 10-7)
b.	MINORITY CAUCUS:	Authorizing the Transfer of Essential Funding to ECMC Health Care Network.		
	(3-0) Legislators Chase and Fisher absent.			

2.	Item	Page	-2003	(Comm. 20E-19)
	COUNTY EXECUTIVE			

WHEREAS, the prevalence, hospitalization, missed school days and mortality due to asthma has significantly increased in New York State, and

WHEREAS, the burden of asthma affects numerous sectors of our Western New York communities, including primary and acute health care, public health, education, business, health insurers, etc., and

WHEREAS, asthma-related costs to the New York State taxpayer, while not fully known, exceeded \$160 Million in 1995 alone, and

WHEREAS, the New York State Department of Health has awarded the Erie County Department of Health, as a lead agency of the Asthma Coalition of Western New York, an amount of \$182,714 to develop and implement a systems approach for reducing the burden of asthma in the eight counties of Western New York, and

WHEREAS, the Asthma Coalition of Western New York is a regional collaborative partnership of community stakeholders from diverse sectors who are concerned about the burden of asthma.

NOW, THEREFORE, BE IT

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ERIE COUNTY LEGISLATURE

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Health Department to accept the grant award budgeted as follows:

Systems Approach to Reducing the Burden of Asthma
07/01/03 – 06/30/04
Project #861

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	State Aid	<u>\$200,000</u>	<u>\$-17,286</u>	<u>\$182,714</u>
	TOTAL	<u>\$200,000</u>	<u>\$-17,286</u>	<u>\$182,714</u>
EXPENSES				
821	Dues and Fees	\$500	\$-500	\$0
825	Out of Area Travel	2,500	-1,500	1,000
826	Other Expenses	1,500	-1,500	0
830-551	CONT-UB Family Medicine CONT-Healthy Comm.	14,500	4,120	18,620
830-1186	Alliance	5,000	0	5,000
830-1187	CONT-Lake Plains	5,000	0	5,000
830-1209	CONT-American Lung	138,900	-1,715	137,185
830-1210	CONT-Niagara Health	21,600	-19,007	2,593
830-1588	CONT-Southern Tier	5,000	0	5,000
882-2709	Interfund – ECHD	0	8,000	8,000
932	Office Equipment	1,500	-1,184	316
933	Lab & Technical Equipment	<u>4,000</u>	<u>-4,000</u>	<u>0</u>
	TOTAL	<u>\$200,000</u>	<u>\$-17,286</u>	<u>\$182,714</u>

Partners for Prevention
04/01/03 – 03/31/04
Project #865

800	Personal Services	\$15,389	\$809	\$16,198
883-2709	Interfund – ECHD	\$-12,816	\$-809	\$-13,625

and be it further

RESOLVED, that this legislation rescinds Comm. 15E-44 that was approved at meeting #16 on September 25, 2003, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with Family Medicine Faculty Associates, Inc. in the amount of \$18,620 for project evaluations, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with three rural health networks, the Lake Plains Community Care Coalition, the Southern Tier Health Care System and the Healthy Community Alliance, each in the amount of \$5,000 to train local volunteer firemen and emergency medical staff on asthma, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the American Lung Association in the amount of \$137,185 for project coordination and implementation, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the Niagara Health Quality Coalition in the amount of \$2,593 for evaluating and modifying the "Rules of Two" asthma program through a network of pharmacists, and be it further

RESOLVED, that the subcontracts with the American Lung Association, Family Medicine Faculty Associates, Inc., the Niagara Health Quality Coalition, the Southern Tier Health Care System, the Lake Plains Community Care Coalition and the Healthy Community Alliance are special services which must be provided immediately and continuously and therefore, the RFP procedure required under Section 19.08 of the Erie County Administrative Code is hereby waived, and be it further

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

(3-0) Legislators Chase and Fisher absent.

3. Item Page -2003 (Comm. 20E-32)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE) grant, the Expanded In-home Services for the Elderly Program (EISEP) and the Congregate Services Initiative (CSI) grant for the period April 1, 2003 to March 31, 2004, and the Elder Caregiver Support (III-E) grant for the period January 1, 2003 to December 31, 2003, and

WHEREAS, the New York State Office for the Aging (SOFA) has notified the Department of Senior Services (Department) of final 2003 state allocations for the CSE, EISEP and CSI grants, which has resulted in State Aid reductions of \$6,535, \$12,345 and \$25,119, respectively, and

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WHEREAS, the Department has completed an analysis of actual costs of the programs, and

WHEREAS, the Department has identified \$48,000 in CSE and EISEP funds that can be reallocated to our Cluster agencies and has worked with all of the Cluster agencies to obtain their plans for supplementing case management and related services, and

WHEREAS, funding under CSI is designed to support programming in community settings at which elderly people come together for services and activities that respond to their diverse needs and interests; and

WHEREAS, the Department wishes to enhance the services and programs available in senior centers and congregate dining sites throughout Erie County, and

WHEREAS, the Department desires to contract with The Community Music School and the Theatre For Change, Inc. to provide performances and presentations in a community setting, and

WHEREAS, the CSE, EISEP, CSI and III-E grant budgets and the related CSE and EISEP contracts are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend the contracts with the CSE and EISEP agencies as detailed below, and be it further

RESOLVED, that the County Executive be and hereby is authorized to enter into contracts with The Community Music School and The Theatre for Change, Inc. in the amounts detailed below and for respective grant periods,

and be it further

RESOLVED, that the CSE grant budget, Project 771, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
617	State Aid	\$933,862	-\$6,535	\$927,327
	TOTAL CHANGE		-\$6,535	
800	Personal Services	\$167,132	-\$48,535	\$118,597
805	Fringe Benefits	41,664	2,000	43,664
826	Other Expenses	2,515	2,700	5,215
830/231	Concerned Ecumenical Min	136,299	6,000	142,299
830/302	Town of Amherst	27,149	6,000	33,149

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830/321	South Buffalo Comm. Dev.	109,251	6,000	115,251
830/355	Bailey Delevan Comm. Srv	154,325	6,000	160,325
830/362	Lt. Col. Matt Urban Human	113,948	6,000	119,948
830/397	Comm. Concern of WNY	52,912	6,000	58,912
933	Lab & Technical Equipment 0		1,300	1,300
	TOTAL CHANGE		<u>-6,535</u>	

and be it further

RESOLVED, that the EISEP grant budget, Project 772, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
617 State Aid	\$1,461,296	<u>-\$12,345</u>	\$1,448,951
TOTAL CHANGE		<u>-12,345</u>	
APPROPRIATIONS			
800 Personal Services	\$430,085	-\$56,345	\$373,740
805 Fringe Benefits	106,622	4,000	110,622
830/317 North Buffalo Comm. Devel	40,755	6,000	46,755
830/356 Northwest Buffalo Comm.	31,550	6,000	37,550
830/391 Other Home Care Agencies	1,083,780	<u>28,000</u>	1,111,780
TOTAL CHANGE		<u>-12,345</u>	

and be it further

RESOLVED, that the CSI grant budget, Project 773, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
443 In-Kind Contributions	\$4,378	\$7,788	\$12,166
617 State Aid	76,857	<u>-25,119</u>	51,738
TOTAL CHANGE		<u>-17,331</u>	
APPROPRIATIONS			
830/385 Other Projected Agencies	\$34,420	-\$26,632	\$7,788
830/405 Community Music School	0	5,500	5,500
830/1630 Theatre for Change, Inc.	0	3,801	3,801

TOTAL CHANGE	-\$17,331
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and be it further

RESOLVED, that the III-E grant budget, Project 770, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
805	Fringe Benefits	\$81,123	\$21,000	\$102,123
825	Out of Area Travel	\$1,100	\$1,000	2,100
830/385	Other Projected Agencies	293,968	-22,000	271,968
TOTAL CHANGE				\$0

and be it further

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

(3-0) Legislators Chase and Fisher absent.

4. Item Page -2003 (Comm. 22E-9)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department has received a continuation of a grant from the National Institutes of Health through ECMC which provides outreach services, through a multi-agency comprehensive collaboration, to individuals with HIV who have relapsed or who are disconnected; routine HIV/STD risk assessment of substance abusers; enhanced evidence based system of outpatient services, mutual case conferencing; and follow-up care for diagnosed individuals leaving in-patient care, and

WHEREAS, the goal is to implement a collaborative, comprehensive treatment infrastructure program that is responsive to the target population, increase the longevity of clients by addressing the unique needs of the target population, and improve and integrate outreach in the community to engage high-risk individuals not currently receiving care or frequently absent from care, and

WHEREAS, the Erie County Department of Health will continue to partner with the Erie County Medical Center, AIDS Community Services and Project Reach in order to provide needed services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby approves the following budget:

Department of Health
 HIV/AIDS Peer Navigator Program
 9/30/03 – 9/29/04

SFG	REVENUE	CURRENT BUDGET
685	INTERFUND REV. NON-SUB	\$ 61,117
	TOTAL	\$ 61,117
EXPENSES		
800-000	PERSONAL SERVICES	\$ 47,166
805-000	FRINGE BENEFITS	11,951
824	TRAVEL & MILEAGE	500
825	OUT OF AREA TRAVEL	1,500
	TOTAL	\$ 61,117

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Erie County Medical Center, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (3-0) Legislators Chase and Fisher absent.

5. Item Page -2003 (Comm. 22E-11)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services is the largest department within the County government, it has several major operations, including Support to the Commissioner, Systems Development, Legal Affairs, Assistant Deputy Commissioner Services, Health and Nutrition, and Public Assistance. Within Erie County, it has 28 offices, with an annual rent of approximately \$5 million, and

WHEREAS, a preliminary study to determine if any improvements to the efficiency of Social Services operations can be determined along with ADA and Code Compliance requirements in an effort to reduce annual rental costs, and

WHEREAS, the University of Buffalo Research Foundation has the expertise to provide the required services,

NOW, THEREFORE, BE IT,

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RESOLVED, that the County Executive be authorized and is hereby directed to enter into a contract between the County of Erie and the University of Buffalo Research Foundation to conduct a preliminary study to determine if any improvement to the efficiency of the Social Services Department can be determined, along with ADA and Code Compliance issues, and be it further,

RESOLVED, that this contract not exceed \$27,600.00, and be it further,

RESOLVED, that the fee allocation be taken from EC Code Compliance, Project 293, Fund 410, and be it further,

RESOLVED, that two certified 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.

(3-0) Legislators Chase and Fisher absent.

6. Item Page -2003 (Comm. 22E-12)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is engaged in a comprehensive multi-faceted effort to examine alternatives to safely reduce the length of stay of children in costly institutional foster care placement, and

WHEREAS, one component of this effort will be wraparound services conducted by New Directions Youth and Family Services that are focused on early discharge of children from institutional care into less restrictive community settings, and

WHEREAS, in order to assure success of this transition a flexible needs-based program of intensive wraparound services tailored to the needs of the child and family must be implemented, and

WHEREAS, the design and scope of services needed is determined in consultation with County caseworker staff, a care coordinator and a youth mentor at New Directions as well as natural parents and foster care parents.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or County Executive are authorized to enter into a contract with New Directions Youth and Family Services for the Wraparound Services Program, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2003 Adopted Budget:

Department of Social Services, Department 200, Fund 120

ACCOUNT DESCRIPTION

INCREASE

830-xxxx	New Directions Youth and Family Services	<u>\$200,000</u>
	Total Expenditures	<u>\$200,000</u>
529	Unanticipated Prior Year Revenue	\$70,000
606	State Aid – Services for Recipients	<u>130,000</u>
	Total Revenues	<u>\$200,000</u>

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
(3-0) Legislators Chase and Fisher absent.

7. Item Page -2003 (Comm. 24E-15)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates a Public Health Preparedness Laboratory Response Network through funding from New York State Health Research, Inc. for the development of a high containment emergency preparedness laboratory, and

WHEREAS, the Erie County Department of Health has received a revised grant award in the amount of \$604,000 from New York State Health Research, Inc. (HRI) which authorizes budgetary adjustments.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept the revised grant award from HRI which is budgeted as follows:

**Public Health Laboratory Response Network Grant
09/01/02 – 08/30/03
Project #896**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
557-200	NYS HEALTH RESEARCH	\$ 604,000	\$ 0	\$ 604,000
	TOTAL	<u>\$ 604,000</u>	<u>\$ 0</u>	<u>\$ 604,000</u>

EXPENSES

800-000	PERSONAL SERVICES	\$ 14,445	\$-261	\$ 14,184
805-000	FRINGE BENEFITS	3,897	-59	3,838
880-2208	DPW-CAPITAL FUNDS	410,000	3,835	413,835
933	LAB & TECH EQUIP	175,658	-3,515	172,143
	TOTAL	<u>\$ 604,000</u>	<u>\$ 0</u>	<u>\$ 604,000</u>

and be it further

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

(3-0) Legislators Chase and Fisher.

8. Item Page -2003 (Comm. 24E-16)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant award in the amount of \$50,000 from Department of Health & Human Services to provide funding for the coordination and recruitment of the continually expanding SMART (Specialized Medical Assistance Response Team) capacity for the eight counties of the Western New York Public Health Alliance, and

WHEREAS, this is the first year's funding of a three-year contract, and

WHEREAS, in order to efficiently meet the requirements of this award, it is necessary to create one full-time position of SMART Volunteer Corps Coordinator, JG VIII.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept the grant award from the Department of Health & Human Services which is budgeted as follows:

Medical Reserve Corps
10/1/03 – 9/30/04

SFG	REVENUE	AMOUNT
640	Federal Aid	<u>\$50,000</u>
	TOTAL	<u>\$50,000</u>
	EXPENSES	
800	Personal Services	\$32,574

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805	Fringe Benefits	12,053
810	Office Supplies	500
824	Travel & Mileage	1,200
880-5100	Interfund – DISS	1,000
933	Lab & Technical Equipment	<u>2,673</u>
	TOTAL	<u>\$50,000</u>

and be it further

RESOLVED, that one full-time position of SMART Volunteer Corps Coordinator, JG VIII, is hereby created.

The following personnel detail is hereby submitted:

TITLE: SMART Volunteer Corps Coordinator	FUNDING: 100% Federal Funded
JG: VIII	CIVIL SERVICE: Pending
STEP: 0	Jurisdictional Classification
ANNUAL SALARY: \$32,574	
ANNUAL BENEFITS: \$12,053	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
(3-0) Legislators Chase and Fisher absent.

9. Item Page -2003 (Comm. 24E-35)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Operation Restore Trust (ORT) grant for the period July 1, 2002 to June 30, 2003 and the Elder Abuse Prevention (Title VII) grant for the period January 1, 2003 to December 31, 2003, and

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

WHEREAS, the Department currently contracts with the American Red Cross, Greater Buffalo Chapter to provide ombudsman services under the Title VII grant, and

WHEREAS, the Department desires to amend the contracts with the American Red Cross, and

WHEREAS, no additional County funds are needed.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to amend the ORT and Title VII contracts with the American Red Cross, Greater Buffalo Chapter by the amounts detailed herein, and be it further

RESOLVED, that the budget for the ORT grant, Project 668, be revised as follows:

		CURRENT	AMENDED	
		BUDGET CHANGES		BUDGET
APPROPRIATIONS				
Account	Description			
826	Other Expenses	\$3,117	-\$1,098	\$2,019
830/418	American Red Cross	10,200	<u>1,098</u>	11,298
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

RESOLVED, that the budget for the Title VII grant, Project 768, be revised as follows:

		CURRENT	AMENDED	
		BUDGET CHANGES		BUDGET
APPROPRIATIONS				
Account	Description			
810	Office Supplies	\$109	-\$109	\$0
821	Dues & Fees	\$100	-\$100	0
826	Other Expenses	\$2,000	-\$2,000	0
830/418	American Red Cross	52,525	<u>2,209</u>	54,734
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

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

(3-0) Legislators Chase and Fisher absent.

10. Item Page -2003 (Comm. 24E-36)

COUNTY EXECUTIVE

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

WHEREAS, psychotropic medications are prescribed when needed for inmates at the Erie County Correctional Facility, and the costs may be reimbursed to the Correctional Facility by the Department of Mental Health (Forensic Mental Health Service) to the extent of available appropriations, and

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WHEREAS, additional funds in the amount of \$20,000 are available on a one time basis within the accounts of the Forensic Mental Health Service for the reimbursement of such medications, and

WHEREAS, the Erie County Department of Mental Health provides services to youth in secure custody at the Erie County Youth Detention Center and computers are needed by the staff providing those services.

NOW, THEREFORE, BE IT

RESOLVED, that \$20,000 be transferred within the accounts of the Department of Mental Health (Forensic Mental Health Service) from Account 821, Dues and Fees, to Account 882-6600, Interdepartment - Correctional Facility, to provide funding for psychotropic medications at the Erie County Correctional Facility and be it further

RESOLVED, that Account 814, Medical Supplies and Account 883-2410, Interdepartment - Mental Health, within the accounts of the Erie County Correctional Facility, be increased by \$20,000 to enable the purchase of psychotropic medications and the reimbursement for the medications by the Forensic Mental Health Service, and be it further

RESOLVED, that \$2,350 be transferred within the accounts of the Forensic Mental Health Service from Account 821, Dues and Fees, to Account 932, Office Equipment, to enable the purchase of two computers to be used by Erie County Youth Detention Center staff, and be it further

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

(3-0) Legislators Chase and Fisher absent.

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

MR. WEINSTEIN moved to separate item #5 and moved the approval of the balance of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved to amend item #5. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

DELETE the Second WHEREAS clause and REPLACE with the following:

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WHEREAS, a preliminary study to determine if any improvements of Social Services operations can be determined along ADA and Code Compliance requirements, limited to facilities only, in an effort to reduce annual rental costs, and

DELETE the First RESOLVED clause and REPLACE with the following:

RESOLVED, that the County Executive be authorized and is hereby directed to enter into a contract between the County of Erie and the University of Buffalo Research Foundation to conduct a preliminary study to determine if any improvement to the efficiency of the Social Services Department can be determined, limited to facilities only, along with ADA and Code Compliance issues, and be it further

MR. WEINSTEIN moved the approval of item #5 as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 655

December 8, 2003

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

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

	Item	Page	-2002	(Intro. 11-1)
a.	MARINELLI & FISHER:	Advancing Implementation of the Proposed Regional Asset Fund.		
	(4-0) Legislator Fisher absent.			
b.	Item	Page	-2003	(Comm. 17M-5)
	WESTERN ERIE CANAL HERITAGE CORRIDOR PLANNING COMMISSION:	Western Erie Canal Heritage Corridor Management Plan.		
	(4-0) Legislator Fisher absent.			

2. Item Page -2003 (Comm. 24E-21)
COUNTY EXECUTIVE

WHEREAS, the Amherst Youth Foundation, Inc. has requested \$50,000 to further the Foundation's acquisition and rehabilitation of a building and site, the Hutchinson Hose Fire Company site, which is located on Sheridan Drive in the Town of Amherst, and that site will become the permanent home for the Foundation and its related service agency, the Amherst Youth Board; and

WHEREAS, the proposed building and site will provide a more centralized location to provide needed services to both youth and their families in the Village of Williamsville, as well as to people in the southern and central end of the Williamsville School District, and it is anticipated Amherst Youth Board services will be provided more effectively and efficiently; and

WHEREAS, County funds are essential to offset some of the Foundation's operational start-up costs necessary for the acquisition and redevelopment of this building and site,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with the Amherst Youth Foundation, Inc. for the purposes noted above; and be it further

RESOLVED, that funds in the amount of \$50,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds (DAC 110 9043038301299) to a separate sub-account under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Amherst Youth Foundation, Inc. - \$50,000

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; the Deputy Director of the County Probation and Youth Services Division; and James C. Bailey, President, Amherst Youth Foundation, Inc., 52 Hardt Lane, Amherst, New York 14226.

(4-0) Legislator Fisher absent.

3. Item Page -2003 (Comm. 24E-23)

COUNTY EXECUTIVE

WHEREAS, The County of Erie, desires to participate in the development of the proposed Town of Cheektowaga Golf Course; and

WHEREAS, The golf course will be a high-quality, championship facility, an asset to the Town and County and a tourist attraction to visitors to the area; and

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WHEREAS, The assistance of Erie County is necessary to overcome obstacles resulting from changes in wetlands delineation and the need for additional design, engineering and infrastructure costs; and

WHEREAS, The Town of Cheektowaga and their developer have committed approximately \$6 million towards this project,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Town of Cheektowaga, in amounts not to exceed a total of \$200,000, for the purpose of providing funds to assist in the development of the Town of Cheektowaga golf course and meeting all the requirements of the state and federal wetland regulations; and be it further

RESOLVED, That the source of these funds shall be \$200,000 available in the Regionalism / Economic Development Fund, DAC 110 904 303 830 1299, which will be transferred to a separate sub-account under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning, and the County Attorney.
 (4-0) Legislator Fisher absent.

ELISE M. CUSACK
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

Item 35 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 656

December 8, 2003

REGIONALISM AD HOC
 COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

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1. RESOLVED, that the following item is hereby received, filed and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

- | | | | | |
|----|------------------------------------|----------------------------------------------------------------------------------------------------|-------|---------------|
| | Item | Page | -2003 | (Comm. 22M-3) |
| a. | CANADIAN CONSULATE GENERAL: | Copy of Letter to Legislator Weinstein Re: Intro. 18-14 (2003).
(4-0) Legislator Fisher absent. | | |

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

- | | | | | |
|----|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------|
| | Item | Page | -2003 | (Intro. 9-3) |
| a. | FISHER: | Expansion of the Niagara Power Project Boundaries to Include the Lake Erie-Niagara River Ice Boom as a Part of the Formal Relicensing Process.
(4-0) Legislator Fisher absent. | | |

- | | | | | |
|----|-------------------------|------|-------|----------------|
| 3. | Item | Page | -2003 | (Comm. 24E-13) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, Erie County is a major recipient of inexpensive power from the Niagara Power Project that directly supports in excess of 50,000 regional manufacturing jobs; and

WHEREAS, Erie County's businesses and residents enjoy the economic benefits of this resource and view this power allocation as essential to their future economic well being; and

WHEREAS, the Niagara Power Project is a regional asset that should be expanded to benefit the citizens of Western New York first; and

WHEREAS, Erie County and Niagara County have previously entered into an intermunicipal cooperation agreement, expiring December 31, 2003, in an amount not to exceed \$50,000 with Niagara County for Niagara Power Project Relicensing Consensus Committee Initiatives.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to amend the existing intermunicipal agreement to extend the term until the completion of the Relicensing process on August 31, 2007, or until the allocated funds are expended; and be it further

RESOLVED, that the extension of the existing agreement shall be at no cost to the County; and be it further

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

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 36 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 657

Re: DPW – Variable Minimum Adjustment.
(Intro. 25-1)

A RESOLUTION SUBMITTED BY
LEGISLATOR SWANICK

WHEREAS, periodically it necessary to make certain personnel adjustments,

NOW, THEREFORE, BE IT

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Department of Personnel and the Director of the Division of Budget, Management and Finance.

MR. RANZENHOFER moved to amend the resolution. MS. CHASE seconded. MR. DeBENEDETTI in the negative.

CARRIED. (WEIGHTED VOTE: 16.041 – 0.959)

DELETE the first **RESOLVED** and ***ADD*** the following:

RESOLVED, that the Erie County Legislature hereby establishes a variable minimum of JG 13 Step 4 for the position of ASST DEP COM HWY MN (POS# 274018) in the Department of Public Works – Highway Division County Road Fund, and be it further

RESOLVED, that the funds available to effectuate this variable minimum are available within the Department of Public Works Personal Services account, and be it further,

RESOLVED, that the Clerk of the Legislature, the Commissioner of the Department of Public Works, the Commissioner of the Department of Personnel and the Director of the Division of

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Budget, Management and Finance are hereby authorized to complete any paperwork necessary to effectuate this personnel change, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Department of Personnel, the Commissioner of the Department of Public Works and the Director of the Division of Budget, Management and Finance.

Fiscal Impact: None.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. CHASE seconded. MR. DALE, MR. DeBENEDETTI and MS. FISHER in the negative. MR. LARSON abstained.

CARRIED. (WEGHTED VOTE: 12.976 – 2.832)

Item 37 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 658

Re: Authorizing Shared Purchasing Contracts
Among Political Subdivisions. (Intro. 25-2)

A RESOLUTION SUBMITTED BY
LEGISLATOR McCARVILLE

WHEREAS, New York State law prohibits the ability of a county to competitively shop for the best price and contractual conditions that might exist under master contracts solicited by other states and localities outside New York State, and

WHEREAS, during the 2003 state legislative session, legislation was introduced, and passed in the Senate, allowing all New York State counties, cities, towns and other local governments to participate, or “piggy-back,” onto local, regional and national purchasing coalitions, agreements and contracts, and

WHEREAS, this legislation, S.1267 / A. 1714, would give public agencies and local governments, national and regional purchasing power, more product and service choices and if utilized would realize substantial savings for Erie County, and

WHEREAS, the legislation adopted by New York State, which allows counties to purchase goods and services from non-contiguous counties was a good first step, but more can be done, and

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WHEREAS, currently joint purchasing agreements are being drafted with various municipalities and government agencies within Erie County and these negotiations could easily be extended to local, regional and national purchasing coalitions, agreements and contracts,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to prudent and responsible fiscal decision-making, which will ensure the long-term viability of Erie County and protect the interest of taxpaying citizens, and be it further

RESOLVED, this honorable body implores the New York State Assembly to pass and the Governor to sign into law S. 1267 / A. 1714, which will allow Erie County to take full advantage of purchasing contracts outside of New York State, and be it further

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

Fiscal Impact: POSITIVE

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

CARRIED UNANIMOUSLY.

DELETE the Second RESOLVED clause and REPLACE with the following:

RESOLVED, this honorable body implores the New York State Assembly to pass and the Governor to sign into law, S.1267/A.1714, which will allow Erie County to take full advantage of purchasing contracts, held by local, regional and national purchasing coalitions, entities and municipalities, and be it further

MR. McCARVILLE moved the approval of the resolution as amended. MR. RANZENHOFER seconded. MR. DALE in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 659

Re: Consideration for Public Benefit Funding.
(Intro. 25-3)

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

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Vigilant Fire Co.	\$1,000	LARSON
Town of Wales	\$4,000	LARSON
Institute for Local Governance & Regional Growth	\$47,000	MAJORITY
L.K. Painter Community Center	\$10,000	MAJORITY
Kids Voting WNY	\$17,000	MAJORITY
Literacy Volunteers of America	\$5,282	MAJORITY
Total	\$84,282	

And be it further

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

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

Fiscal Impact: Reallocation of 2003 Budgeted Funds

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

CARRIED UNANIMOUSLY.

- DELETE the First, Second and Third RESOLVED Clauses entirely and REPLACE with:

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Vigilant Fire Co.	\$1,000	LARSON
Town of Wales	\$4,000	LARSON
Institute for Local Governance & Regional Growth	\$47,000	MAJORITY
L.K. Painter Community Center	\$10,000	MAJORITY
Kids Voting WNY	\$17,000	MAJORITY
Literacy Volunteers of America	\$5,282	MAJORITY
Variety Club of Buffalo, West Seneca Satellite	\$500	FALKNER
Town of Amherst	\$2,000	WEINSTEIN
TOTAL	\$86,782	

And be it further

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

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$2,400 from the Legislature – Contractual fund (110905100830) to the Department of Parks, Recreation and Forestry Fund 110, Project 942, Department 640, Maintenance Supplies 816 (DAC: 110942640816), for the purchase of trees for Como Lake Park, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$5,000 from the Extraordinary County Aid to Local Governments – Regionalism/Economic Development Fund (1109043038301299) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services for payment to City of Tonawanda ERT Start Up (1109213018301717), and be it further

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RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$185,092 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>	<u>SPONSOR</u>
Alexander Hamilton Playground Fund	830/	\$1,000	CUSACK
Alexander Hamilton Playground Fund	830/	\$2,500	CUSACK
American Gold Star Mothers, Inc.	830/	\$1,000	FALKNER
Amherst Chamber Ensemble	830/	\$500	WEINSTEIN
Amherst Township Post No. 416	830/	\$1,000	WEINSTEIN
Boy Scouts of America, Cub Pack 659	830/	\$500	DUSZA
Clarence Band Boosters Club, Inc.	830/	\$3,000	RANZENHOFER
Concord Career and Educational Services, Inc. (Springville Community Playground)	830/	\$3,000	MCCARVILLE
Dodge Elementary Fitness Center	830/	\$2,500	RANZENHOFER
Dodge Elementary Fitness Center	830/	\$3,830	RANZENHOFER
East Aurora/ Town of Aurora Police Department	830/	\$1,500	MCCARVILLE
Erie County Environmental Education Institute	830/	\$2,000	CUSACK
Hutchinson Hose Company	830/	\$2,500	WEINSTEIN
Martin Road Elementary School PTO	830/	\$2,000	KUWIK
Mount Mercy Academy	830/	\$2,500	SCHROEDER
North Haven Therapeutic Riding Aquatic Center	830/	\$500	McCARVILLE
Orchard Park Youth Basketball	830/	\$1,500	McCARVILLE
Renegades Drum Corp.	830/	\$2,500	LARSON
Roswell Park Alliance Foundation (Acciari Memorial)	830/	\$1,500	DUSZA
Ss. Peter & Paul Athletic Association	830/	\$2,000	DUSZA
St. Agnes	830/	\$700	SCHROEDER
St. Ambrose Sports Committee	830/	\$1,000	SCHROEDER
St. Thomas Aquinas Sports Committee	830/	\$1,000	SCHROEDER
Town of Amherst Highway Department	830/	\$2,000	WEINSTEIN
Town of Amherst Highway Department	830/	\$5,000	MAJORITY
Town Park Homeowners Association, Inc.	830/	\$1,500	DUSZA
Western Public Links Golf Association	830/	\$1,000	CUSACK
Western Public Links Golf Association	830/	\$1,000	SWANICK
Cornell Cooperative Extension	830/0186	\$2,000	CHASE
Town of Clarence	830/0212	\$4,168	RANZENHOFER
Town of Clarence	830/0212	\$1,741	RANZENHOFER
Literacy Volunteers of America Buffalo & Erie County, Inc.	830/0344	\$2,000	CUSACK

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Town of Lancaster (emergency management)	830/0345	\$4,000	LARSON
Town of Concord (Highway Department)	830/0386	\$7,000	MCCARVILLE
Town of Evans	830/0430	\$3,500	CHASE
Town of Evans (Police Department)	830/0430	\$5,000	CHASE
Town of Evans (Seniors)	830/0430	\$1,404	CHASE
Town of North Collins	830/0461	\$4,500	CHASE
Village of Orchard Park	830/0464	\$2,000	McCARVILLE
L.K. Painter Community Center	830/0550	\$2,000	McCARVILLE
Town of Cheektowaga (Justice Court)	830/0616	\$5,000	DUSZA
Operation Good Neighbor	830/0634	\$2,000	CHASE
Windom Fire Co.	830/0635	\$3,000	MCCARVILLE
Cheektowaga Chamber of Commerce	830/0646	\$3,000	RANZENHOFER
South Towns Aquatic Racers, Inc. (STAR)	830/0683	\$2,000	MCCARVILLE
Collins Center Fire Company	830/0790	\$3,000	MCCARVILLE
NICYO	830/0916	\$3,000	SWANICK
NICYO	830/0916	\$1,000	DUSZA
Village of Kenmore Fire Department	830/0959	\$6,000	SWANICK
Doyle Hose Fire Co. #1	830/0963	\$2,500	DUSZA
Clarence Senior Citizens, Inc.	830/1141	\$3,959	RANZENHOFER
Clarence Youth Center	830/1142	\$5,000	RANZENHOFER
Amherst Community Foundation (Chamber)	830/1190	\$10,000	CUSACK
Amherst Community Foundation (Chamber)	830/1190	\$3,000	RANZENHOFER
Colden Fire Company, Inc.	830/1253	\$3,000	McCARVILLE
Town of Lancaster (Senior Center)	830/1438	\$2,000	LARSON
Amherst Youth Foundation	830/1454	\$1,400	WEINSTEIN
Amherst Youth Foundation	830/1454	\$2,500	RANZENHOFER
Ellicott Creek Fire Company	830/1458	\$2,500	WEINSTEIN
North Boston Volunteer Fire Company, Inc.	830/1472	\$1,000	CHASE
Marilla Historical Society	830/1492	\$3,000	LARSON
Holland Boys & Girls Club	830/1493	\$7,000	LARSON
Safe Homes (ECCPASA)	830/1517	\$800	WEINSTEIN
MusicalFare Theatre	830/1565	\$2,990	CUSACK
H.E.A.R.T.	830/1569	\$2,600	CHASE
Grand Island Little League	830/1573	\$1,000	SWANICK
Variety Club of Buffalo, W. Seneca Satellite	830/1682	\$2,500	FALKNER
Variety Club of Buffalo, W. Seneca Satellite	830/1682	\$500	FALKNER
City of Tonawanda ERT Startup	830/1717	\$5,000	SWANICK
Luminina Corporation (Hope Chest Dragon Boat)	830/1719	\$1,000	CHASE
Luminina Corporation (Hope Chest Dragon Boat)	830/1719	\$1,000	CUSACK
82nd Airborne Association Museum	830/1752	\$1,500	DUSZA

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International Association of Lions Clubs (Cheektowaga)	830/1760	\$1,500	DUSZA
TOTAL		\$185,092	

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

Fiscal Impact: Reallocation of 2003 Budgeted Funds

MR. LARSON moved the approval of the resolution as amended. MR. RANZENHOFER seconded. MS. FISHER in the negative.

CARRIED. (WEIGHTED VOTE: 16.015 – 0.985)

Item 39 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 660

Re: Requesting Federal Continuation for the
 Low Income Home Energy Assistance Program
 (LIHEAP). (Intro. 25-4)

A RESOLUTION SUBMITTED BY
 LEGISLATOR SWANICK

WHEREAS, the typical winters in Western New York often result in higher energy costs when compared with other areas of the country, and

WHEREAS, the upcoming winter of 2003-2004 could be particularly difficult with the anticipated higher cost of energy for heating in the Western New York region, and

WHEREAS, it has been reported that the Low Income Home Energy Assistance Program (LIHEAP) could possibly lose \$200 million or 14% from its budget, and

WHEREAS, National Fuel Gas Company and the Erie County Department of Social Services have expressed serious concern over this possible cut in the budget of LIHEAP, and

WHEREAS, if this cut were to become a reality, the success of the LIHEAP would be jeopardized and/or severely limited, and

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WHEREAS, the conditions of winter in the Western New York region have acutely demonstrated the need for LIHEAP to help those in need of assistance,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its longstanding commitment to support the Low Income Home Energy Assistance Program and its undertaking to provide needed relief to families, senior citizens and others in need of assistance with high heating costs during winter months, and be it further

RESOLVED, that this Honorable Body does hereby request that the federal government ensure full funding resources for LIHEAP in order to provide heating assistance to those in need, and be it further

RESOLVED, that certified copies of this resolution be sent to President Bush, the Western New York Delegation to the U.S. House of Representatives, U.S. Senators Schumer and Clinton, Governor Pataki, Members of the Western New York Delegation to the NYS Legislature, County Executive Giambra, Commissioner of Social Services Merrifield, and Commissioner of Senior Services Krawczyk.

FISCAL IMPACT: None for Resolution

MR. RANZENHOFER moved to amend the resolution to include Et Al Sponsorship. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 40 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 661

Re: Urgent Need for NYS Legislature to Adopt
Early Retirement Incentive Legislation.
(Intro. 25-5)

A RESOLUTION SUBMITTED BY LEGISLATORS
SWANICK & RANZENHOFER

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WHEREAS, the Erie County Legislature recently passed the 2004 Erie County Budget with a bipartisan majority of 16 to 1 which was promptly signed by County Executive Giambra, and

WHEREAS, the 2004 Erie County Budget relied on certain assurances: 1) that NYS would be adopting an early retirement incentive for local governments at a Special Session of the Legislature before the end of 2003; and 2) that numerous County employees would take advantage of the early retirement incentive and retire, and

WHEREAS, the willingness of these employees to retire was also premised on the notion that retirement would come with the added benefit of the County assuming 100% of the cost of their health care coverage, and

WHEREAS, Erie County recently completed successful negotiations with most of its employee bargaining units, in which, the County agreed, as a part of collective bargaining, to assume 100% of the cost of employee health care coverage, including 100% of the cost of health care coverage of future retirees, and

WHEREAS, the County was aware, from internal surveys, that over 500 current County employees were interested in early retirement if an early retirement incentive was offered and if 100% of their health care costs would assumed by the County, and

WHEREAS, without an incentive, the County would have to fully fund the salary and health care coverage for these employees thereby forcing potential layoffs of as many as 430 employees, and

WHEREAS, to date, no Special Session has been scheduled to take up an early retirement incentive,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby call upon the NYS Legislature to call a Special Session to promptly consider the passage of an early retirement incentive for local governments, and be it further

RESOLVED, that the Erie County Legislature does hereby call upon the NYS Legislature to promptly pass an early retirement incentive for local governments, and be it further

RESOLVED, that the Erie County Legislature does hereby call upon Governor Pataki to promptly sign an early retirement incentive for local governments, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, members of the Western New York delegation to the NYS Legislature and County Executive Giambra.

Fiscal Impact: Positive for Erie County

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

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CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors:

FALKNER, CHASE, McCARVILLE, CUSACK, WEINSTEIN, LARSON, HOLT, KUWIK, SCHROEDER, FISHER, DeBENEDETTI, SMITH, DUSZA & MARINELLI

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

CARRIED UNANIMOUSLY.

Item 41 – CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

CHALLENGE TO CHAIR.

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

FAILED. (WEIGHTED VOTE: 7.471 – 9.529)

Intro. 25-6 From LEGISLATOR LARSON Re: Requesting NYS Legislature Adopt & Pass Legislation Prohibiting Elected Public Officials form Specific Courses of Conduct.

Item 42 – MR. DeBENEDETTI presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTOIN NO. 662

Re: Releasing Public Benefit Funds for
 Northwest Buffalo Community Center.
 (Intro. 25-7)

A RESOLUTION SUBMITTED BY
 LEGISLATOR DEBENEDETTI

WHEREAS, the Adopted 2003 Erie County Budget includes funding for public benefit appropriations for Members of the Erie County Legislature, and

WHEREAS, the Adopted 2003 Erie County Budget includes 2002 budget resolutions that provide for the carrying-over of remaining balances in 2002 accounts to 2003, and

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WHEREAS, included in that budget is \$35,000 for the Northwest Buffalo Community Center (DAC 1109213018300356), and

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

WHEREAS, additional appropriations are made throughout the year to Public Benefit Agencies which may increase the amounts available to these community organizations,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable body hereby requests the release of the remaining balance from the 2002 budget resolution of \$35,000 to the Northwest Buffalo Community Center as well as any other appropriated funds upon the completion of the necessary paperwork, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the Northwest Buffalo Community Center, and be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 43 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 1D-16. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 663

Re: OPEN ITEM - Dunn Tire Park, County
 Lease – Capital Improvements.

MR. LARSON moved to amend the resolution. MR. RANZENHOFER seconded. MR. DALE in the negative.

CARRIED. (16.112 – 0.888)

WHEREAS, the Dunn Tire Park lease agreement between the Buffalo Bisons and Erie County designates the County as being responsible for capital improvement projects in the amount of \$1 million per year for a total of \$5 million, and

WHEREAS, work at Dunn Tire Park this year consisted of improvements to the service level, clubhouse, batting cages, boiler repair, and lighting replacement, and

WHEREAS, in order to expedite all the work and assure that everything was completed by April 4, 2003, the Buffalo Bisons bid the improvements to the service level, clubhouse, batting cages, and lighting replacement in the amount of \$282,095.00, and

WHEREAS, the Buffalo Bisons are now requesting that the County reimburse the Buffalo Bisons account for the cost of the County Capital Improvement work,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is hereby authorized to reimburse the Buffalo Bisons account in an amount not to exceed \$282,095.00 for the cost of the County Capital Improvement work, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from the 2003 Dunn Tire Park Tobacco Project, Project 381, Fund 441, and be it further,

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

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

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

SUSPENSION OF THE RULES

None.

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COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR LARSON

Item 44 – (Comm. 25E-1) Copy of Letter to Legislator Holt Re: Forgiveness of NYS Medicaid Loan.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIRMAN SWANICK

Item 45 – (Comm. 25E-2) Reappointments to Erie County Agricultural & Farmland Protection Board.

RECEIVED, FILED & PRINTED.

November 25, 2003

Laurie A. Manzella, Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Dear Ms. Manzella:

Please be advised that, pursuant to Section 302 of the New York State Agricultural District Law, Article 25-AA, I hereby reappoint the following individuals to the Erie County Agricultural and Farmland Protection Board:

Bruce E. Luno – 9167 Mayo Road – Springville, New York 14141
Earl Gingerich, Jr. – 4089 Four Rod Road – East Aurora, New York 14052
(as Erie County Farm Bureau representative)

The terms of Messrs. Luno and Gingerich, Jr. are to expire in March, 2008. Please notify Mr. Luno and Mr. Gingerich that they have been reappointed.

Sincerely,

CHARLES M. SWANICK, Chairman
Erie County Legislature and Erie County
Agricultural and Farmland Protection Board

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c: Spencer P. Schofield – ECDEP
Chet C. Jandzinski

MR. RANZENHOFER moved to amend the resolution. MS. CHASE seconded. MR. DALE in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

December 10, 2003

The Honorable Erie County Legislature
25 Delaware Avenue
7th Floor
Buffalo, NY 14202

Re: Appointment to the Erie County Industrial Development Agency.

Dear Members:

I, Charles M. Swanick, Chairman of the Erie County Legislature, and Joel A. Giambra, Erie County Executive, do hereby appoint:

Alfred F. Luhr III
Senior Vice President
M&T Bank
4925 Main Street
Amherst, NY 14226
(replacing Patrick P. Lee)

to the Erie County Industrial Development Agency, pursuant to Section 891-A of the New York General Municipal Law, for a term ending January 31, 2004.

Respectfully submitted,

Charles M. Swanick
Chairman, Erie County Legislature

Joel A. Giambra
Erie County Executive

Cc: Alfred F. Luhr III
Senior Vice President
M& T Bank
4925 Main Street
Amherst, NY 14226

ALFRED F. LUHR, III
36 Walton Drive

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Snyder, New York 14226
 Home Phone (716) 839-1846
 Email: aluhr@mandtbank.com

Business Phone (716) 839-8706

Business Fax (716) 839-8744

EXPERIENCE

M&T BANK CORP., BUFFALO, NEW YORK

January 1996

Senior Vice President and Manager

Business & Professional Banking Department - M&T Bank - Buffalo
 Business & Professional Banking Department - M&T Bank - Segment
 Credit
 Member - M&T Bank Senior Loan Committee

Responsible for M&T Bank-Buffalo Regional sales as well as other
 Business Banking departments, including all credit and underwriting
 functions throughout the M&T Bank Business Banking network, M&T
 Bank SBA lending, Equipment Leasing and Finance and Business
 Banking operations.

January 1990

Administrative Vice President and Manager

Business & Professional Banking Department - M&T Bank - Buffalo
 Member - M&T Bank Senior Loan Committee

November 1988

Vice President and Manager

Business & Professional Banking Department - M&T Bank - Buffalo

Responsible for Business Banking new business development, overall
 credit and the maintenance of commercial account relationships
 involving professional, family and privately-held businesses
 throughout the M&T Bank Corporation network. Also oversee M&T
 Bank's Leasing and Equipment Finance area.

March 1986 to
 November 1988

Vice President and Group Manager

Western New York Commercial Banking Department

Responsible for commercial and asset-based loan portfolio with
 outstandings in excess of \$100 million. Supervise 15 account
 representatives and staff accountable for commercial borrowing and
 cash management requirements of major corporate clients in Western
 New York.

October 1979 to
 March 1986

**AMERICAN STEAMSHIP COMPANY, BUFFALO, NEW
 YORK**

Subsidiary of GATX Corporation

Assistant Vice President -Marketing

Responsible for the long-term maintenance of specific steel, chemical, and utility customer relationships. Negotiated self-unloader vessel transportation contracts of varying terms at prescribed profit levels. Established new joint rail/water transportation tariff with major eastern railroad. Experience in Title XI financing, capital budgeting, planning, and contract negotiation.

February 1976 to
October 1979

M&T BANK, BUFFALO, NEW YORK
Metropolitan Division

Assistant Vice President

Senior Commercial Loan Representative

February 1971
February 1976

MARINE MIDLAND BANK, NEW YORK, NEW YORK
Senior Commercial Loan Representative
Manager - Fifth Avenue Office

EDUCATION

New York University, New York, New York
Stern Graduate School of Business Administration
Master of Business Administration in Finance, 1972

Canisius College, Buffalo, New York
Bachelor of Arts, 1968

DIRECTORSHIPS

Canisius College Board of Regents
Board Member 2002 -Present

Canisius High School, Buffalo, New York
Trustee 1992 to 1997

Frank Lloyd Wright Rowing Boathouse Corporation
Director and Board Member 2003

Genesee Country Village & Museum
Trustee, 2002 - Present

Holy Angels Academy
Trustee, 2003

Kenmore Mercy Hospital
Director 1990 to 1997

Lackawanna Community Development Corporation
Director 1987 to 1996

New York Business Development Corporation
Niagara-Southwestern Regional Loan & Advisory Committee
Board Member

People, Inc.

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Board Member 2001 - Present
U.S. Small Business Administration
 District Advisory Council 1995-Present

ORGANIZATIONS

The Buffalo Club
 The Buffalo Canoe Club
 The Park Country Club
 Canisius College 1998 Annual Corporate Giving Campaign Chairman
 March of Dimes Gourmet Gala Dinner Chairman 1994
 March of Dimes Volunteer of the Year Award 1995
 Leukemia Society of WNY - Diamond Ball Chairman -1998
 Catholic Charities 1998-2003 Large Gifts Chairman

AWARDS:

1490 Enterprises, Inc. - 2000 Community Service Award
 28th Annual Black Achievers in Industry Award Dinner
 U.S. Small Business Administration -
 Financial Services Advocate of the Year - 2001
 West Side Rowing Club - Ned Mathias Award - Community Service -
 1998

PERSONAL

Marital Status: Married
 Wife: Micaela
 Children: James Regan (24)
 Mary Adair (21)

MR. RANZENHOFER moved to RECEIVE, FILE & PRINT as amended. MR. LARSON seconded. MR. DALE in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

FROM LEGISLATOR DeBENEDETTI

Item 46 – (Comm. 25E-3) Copy of Letter to County Attorney Re: Risk Retention Fund.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS DUSZA & WEINSTEIN

Item 47 – (Comm. 25E-4) Copy of Letter to NYS Commissioner of Health Re: Residential Properties Near Former NL Industries Site in Depew.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

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Item 48 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 664

Re: Bond Resolution - \$2,000,000 –
 Extraordinary Snow & Ice Removal Expenses.
 (Comm. 25E-5)

RESOLUTION NO. 664 -2003

BOND RESOLUTION DATED December 11, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ISSUANCE OF SERIAL BONDS TO FINANCE EXTRAORDINARY SNOW AND ICE REMOVAL EXPENSES, PURSUANT TO SECTION 26.00 OF THE LOCAL FINANCE LAW, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,000,000 SERIAL BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION.

(Introduced) December 8, 2003

(Adopted) December 11, 2003

Recital

WHEREAS, the weather during the winter season of 2002-2003 was extremely harsh in the State of New York, particularly in Erie County; and

WHEREAS, the Department of Public Works - Road Fund expended all of the 2003 overtime budget and most of the highway supplies budget during the early months of the year; and

WHEREAS, the Department of Public Works - Road Fund is anticipated to close the 2003 overtime budget and most of the highway supplies budget during the early months of next year and that such budgets are anticipated to close the 2003 fiscal year with a deficit due to the magnitude of the costs associated with the extraordinary winter season; and

WHEREAS, pursuant to certain amendments to Section 26.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), which amendments comprise Chapter 42 of the New York Laws of 2003, the County is authorized to issue serial bonds to provide for the payment of all or a part of the extraordinary expenses of snow and ice removal incurred during 2003;
 Now, therefore,

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

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to issue serial bonds to finance extraordinary snow and ice removal expenses, pursuant to Section 26.00 of the Law. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,000,000 and said amount is hereby appropriated therefor. The County Legislature, as finance board of the County, hereby determines that expenses incurred for the removal of snow and ice due to the extraordinary 2002-2003 winter season are in excess of normal expenses which would have been incurred for such purposes and that the salary and wages of regular employees, except for overtime work and work on Sundays and holidays, have not been calculated into such estimated maximum cost. The plan of financing includes the issuance of \$2,000,000 serial bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the County in the principal amount of \$2,000,000 are hereby authorized to be issued pursuant to the provisions of the Law, to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the purpose for which said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 26.00 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the County for expenditures made for the purpose for which said bonds are authorized.

Section 4. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by

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

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

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

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 12.284 – 4.716)

FROM LEGISLATOR KUWIK

Item 49 – MR. HOLT presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 665

Re: Lease for Legislative Office space.

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(Comm. 25E-6)

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between Peter Vinolus located at 609 Ridge Road, Lackawanna, New York and Erie County for Legislative Office Space for Erie County Legislator Edward Kuwik at a cost of \$625.00 per month.

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

CARRIED. (WEIGHTED VOTE: 15.982 – 0)

FROM LEGISLATOR DeBENEDETTI

Item 50 – MR. HOLT presented the following resolution and moved for immediate consideration. MR. DUSA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 666

Re: Lease for Legislative Office Space.
 (Comm. 25E-7)

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between Northwest Buffalo Community Center located at 155 Lawn Avenue, Buffalo, New York and Erie County for Legislative Office Space for Erie County Legislator Albert DeBenedetti at a cost of \$465.00 per month.

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

CARRIED UNANIMOUSLY.

FROM CHAIRMAN SWANICK

Item 51 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 667

Re: Lease for Legislative Office Space –
 Legislator – Elect Marshall. (Comm. 25E-8)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between John and Phyllis Besch located at 5580 Broadway, Lancaster, New York and Erie County for Legislative Office Space for Erie County Legislator-Elect Denise Marshall at a cost of \$637.00 per month.

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

CARRIED UNANIMOUSLY.

FROM CHAIRMAN SWANICK

Item 52 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 668

Re: Lease for Legislative Office Space –
 Legislator-Elect Wroblewski. (Comm. 25E-9)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Frank A. Pirritano located at 3700 SW 5th Avenue, Cape Coral, Florida, and Erie County for Legislative Office Space for Erie County Legislator-Elect Timothy Wroblewski at a cost of \$650.00 per month.

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

CARRIED. (WEIGHTED VOTE: 15.976 -0)

FROM THE COUNTY EXECUTIVE

Item 53 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 669

Re: Road Repair Reserve Fund Surplus Revenue
 – Adjustment to Allocation of Funds.
 (Comm. 25E-10)

WHEREAS, the Erie County Legislature on October 16, 2003, at Meeting No. 18, passed legislation, Communication No. 17E-24, authorizing the County of Erie to establish a Road Repair Reserve Fund from the audited surplus from the 2002 Real Property Transfer Tax, and

WHEREAS, it has now become necessary to specifically identify the allocation of the funds identified in this Communication No. 17E-24.

NOW, THEREFORE, BE IT

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RESOLVED, that the County Legislature of the County of Erie hereby approves of the specific identification and allocation of the funds identified and approved in prior Communication No. 17E-24, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the following specific allocation of funds:

Road Fund Oil & Chip & Road/Bridge Repairs	210-971	\$ 528,900.00
2003 Capital Overlay Program	420-355	\$1,469,680.85

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 Interim Deputy Commissioner of Highways, Gerard J. Sentz .

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

CARRIED UNANIMOUSLY.

Item 54 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 670

Re: Senior Services – Authorization to Amend
 Title III C-1 Budget. (Comm. 25E-11)

WHEREAS, the Erie County Legislature has appropriated funds for the III-C-1 Congregate Dining Nutrition Program (Project 144) for the period January 1 through December 31, 2004; and

WHEREAS, the Department of Senior Services (Department) continually reviews potential locations to expand the Stay Fit Dining Program throughout Erie County, and

WHEREAS, the Department recommends that two new dining sites, located at the Mang Community Center in Kenmore and the Seneca Babcock Community Center in Buffalo, be added to the Stay Fit Dining Program, and

WHEREAS, the Department anticipates that 60-70 seniors will be served daily, and

WHEREAS, the Department desires to contract with the sponsors, the Village of Kenmore and the Seneca Babcock Community Association, Inc., to begin serving meals in 2004.

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NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to enter into contract for cleanup and escort-services with the Village of Kenmore and the Seneca Babcock Community Association, Inc., effective January 1, 2004 through December 31, 2004; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 55 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 671

Re: Health –LEAP/ENABLE Grant – 10/1/03 –
 9/30/05. (Comm. 25E-12)

WHEREAS, the Erie County Department of Health has received a grant award from Environmental Education Associates, Inc., as part of the United States Department of Housing & Urban Development (HUD) Office of Healthy Homes and Lead Hazard Control grant in the amount of \$1,122,595, and

WHEREAS, the Erie County Department of Health will receive an amount of \$1,122,595 to implement the ENABLE (KnowlEdge, TraiNing, MateriAls, EnaBling, Lead-Safe ActivitiEs) portion of the LEAP (Lead Elimination Action Program) grant, and

WHEREAS, the purpose of the LEAP program is to improve the quality of life of children through reduced exposure to lead hazards in the home environment, and

WHEREAS, the ENABLE activities will be accomplished through home inspection, distribution of intervention products, provision of services and implementation of an education curriculum for property owners and maintenance workers in Erie County, and

WHEREAS, in order to meet the requirements of this program it is necessary to create two full-time positions of Investigating Public Health Sanitarian, JG VIII, one full-time position of Administrative Clerk, JG VII, one regular part-time position of Jr. Environmental Education Specialist, JG VII and one regular part-time position of Jr. Accountant, JG VII.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with Environmental Education Associates, Inc. to accept the grant budgeted as follows:

SFG	REVENUE	BUDGET
521	OTHER REVENUE	<u>\$ 1,122,595</u>
	TOTAL	<u><u>\$ 1,122,595</u></u>
EXPENSES		
800	PERSONAL SERVICES	\$ 352,210
801	OVERTIME	10,000
805	FRINGE BENEFITS	70,010
810	OFFICE SUPPLIES	4,800
811	CLOTHING SUPPLIES	1,280
821	DUES & FEES	2,360
824	TRAVEL & MILEAGE	8,640
825	OUT OF AREA TRAVEL	6,360
826	OTHER EXPENSES	638,535
880-5100	INTERFUND - DISS	14,400
932	OFFICE EQUIPMENT	3,600
933	LAB & TECH EQUIPMENT	<u>10,400</u>
	TOTAL	<u><u>\$ 1,122,595</u></u>

and be it further

RESOLVED, that two full-time positions of Investigating Public Health Sanitarian, JG VIII, one full-time position of Administrative Clerk, JG VII, one regular part-time position of Jr. Environmental Education Specialist, JG VII and one regular part-time position of Jr. Accountant, JG VII are hereby created.

The following personnel detail is hereby submitted:

TITLE: Investigating Public Health Sanitarian	FUNDING: 100% Federally Funded
JG: VIII	CIVIL SERVICE: Yes - Competitive
STEP: 0	CIVIL SERVICE LIST: Yes
ANNUAL SALARY: \$31,566	
ANNUAL BENEFITS: \$11,679	

TITLE: Administrative Clerk	FUNDING: 100% Federally Funded
JG: VII	CIVIL SERVICE: Yes - Competitive
STEP: 0	CIVIL SERVICE LIST: Yes

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ANNUAL SALARY: \$29,399
 ANNUAL BENEFITS: \$10,878

TITLE: Jr. Education Specialist
 Environmental Health (RPT)
 JG: VII
 STEP: 0
 HOURLY RATE: \$14.13

FUNDING: 100% Federally Funded
 CIVIL SERVICE: Yes - Competitive
 CIVIL SERVICE LIST: No

TITLE: Jr. Accountant (RPT)
 JG: VII
 STEP: 0
 HOURLY RATE: \$14.13

FUNDING: 100% Federally Funded
 CIVIL SERVICE: Yes - Competitive
 CIVIL SERVICE LIST: Yes

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 56 – (Comm. 25E-13) Division of Sewerage Management – Personnel Request – 2004 Budget.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 672

Re: Health – Public Health Preparedness /
 Response to Bioterrorism – 9/1/03 – 8/31/04 –
 Project #818. (Comm. 25E-14)

WHEREAS, the Centers for Disease Control and Prevention (CDC) has awarded funding to upgrade state and local public health preparedness and response capabilities relative to bioterrorism, and

WHEREAS, the Erie County Department of Health has received a continuation grant award in the amount of \$1,050,265 from New York State Health Research, Inc. (HRI) to plan and develop response capacity to a bioterrorism event in collaboration with New York State, and

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WHEREAS, the eight (8) Counties of Western New York comprised of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming have joined together as the Western New York Public Health Alliance (WNYPHA) for the purpose of protecting the public health through regional planning and cooperation, and

WHEREAS, the eight (8) Counties of the WNYPHA have designated Erie County as the lead County for the purpose of coordination of the Bioterrorism Plan and are desirous of contracting to provide certain deliverables which are required by the HRI contract, and will pay Erie County a portion of their State grant for these services, and

WHEREAS, in order to efficiently meet the requirements of this award, it is necessary to create one full-time position of Principal Clerk, JG VI, one full-time position of Account Clerk Typist, JG IV, one regular part-time position of Regional Medical Director, JG XVIII, at a variable minimum Step 5, and one part-time position of Intern, JG I, and

WHEREAS, it is necessary to delete one full-time position of Sr. Clerk Typist, JG IV, (position number 816182) effective January 1, 2004, and

WHEREAS, due to the increased demands placed upon the Deputy Commissioner – EMS (position number 150143), it is necessary to upgrade this position from JG XIII to JG XIV, and

WHEREAS, it is necessary to contract with Buffalo Computer Graphics to provide support for regional exercises involving utilization of the Disaster LAN in an amount not to exceed \$22,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is hereby designated as the lead agency for the WNYPHA for the purposes of coordinating the provision of certain deliverables required by the HRI contract, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into agreements with the following counties for the purpose of coordinating the regional plan at the following rates to be paid by the said counties to Erie County:

Allegany County		\$20,250
Cattaraugus County		\$26,718
Chautauqua County	\$41,783	
Disaster LAN support	\$40,000	\$81,783
Genesee County		\$22,950
Niagara County		\$29,679
Orleans County		\$20,250
Wyoming County		\$20,250

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and be it further

RESOLVED, that the County Executive is authorized to accept the continuation grant award from HRI which is budgeted as follows:

Public Health Preparedness Response to Bioterrorism
 9/1/03 – 8/31/04 Project #818

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
	BIO - OTHER CO PRIOR			
360-2001	YR ROLL OVER	\$ 0	\$ 6,000	\$ 56,000
360-2000	BIO - OTHER COUNTIES	261,183	-39,303	221,880
553-200	STATE AID - HRI	917,517	132,748	1,050,265
	TOTAL	\$ 1,178,700	\$149,445	\$1,328,145
EXPENSES				
800	PERSONAL SERVICES	\$ 222,846	\$130,529	\$ 353,375
801	OVERTIME	20,000	-2,000	18,000
805	FRINGE BENEFITS	60,124	69,883	130,007
810	OFFICE SUPPLIES	1,700	6,300	8,000
811	CLOTHING SUPPLIES	54,000	-14,000	40,000
814	MEDICAL SUPPLIES	10,000	15,000	25,000
821	DUES & FEES	114,300	-83,500	30,800
822	RENTAL CHARGES	15,600	-14,100	1,500
823	REPAIRS & MAINTENANCE	1,000	500	1,500
824	TRAVEL & MILEAGE	11,500	-6,500	5,000
825	OUT OF AREA TRAVEL	26,605	44,645	71,250
826	OTHER EXPENSES	46,544	2,356	48,900
830	CONTRACTUAL	350,000	-42,944	307,056
880-2700	INTERFUND - ECHD	80,000	0	80,000
880-2710	INTERFUND - EMS	5,476	11,666	17,142
880-2720	INTERFUND - PH LAB	17,442	2,512	19,954
880-4000	INTERFUND - ECMC	0	5,000	5,000
880-5100	INTERFUND - DISS	5,000	31,250	36,250
930	MOTOR VEHICLE EQUIP	14,000	6,000	20,000
932	OFFICE EQUIPMENT	2,200	-2,200	0
933	LAB & TECH EQUIPMENT	120,363	-10,952	109,411
	TOTAL	\$ 1,178,700	\$149,445	\$ 1,328,145

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and be it further

RESOLVED, that the Deputy Commissioner EMS (position number 150143), is hereby upgraded from JG XIII to JG XIV, and be it further

RESOLVED, that one full-time position of Principal Clerk, JG VI, one full-time position of Account Clerk Typist, JG IV, one regular part-time position of Regional Medical Director, JG XVIII, at a variable hiring minimum Step 5, and one part-time position of Intern, JG I, are hereby created.

The following personnel detail is hereby submitted:

TITLE: Principal Clerk JG: VI STEP: 0 ANNUAL SALARY: \$26,396 ANNUAL BENEFITS: \$9,767	FUNDING: 100% State Funded CIVIL SERVICE: Yes CIVIL SERVICE LIST: Yes
TITLE: Account Clerk Typist JG: IV STEP: 0 ANNUAL SALARY: \$24,109 ANNUAL BENEFITS: \$8,920	FUNDING: 100 % State Funded CIVIL SERVICE: Yes CIVIL SERVICE LIST: Yes
TITLE: Intern – Part – Time JG: I STEP: 0 HOURLY RATE: \$10.51	FUNDING: 100 % State Funded CIVIL SERVICE: Pending Jurisdictional Classification CIVIL SERVICE LIST: No
TITLE: Regional Medical Director RPT JG: XVIII STEP: 5 ANNUAL SALARY: \$51,423 ANNUAL BENEFITS: \$19,027	FUNDING: 100% State Funded CIVIL SERVICE: Pending Jurisdictional Classification CIVIL SERVICE LIST: No

and be it further

RESOLVED, that one full-time position of Sr. Clerk Typist, JG IV, (position number 816182) is hereby deleted, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with Buffalo Computer Graphics in an amount not to exceed \$22,000 for the purpose of providing support for regional exercises involving utilization of the Disaster LAN, and be it further

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RESOLVED, that the subcontract with Buffalo Computer Graphics is a special service which must be provided immediately and continuously, and therefore, the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 58 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 673

Re: Implementation of NYS Weapons of Mass
Destruction Task Force Grant. (Comm. 25E-15)

WHEREAS, the New York State Weapons of Mass Destruction Task Force (WMDTF) has agreed to provide funding in the amount of \$575,293 in Federal assistance to implement a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the County Executive has by Legislative resolution dated December 4, 2003, (Comm. 22E-13) received authorization to enter into the necessary agreements with the New York State WMDTF to accept grant funding in the amount of \$575,293 in Federal resources to implement the training, exercising, and evaluation of First Responders' capabilities to deal with chemical, biological, radiological, nuclear, and explosive (CBRNE) incidents; and

WHEREAS, a part-time Intern-Homeland Security, JG-1, one Training Coordinator-Homeland Security, JG-10 position, and the upgrade of a current Deputy Commissioner-Office of Disaster Preparedness in the Department of Emergency Services (DES) from JG-13 to JG-14 is necessary to implement this program; and

WHEREAS, one Administrative Assistant-Homeland Security, JG-10 position to administer the State and Federal Homeland Security funding in the Department of Environment and Planning (DEP) is necessary to implement this program; and

WHEREAS, the grant will fund the cost of equipment, supplies, travel, and other expenses involved with this program; and

WHEREAS, the funds will be used to extend the current contract as referenced by the New York State Office of General Services pre-established hourly rates for Ecology and Environment,

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Inc., of Lancaster, New York, in an amount not to exceed \$150,234 for the development of exercises, training programs, and evaluation of the program to identify problem areas.

NOW, THEREFORE BE IT

RESOLVED, that one Intern-Homeland Security (part time), JG-1 and one Training Coordinator-Homeland Security, JG-10 position are hereby created in the WMDTF Grant; and be it further

RESOLVED, that the upgrade of a current Deputy Commissioner-Office of Disaster Preparedness from JG-13 to JG-14 is hereby approved in the DES to be funded by reimbursement from the New York State WMDTF Grant; and be it further

RESOLVED, that one Administrative Assistant-Homeland Security, JG-10 position to administer the State and Federal Homeland Security funding is hereby created in the DEP to be funded by reimbursement from the WMDTF Grant; and be it further

RESOLVED, that the current contract as referenced by the New York State Office of General Services pre-established hourly rates for Ecology and Environment, Inc., of Lancaster, New York, be extended in an amount not to exceed \$150,234; and be it further

RESOLVED, that the grant budget for the development of training programs for First Responders to CBRNE incidents is established for FY's 2004 and 2005 within the DES as follows:

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
933	Federal Aid – Other	<u>\$575,293</u>
TOTAL REVENUE		<u>\$575,293</u>

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
800	Salaries	\$75,155
805	Fringe Benefits	26,304
810	Office Supplies	44,973
821	Dues and Fees	11,912
825	Out-of-Area Travel	27,983
826	Other Expenses	28,312
830	Contractual Services	150,234
880-6200	Interfund Payments-DEP	80,010
880-6700	Interfund Payments-DES	15,478

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933	Lab and Technical Equipment	<u>114,932</u>
TOTAL EXPENDITURES		<u>\$575,293</u>

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; the Commissioner of the Department of Personnel; the Commissioner of the Department of Emergency Services; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

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

CARRIED UNANIMOUSLY.

Item 59 – (Comm. 25E-16) Centralized Regional Tax Collection System.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 60 – (Comm. 25E-17) Appointment to EC Deferred Compensation Committee.

RECEIVED, FILED & PRINTED.

December 3, 2003

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

RE: Appointments to the Erie County Deferred Compensation Committee

Dear Members:

I hereby appoint the following individuals to the Erie County Deferred Compensation Committee for a one-year period:

Maureen Elwell
 Phillips, Lytle, Hitchcock,
 Blaine & Huber LLP
 3400 HSBC Center
 Buffalo, New York 14203

Peter Sigurdson
 583 Exchange Street
 Alden, New York 14004

Joseph DeBergalis
 38 Collette

Dominic J. Migliaccio
 69 Delaware Avenue, Suite 500

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Cheektowaga, New York 14227

Buffalo, New York 14202

Very truly yours,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

Cc: Appointees
 Joseph Passafiume, Director, Erie County Budget, Management & Finance
 John Greenan, Commissioner, Erie County Personnel

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 674

Re: Town & Special District Budgets.
 (Comm. 25E-18)

RESOLVED, that the following abstracts of the adopted Town Budgets and Special District Budgets for the year 2004, as certified and presented to this Legislature by the appropriate Town Officers; be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED, that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and Districts and liable therefore, and be it further

RESOLVED, that the Director of Budget, Management and Finance and/or successor to the Commissioner of Finance is hereby directed to spread said taxes to be so raised for such budgets against the taxable property liable therefore as provided by Article VI of the Erie County Tax Act, as amended, and be it further

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

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

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RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

ALDEN FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$1,286,213.00	\$719,200	\$567,013.00
GENERAL FUND-TOWN ONLY	\$174,626.00	\$174,626	\$0
HIGHWAY TOWN ONLY	\$621,800.00	\$551,800	\$70,000.00
TOTAL TOWN & HIGHWAY	\$2,082,639.00	\$1,445,626	\$637,013.00
SEWER DISTRICT #1	\$31,836.00	\$300	\$31,536.00
SEWER DISTRICT #2	\$40,927.00	\$3,800	\$37,127.00
WATER DISTRICT #1	\$5,800.00	\$900	\$4,900.00
WATER DISTRICT #2	\$12,200.00	\$200	\$12,000.00
WATER DISTRICT #3	\$213,909.00	\$800	\$213,109.00
WATER DISTRICT #4	\$116,911.00	\$1,500	\$115,411.00
FIRE PROTECTION DST	\$583,276.00	\$5,600	\$577,676.00
LIGHT DISTRICTS	\$89,000.00	\$10,500	\$78,500.00
DELINQUENT WATER	\$108.12	\$0	\$108.12
GARBAGE DISTRICT	\$386,100.00	\$3,500	\$382,600.00
TOTAL SPECIAL DISTRICT	\$1,480,067.12	\$27,100	\$1,452,967.12
GRAND TOTALS	\$3,562,706.12	\$1,472,726	\$2,089,980.12

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

AMHERST FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWN ONLY	\$44,414,801.00	\$24,755,768	\$19,659,033.00
GENERAL FUND	\$2,045,261.00	\$481,709	\$1,563,552.00

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VILLAGE ONLY			
GENERAL FUND- OUTSIDE VILLAGE	\$4,019,208.00	\$1,451,500	\$2,567,708.00
HIGHWAY FUNDS TOWN ONLY	\$8,407,797.00	\$1,113,000	\$7,294,797.00
CENTRAL ALARM	\$1,129,960.00	\$290,489	\$839,471.00
COMMUNITY DEVELOPMENT	\$752,000.00	\$752,000	\$0
TOTAL TOWN & HIGHWAY	\$60,769,027.00	\$28,844,466	\$31,924,561.00
FIRE DISTRICTS	\$2,184,194.00	\$0	\$2,184,194.00
SANITARY SEWERS DISTRICT	\$18,541,288.00	\$4,290,283	\$14,251,005.00
FIRE PROTECTION DIST.	\$4,425,006.00	\$47,925	\$4,377,081.00
STORM SEWER DISTRICTS	\$5,189,389.00	\$335,500	\$4,853,889.00
WATER DISTRICTS	\$739,937.00	\$13,531	\$726,406.00
TOTAL SPECIAL DISTRICTS	\$31,079,814.00	\$4,687,239	\$26,392,575.00
SPECIAL ASMT SANITARY SEWER	\$5,080.00	\$0	\$5,080.00
SPECIAL ASMT STORM SEWER	\$5,798.00	\$0	\$5,798.00
SPECIAL ASMT WATER DISTRICT	\$3,108.00	\$0	\$3,108.00
H.O.M.E.	\$1,241,708.00	\$1,241,708	\$0.00
SPECIAL ASMT LIGHT DISTRICT	\$3,329,107.00	\$160,000	\$3,169,107.00
SIDEWALKS	\$22,192.00	\$0	\$22,192.00
SPECIAL ASMT GARBAGE	\$6,782,807.00	\$646,856	\$6,135,951.00
DELINQUENT WATER - ECWA	\$21,952.00	\$0	\$21,952.00
DELINQUENT SEWER RENTAL	\$0	\$0	\$0.00
DELINQUENT SEWER - VILLAGE	\$1,194.00	\$0	\$1,194.00
PRETREATMENT SURCHARGE	\$225,241.00	\$0	\$225,241.00
DELINQUENT WATER	\$0	\$0	\$0

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- VILLAGE			
CODE VIOLATIONS	\$5,484.00	\$0	\$5,484.00
DEMOLITION CHARGE	\$0	\$0	\$0
OMITTED TAX	\$0	\$0	\$0
TOTAL SPECIAL ASSESS'MT	\$11,643,671.00	\$2,048,564	\$9,595,107.00
GRAND TOTALS	\$103,492,512.00	\$35,580,269	\$67,912,243.00

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AURORA
FOR THE YEAR 2004

APPROPRIATION

**ESTIMATED
REVENUES**

TAX LEVY

	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TWNWDE	\$2,926,762.00	\$1,794,570	\$1,132,192.00
GENERAL FUND-TOWN	\$854,762.00	\$663,000	\$191,762.00
HIGHWAY - TOWN	\$900,470.00	\$549,045	\$351,425.00
RISK RETENTION	\$0	\$0	\$0
SPECIAL GRANTS FUND	\$37,918.00	\$37,918.00	\$0
TOTAL TOWN & HWY	\$4,719,912.00	\$3,044,533	\$1,675,379.00
RUBBISH RES & REC	\$359,729.00	\$69,000	\$290,729.00
WATER DISTRICTS	\$820,930.00	\$368,576	\$452,354.00
FIRE PROTECTION	\$207,035.00	\$2,000	\$205,035.00
RUBBISH COLLECTION	\$68,187.00	\$6,530	\$61,657.00
LIGHTING DISTRICTS	\$18,956.00	\$0	\$18,956.00
SEWER DISTRICTS	\$132,639.00	\$107,190	\$25,449.00
AURORA-COLDEN FIRE	\$0	\$0	\$0
AURORA-WALES FIRE	\$0	\$0	\$0
DELINQUENT REFUSE	\$0	\$0	\$0
DELINQUENT WATER	\$4,447.48	\$0	\$4,447.48
TOTAL SPECIAL DST	\$1,611,923.48	\$553,296	\$1,058,627.48

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GRAND TOTALS	\$6,331,835.48	\$3,597,829	\$2,734,006.48

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BOSTON
FOR THE YEAR 2004

APPROPRIATION
REVENUES

ESTIMATED

TAX LEVY

	APPROPRIATION	ESTIMATED	TAX LEVY
GENERAL FUND TOWNWIDE	\$1,434,059.00	\$1,257,400	\$176,659.00
HIGHWAY FUNDS	\$1,179,224.00	\$554,000	\$625,224.00
TOTAL TOWN & HIGHWAY	\$2,613,283.00	\$1,811,400	\$801,883.00
FIRE PROTECTION	\$641,700.00	\$10,000	\$631,700.00
AMBULANCE	\$92,200.00	\$10,000	\$82,200.00
REFUSE & GARBAGE	\$360,000.00	\$21,812	\$338,188.00
SEWER DISTRICT	\$0	\$0	\$0
WATER DISTRICTS	\$269,886.00	\$36,000	\$233,886.00
IN LIEU OF TOWN TAX	\$6,000.00	\$0	\$6,000.00
LIGHTING DISTRICTS	\$20,000.00	\$0	\$20,000.00
UNPAID EC WATER	\$507.03	\$0	\$507.03
UNPAID WATER	\$664.45	\$0	\$664.45
UNPAID O PK WATER	\$157.42	\$0	\$157.42
TOTAL SPECIAL DISTRICT	\$1,391,114.90	\$77,812	\$1,313,302.90
GRAND TOTALS	\$4,004,397.90	\$1,889,212	\$2,115,185.90

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BRANT FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$631,418.00	\$193,925	\$437,493.00
GENERAL FUND- TOWN ONLY	\$132,037.00	\$132,037	\$0.00
HIGHWAY TOWNWIDE	\$177,200.00	\$97,700	\$79,500.00
HIGHWAY - TOWN ONLY	\$95,600	\$95,600	\$0.00
CAPITAL PROJECTS	\$0	\$0	\$0
TOTAL TOWN & HIGHWAY	\$1,036,255.00	\$519,262	\$516,993.00
FIRE PROTECTION DIST.	\$151,780.00	\$5,191	\$146,589.00
LIGHT DISTRICTS	\$28,375.00	\$7,375	\$21,000.00
LOTUS BAY SEWER	\$7,400.00	\$7,400	\$ 0.00
WATER DIST #1	\$27,455.00	\$5,455	\$22,000.00
OMITTED TAX	\$0	\$0	\$0
O.TAX – SPEC FRAN	\$0	\$0	\$0
BRANT-FARNHAM SWR	\$17,200.00	\$17,200	\$ 0.00
TOTAL SPECIAL DISTRICT	\$232,210.00	\$42,621	\$189,589.00
GRAND TOTALS	\$1,268,465.00	\$561,883.00	\$706,582.00

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CHEEKTOWAGA
FOR THE YEAR 2004

APPROPRIATION **ESTIMATED**
REVENUES

TAX LEVY

GENERAL FUND TOWNWIDE	\$36,064,159.00	\$10,196,853.00	\$25,867,306.00
GENERAL FUND- TOWN ONLY	\$1,018,136.00	\$1,018,136.00	\$0.00
RISK RETENSION FUND	\$2,131,000.00	\$2,131,000.00	\$0.00
GEN FUND SPEC ASSMNT	\$82,752.00	\$0	\$82,752.00
HIGHWAY FUNDS	\$8,161,887.00	\$6,026,364.00	\$2,135,523.00
DEBT SERVICE	\$5,538,916.00	\$5,538,916.00	\$0.00
TOTAL TOWN & HIGHWAY	\$52,996,850.00	\$24,911,269.00	\$28,085,581.00
CONSOLIDATED GARBAGE	\$8,212,158.00	\$711,000.00	\$7,501,158.00
GENERAL LIGHT	\$2,477,516.00	\$323,000.00	\$2,154,516.00
WATER DISTRICT	\$45,575.00	\$23,616.00	\$21,959.00
LEGAL SANITARY SEWER	\$0	\$0	\$0
STORM SEWER	\$530,793.00	\$16,000.00	\$514,793.00
SANITARY SEWER	\$9,992,836.00	\$1,950,194.00	8,042,642.00
HYDRANT DISTRICT	\$477,696.00	\$32,347.00	\$445,349.00
FIRE DISTRICTS	\$5,605,134.10	\$71,200.00	5,533,934.10
SEWER - LATERAL	\$485.00	\$0	\$485.00
OMITTED TAX	\$442.86	\$0	\$442.86
SIDEWALKS	\$11,875.55	\$0	\$11,875.55
DELINQUENT WATER	\$0	\$0	\$0
DELINQUENT REFUSE	\$254.28	\$0	\$254.28
CLEAN UP DEBRIS	\$48,123.50	\$0	\$48,123.50
TOTAL SPEC ASSESSMNT	\$27,402,889.29	\$3,127,357.00	\$24,275,532.29
GRAND TOTALS	\$80,399,739.29	\$28,038,626.00	\$52,361,113.29

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CLARENCE
FOR THE YEAR 2004

APPROPRIATION

**ESTIMATED
REVENUES**

TAX LEVY

	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$9,623,527.00	\$7,603,150	\$2,020,377.00
HIGHWAY FUNDS	\$3,252,921.00	\$1,588,145	\$1,664,776.00
TOTAL TOWN & HIGHWAY	\$12,876,448.00	\$9,191,295	\$3,685,153.00
FIRE DISTRICT	\$555,400.00	\$0	\$555,400.00
FIRE PROTECTION	\$1,913,593.00	\$4,600	\$1,908,993.00
CENTRAL ALARM	\$187,791.00	\$3,500	\$184,291.00
DRAINAGE DISTRICT	\$316,131.00	\$2,800	\$313,331.00
SEWER DISTRICT	\$404,895.00	\$87,000	\$317,895.00
WASTEWATER DISTRICT	\$106,711.00	\$15,449	\$91,262.00
SPECIAL ASSESSMENTS	\$545.00	\$0	\$545.00
DELINQUENT	\$0	\$0	\$0
COMMUNITY DEVLPMNT	\$100,000.00	\$100,000	\$0
LIGHTING DISTRICTS	\$13,000.00	\$1,350	\$11,650.00
CONSOLIDATED WATER	\$741,940.00	\$37,000	\$704,940.00
AQUA GROWTH CNTRL	\$3,000.00	\$0	\$3,000.00
OMITTED TAX	\$1,198.50	\$0	\$1,198.50
TOTAL SPECIAL DISTRICT	\$4,344,204.50	\$251,699	\$4,092,505.50
GRAND TOTALS	\$17,220,652.50	\$9,442,994	\$7,777,658.50

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ERIE COUNTY LEGISLATURE

COLDEN
FOR THE YEAR 2004

APPROPRIATION

**ESTIMATED
REVENUES**

TAX LEVY

GENERAL FUND TOWNWIDE	\$852,102.00	\$828,556	\$23,546.00
HIGHWAY FUNDS	\$509,571.00	\$84,350	\$425,221.00
TOTAL TOWN & HIGHWAY	\$1,361,673.00	\$912,906	\$448,767.00
AURORA-COLDEN FIRE	\$0	\$0	\$0
COLDEN FIRE DISTRICT	\$363,900.00	\$0	\$363,900.00
REFUSE DISTRICT	\$159,379.00	\$1,350	\$158,029.00
COMMUNITY DEV FUND	\$10,000	\$10,000	\$0.00
LIGHTING DISTRICTS	\$32,428.00	\$3,100	\$29,328.00
TOTAL SPECIAL DISTRICT	\$565,707.00	\$14,450.00	\$551,257.00
GRAND TOTALS	\$1,927,380.00	\$927,356	\$1,000,024.00

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COLLINS
FOR THE YEAR 2004

APPROPRIATION

**ESTIMATED
REVENUES**

TAX LEVY

GENERAL FUND TOWNWIDE	\$693,982.95	\$385,509.00	\$308,473.95
GENERAL FUND- TOWN ONLY	\$309,110.00	\$309,110.00	\$0.00
HIGHWAY TOWNWIDE	\$0	\$0	\$0
HIGHWAY - TOWN ONLY	\$762,865.00	\$657,768.00	\$105,097.00
TOTAL TOWN & HIGHWAY	\$1,765,957.95	\$1,352,387.00	\$413,570.95
FIRE PROT DIST	\$45,536.27	\$0	\$45,536.27
COLLINS FIRE DIST	\$128,554.64	\$0	\$128,554.64

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LIGHT DISTRICTS	\$12,000.00	\$4,200.00	\$7,800.00
REFUSE & GARBAGE	\$57,169.00	\$45,100.00	\$12,069.00
LIBRARY FUND	\$57,645.00	\$3,000.00	\$54,645.00
WATER DISTRICT	\$260,824.00	\$187,388.00	\$73,436.00
DELINQUENT WATER	\$11,048.97	\$0	\$11,048.97
CLEAN-UP & REMVL	\$0	\$0	\$0
TOWN CHARGES	\$0	\$0	\$0
TOTAL SPECIAL DISTRICT	\$572,777.88	\$239,688.00	\$333,089.88
GRAND TOTALS	\$2,338,735.83	\$1,592,075.00	\$746,660.83

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CONCORD
FOR THE YEAR 2004

APPROPRIATION

ESTIMATED
REVENUES

TAX LEVY

	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$1,012,380.80	\$521,907	\$490,473.80
GEN FUND-TOWN ONLY	\$645,216.00	\$645,216	\$0.00
HIGHWAY FUND – TOWN ONLY	\$946,284.00	\$813,284	\$133,000.00
HIGHWAY FUNDS TOWNWIDE - BRIDGES	\$20,000.00	\$10,000	\$10,000.00
JOINT PROJECTS	\$128,925.00	\$128,925	\$0.00
COMMUNITY DEVELOP	\$30,000.00	\$30,000	\$0.00
TOTAL TOWN & HIGHWAY	\$2,782,805.80	\$2,149,332	\$633,473.80
LIBRARY	\$4,844.00	\$0	\$4,844.00
FIRE PROTECTION DIST	\$369,000.00	\$0	\$369,000.00
LIGHTING DISTRICTS	\$35,000.00	\$0	\$35,000.00
SEWER DISTRICT	\$85,251.00	\$0	\$85,251.00
WATER DISTRICTS	\$18,318.00	\$4,650	\$13,668.00
KISS BRDG WATER DIST	\$5,200.00	\$2,000	\$3,200.00

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KISS BRDG SEWER DIST	\$20,600.00	\$0	\$20,600.00
OMITTED TAX	\$1,039.29	\$0	\$1,039.29
TOTAL SPECIAL DISTRICT	\$539,252.29	\$6,650	\$532,602.29
GRAND TOTALS	\$3,322,058.09	\$2,155,982.00	\$1,166,076.09

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EDEN
FOR THE YEAR 2004

APPROPRIATION

**ESTIMATED
REVENUES**

TAX LEVY

	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$1,976,662.00	\$1,343,780.00	\$632,882.00
HIGHWAY FUNDS	\$1,100,344.00	\$236,500.00	\$863,844.00
TOTAL TOWN & HIGHWAY	\$3,077,006.00	\$1,580,280.00	\$1,496,726.00
WATER DISTRICT	\$192,829.76	\$964.81	\$191,864.95
FIRE PROTECTION DIST.	\$253,377.00	\$0	\$253,377.00
LIGHTING DISTRICTS	\$54,057.00	\$6,057.00	\$48,000.00
REFUSE & GARBAGE	\$369,174.00	\$55,985.00	\$313,189.00
HAMBURG WATER IMPV	\$2,745.37	\$0	\$2,745.37
DELINQUENT WATER	\$0	\$0	\$0
OMITTED TAX	\$406.46	\$0	\$406.46
DELINQ EVANS WTR	\$1,316.79	\$0	\$1,316.79
DRAINAGE	\$4,000.00	\$0	\$4,000.00
DELINQUENT WTR ECWA	\$756.68	\$0	\$756.68
DELINQUENT GARBAGE	\$91.53	\$0	\$91.53
TOTAL SPECIAL DISTRICT	\$878,754.59	\$63,006.81	\$815,747.78
GRAND TOTALS	\$3,955,760.59	\$1,643,286.81	\$2,312,473.78

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ELMA FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$2,162,993.00	\$2,162,993	\$0
HIGHWAY FUNDS	\$862,354.00	\$633,054	\$229,300.00
TOTAL TOWN & HIGHWAY	\$3,025,347.00	\$2,796,047	\$229,300.00
WATER DISTRICTS O&M	\$1,713,161.00	\$1,629,471	\$83,690.00
WATER DIST. CAP IMP.	\$0	\$0	\$0
FIRE PROTECTION DIST.	\$609,079.00	\$21,075	\$588,004.00
DRAINAGE DIST.	\$600.00	\$56	\$544.00
LIGHTING DISTRICTS	\$47,300.00	\$232	\$47,068.00
SEWER DISTRICTS	\$187,612.00	\$5,699	\$181,913.00
ENGINEERING SERVICES	\$0	\$0	\$0
SPRINGBROOK AWARD	\$35,000.00	\$0	\$35,000.00
TFPD SERV AWARD	\$74,487.00	\$0	\$74,487.00
UNPAID WATER	\$820.02	\$0	\$820.02
DELINQUENT WATER	\$0	\$0	\$0
TRUST & AGENCY (SPRINGBROOK FIRE)	\$292,975.00	\$2,600	290,375.00
TOTAL SPECIAL DISTRICT	\$2,961,034.02	\$1,659,133	\$1,301,901.02
GRAND TOTALS	\$5,986,381.02	\$4,455,180	\$1,531,201.02

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EVANS FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$3,435,689.00	\$1,296,835.00	\$2,138,854.00
GENERAL FUND- TOWN ONLY	\$3,224,462.00	\$2,127,434.00	\$1,097,028.00
HIGHWAY FUNDS - TOWN ONLY	\$1,915,314.00	\$531,934.00	1,383,380.00
DEBT SERVICE	\$528,985.00	\$528,985.00	\$0.00
COMMUNITY DEVELOPMENT	\$100,000.00	\$100,000.00	\$0.00
RISK RETEN/INS RESERVE	\$350,000.00	\$350,000.00	\$0.00
HIGHWAY FUNDS - TOWNWIDE	\$10,000.00	\$700.00	\$9,300.00
TOTAL TOWN & HIGHWAY	\$9,564,450.00	\$4,935,888.00	\$4,628,562.00
REFUSE & GARBAGE COLLECTION	\$925,327.00	\$92,289.00	\$833,038.00
STREET LIGHTING	\$282,026.00	\$33,995.00	\$248,031.00
FIRE PROTECTION	\$741,220.00	\$15,475.00	\$725,745.00
HYDRANT	\$5,200.00	\$10.00	\$5,190.00
WATER DISTRICTS	\$2,266,524.00	\$2,139,450.00	\$127,074.00
DEMOLITION	\$17,161.00	\$0	\$17,161.00
FIRE DISTRICTS	\$487,350.00	\$22,450.00	\$464,900.00
DELINQUENT WATER	\$226,294.90	\$0	\$226,294.90
OMITTED TAX	\$2,604.19	\$0	\$2,604.19
EDEN WATER DIST	\$964.81	\$0	\$964.81
TOTAL SPECIAL DISTRICT	\$4,954,671.90	\$2,303,669.00	\$2,651,002.90
GRAND TOTALS	\$14,519,121.90	\$7,239,557.00	\$7,279,564.90

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ERIE COUNTY LEGISLATURE

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RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

GRAND ISLAND FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$5,028,643.00	\$3,426,391	\$1,602,252.00
HIGHWAY FUNDS	\$1,861,598.00	\$336,483	\$1,525,115.00
DEBT SERVICE	\$1,493,257.00	\$1,493,257	\$0
TOTAL TOWN & HIGHWAY	\$8,383,498.00	\$5,256,131	\$3,127,367.00
WATER DISTRICTS	\$2,489,941.00	\$1,780,505	\$709,436.00
FIRE PROTECTION DIST.	\$714,835.00	\$6,205	\$708,630.00
GARBAGE	\$743,960.00	\$2,504	\$741,456.00
LIGHTING DISTRICTS	\$168,624.00	\$3,800	\$164,824.00
SEWER DISTRICTS	\$2,562,948.00	\$2,115,988	\$446,960.00
DELINQUENT	\$401,731.00	\$0	\$401,731.00
OMITTED TAX	\$0	\$0	\$0
MISCELLANEOUS	\$1,142.00	\$0	\$1,142.00
TOTAL SPECIAL DISTRICT	\$7,083,181.00	\$3,909,002	\$3,174,179.00
GRAND TOTALS	\$15,466,679.00	\$9,165,133	\$6,301,546.00

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

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HAMBURG
FOR THE YEAR 2004

APPROPRIATION

**ESTIMATED
REVENUES**

TAX LEVY

GENERAL FUND TOWNWIDE	\$12,693,136.00	\$5,367,636	\$7,325,500.00
GENERAL FUND- TOWN ONLY	\$10,436,064.00	\$7,481,564	\$2,954,500.00
HIGHWAY FUNDS - TOWN ONLY	\$4,138,417.00	\$538,417	\$3,600,000.00
HIGHWAY FUNDS TOWNWIDE	\$14,000.00	\$12,500	\$1,500.00
GOLF COURSE	\$613,832.00	\$613,832	\$0
DEBT SERVICE	\$2,388,185.00	\$2,388,185	\$0
COMMUNITY DEVELOPMENT	\$730,549.00	\$730,549	\$0
INSURANCE RESERVE	\$1,126,000.00	\$1,126,000	\$0
SUNDANCE PARK	\$0	\$0	\$0
TOTAL TOWN & HIGHWAY	\$32,140,183.00	\$18,258,683.00	\$13,881,500.00
LIBRARY DEBT SERVICE	\$0	\$0	\$0
STREET LIGHTING	\$813,347.00	\$208,997	\$604,350.00
TOWN HYDRANT	\$289,748.00	\$29,748	\$260,000.00
FIRE PROTECTION	\$2,806,171.00	\$87,271	\$2,718,900.00
SEWER DISTRICTS	\$3,970,426.00	\$689,561	\$3,280,865.00
WATER DISTRICTS	\$1,102,103.00	\$108,703	\$993,400.00
RAVENWOOD DRAINAGE	\$13,374.00	\$1,374	\$12,000.00
RAVENWOOD RD IMP	\$73,905.00	\$2,405	\$71,500.00
DELINQUENT WATER	\$9,117.32	\$0	\$9,117.32
UNPAID SEWER	\$420.00	\$0	\$420.00
REMOVALS	\$276.82	\$0	\$276.82
OMITTED TAX	\$3,415.07	\$0	\$3,415.07
TOTAL SPECIAL DISTRICT	\$9,082,303.21	\$1,128,059	\$7,954,244.21
LAKE VIEW FIRE DISTRICT	\$569,122.00	\$95,000	\$474,122.00
GRAND TOTALS	\$41,791,608.21	\$19,481,742	\$22,309,866.21

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RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

HOLLAND FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$686,771.00	\$563,946	\$122,825.00
HIGHWAY FUNDS	\$634,931.00	\$221,064	\$413,867.00
TOTAL TOWN & HIGHWAY	\$1,321,702.00	\$785,010	\$536,692.00
WATER DISTRICT	\$160,870.00	\$160,870	\$0
HOLLAND FIRE DISTRICT	\$271,666.00	\$1,600	\$270,066.00
JAVA SHELDON HOLLAND FIRE PROT DIST	\$3,580.00	\$0	\$3,580.00
DELINQUENT REFUSE	\$0	\$0	\$0
DELINQUENT WATER	\$8,779.15	\$0	\$8,779.15
LIGHTING DISTRICTS	\$20,000.00	\$0	\$20,000.00
OMITTED TAX	\$0	\$0	\$0
ARGIC PENALTY	\$266.50	\$0	\$266.50
GARBAGE DIST	\$153,237.00	\$5,000	\$148,237.00
TOTAL SPECIAL DISTRICT	\$618,398.65	\$167,470	\$450,928.65
GRAND TOTALS	\$1,940,100.65	\$952,480	\$987,620.65

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

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LANCASTER FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$6,616,065.00	\$2,342,269	\$4,273,796.00
GENERAL FUND- TOWN ONLY	\$675,594.00	\$675,594	\$0
HIGHWAY TOWNWIDE	\$41,491.00	\$10,750	\$30,741.00
HIGHWAY PART TOWN	\$2,561,899.00	\$1,780,600	\$781,299.00
POLICE FUND	\$6,029,697.00	\$2,417,168	\$3,612,529.00
MISC SPEC REVENUE	\$389,000.00	\$389,000	\$0
TOTAL TOWN & HIGHWAY	\$16,313,746.00	\$7,615,381	\$8,698,365.00
GARBAGE DIST	\$1,807,466.00	\$61,000	\$1,746,466.00
LIGHTING DISTRICT	\$255,214.00	\$38,000	\$217,214.00
FIRE PROTECTION	\$2,646,915.00	\$36,500	\$2,610,415.00
SEWER DISTRICTS	\$199,274.00	\$0	\$199,274.00
WATER DISTRICTS	\$255,196.00	\$64,300	\$190,896.00
GRASS CUTTING	\$695.00	\$0	\$695.00
OMITTED TAX	\$1,034.61	\$0	\$1,034.61
PIPE INSTALLATION	\$136.66	\$0	\$136.66
DELINQ WTR ECWA	\$2,517.47	\$0	\$2,517.47
TOTAL SPEC DIST	\$5,168,448.74	\$199,800	\$4,968,648.74
GRAND TOTALS	\$21,482,194.74	\$7,815,181	\$13,667,013.74

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

MARILLA FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND	\$719,750.00	\$719,750.00	\$0.00

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TOWNWIDE			
HIGHWAY FUNDS	\$373,900.00	\$273,900.00	\$100,000.00
COMMUNITY DEVELOP	\$100.00	\$100.00	\$0
TOTAL TOWN & HIGHWAY	\$1,093,750.00	\$993,750.00	\$100,000.00
WATER DISTRICT	\$435,200.00	\$17,000.00	\$418,200.00
FIRE DISTRICT	\$266,825.00	\$300.00	\$266,525.00
DEMOLITION	\$2,135.00	\$0	\$2,135.00
SANITATION	\$295,800.00	\$35,520.00	\$260,280.00
DELINQUENT WATER	\$434.96	\$0	\$434.96
TOTAL SPECIAL DISTRICT	\$1,000,394.96	\$52,820.00	\$947,574.96
GRAND TOTALS	\$2,094,144.96	\$1,046,570.00	\$1,047,574.96

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

NEWSTEAD
FOR THE YEAR 2004

APPROPRIATION

**ESTIMATED
REVENUES**

TAX LEVY

GENERAL FUND TOWNWIDE	\$1,273,531.00	\$660,850	\$612,681.00
GENERAL FUND-TOWN ONLY	\$100,740.00	\$100,740	\$0
HIGHWAY FUND TOWNWIDE	\$4,039.00	\$100	\$3,939.00
HIGHWAY FUND-TOWN ONLY	\$743,508.00	\$743,508	\$0
TOTAL TOWN & HIGHWAY	\$2,121,818.00	\$1,505,198	\$616,620.00
WATER DIST CAP & O M	\$446,665.00	\$33,457	\$413,208.00
DELINQUENT SEWER	\$0	\$0	\$0
REFUSE/GARBAGE	\$242,135.00	\$10,819	\$231,316.00

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FIRE PROTECTION DIST.	\$373,205.00	\$1,200	\$372,005.00
DELINQUENT WATER	\$3,223.67	\$0	\$3,223.67
DELINQUENT REFUSE	\$118.25	\$0	\$118.25
DELINQUENT ECWA WTR	\$0	\$0	\$0
SEWER DISTRICT	\$33,625.00	\$33,625	\$0
TOTAL SPECIAL DISTRICT	\$1,098,971.92	\$79,101	\$1,019,870.92
GRAND TOTALS	\$3,220,789.92	\$1,584,299	\$1,636,490.92

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

NORTH COLLINS
FOR THE YEAR 2004

APPROPRIATION

**ESTIMATED
REVENUES**

TAX LEVY

	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$598,500.00	\$226,998	\$371,502.00
GENERAL FUND-TOWN ONLY	\$134,351.00	\$45,844	\$88,507.00
HIGHWAY TOWNWIDE	\$48,921.00	\$5,250	\$43,671.00
HIGHWAY - TOWN ONLY	\$399,311.00	\$323,136	\$76,175.00
CAPITAL PROJECTS	\$21,500.00	\$21,500	\$0
TOTAL TOWN & HIGHWAY	\$1,202,583.00	\$622,728	\$579,855.00
FIRE PROTECTION DIST.	\$165,685.00	\$0	\$165,685.00
GARBAGE & REFUSE	\$102,969.00	\$0	\$102,969.00
OMITTED TAX	\$1,026.25	\$0	\$1,026.25
TOTAL SPECIAL DISTRICT	\$269,680.25	\$0	\$269,680.25
GRAND TOTALS	\$1,472,263.25	\$622,728	\$849,535.25

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

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RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

ORCHARD PARK FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$9,039,960.00	\$5,271,509	\$3,768,451.00
GENERAL FUND- TOWN ONLY	\$427,342.00	\$427,342.00	\$0
HIGHWAY FUNDS	\$2,865,111.00	\$442,000	\$2,423,111.00
GENERAL SPEC ASSESSMENTS	\$55,786.00	\$0	\$55,786.00
HIGHWAY - BRIDGES	\$0	\$0	\$0
DEBT SERVICE FUND	\$1,235,485.00	\$1,235,485	\$0
TOTAL TOWN & HIGHWAY	\$13,623,684.00	\$7,376,336	\$6,247,348.00
CONSIDER GARBAGE	\$1,467,978.00	\$60,500	\$1,407,478.00
GENERAL LIGHTING	\$297,285.00	\$10,000	\$287,285.00
FIRE DISTRICT #1	\$1,183,880.00	\$0	\$1,183,880.00
HYDRANT DISTRICTS	\$10,520.00	\$0	\$10,520.00
WATER DISTRICTS	\$1,681,156.00	\$855,926	\$825,230.00
DELINQ OP WATER	\$23,391.27	\$0	\$23,391.27
CLEAN UP	\$0	\$0	\$0
DELINQ EC WATER	\$2,515.94	\$0	\$2,515.94
UNPAID REFUSE	\$626.94	\$0	\$626.94
SANITARY SEWER	\$831,392.00	\$193,003	\$638,389.00
MINDEN – SPEC ASSMNT	\$0	\$0	\$0
TOTAL SPECIAL DISTRICT	\$5,498,745.15	\$1,119,429	\$4,379,316.15
GRAND TOTALS	\$19,122,429.15	\$8,495,765	\$10,626,664.15

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TOWN ONLY			
HIGHWAY FUNDS - TOWN ONLY	\$6,163,391.00	\$2,582,847	\$3,580,544.00
TOTAL TOWN & HIGHWAY	\$46,282,856.00	\$28,254,804	\$18,028,052.00
WATER ACQUISITION	\$7,378,445.00	\$7,378,445	\$0
WATER CONSOLIDATION DST	\$0	\$0	\$0
FIRE PROTECTION DIST.	\$580,386.00	\$25,000	\$555,386.00
REFUSE & GARBAGE COLLECTION	\$5,971,828.00	\$475,000	\$5,496,828.00
LIGHTING DISTRICTS	\$1,512,683.00	\$627,000	\$885,683.00
SEWER DISTRICTS	\$11,583,085.00	\$7,857,100	\$3,725,985.00
DRAINAGE CONSOLID	\$456,599.00	\$133,000	\$323,599.00
TOTAL SPECIAL DISTRICT	\$27,483,026.00	16,495,545	\$10,987,481.00
HIGHWAY PAVING	\$19,416.50	\$0	\$19,416.50
SEWER CONSOLIDATION DST	\$2,044.00	\$0	\$2,044.00
DRAINAGE CONSOLIDATION	\$6,402.00	\$0	\$6,402.00
CLEANUP – TOWN ONLY	\$900.00	\$0	\$900.00
DELINQUENT WATER	\$0	\$0	\$0
OMITTED TAX	\$0	\$0	\$0
FIRE DISTRICTS	\$2,236,976.43	\$0	\$2,236,976.43
TOTAL SPECIAL ASSESS	\$2,265,738.93	\$0	\$2,265,738.93
GRAND TOTALS	\$76,031,620.93	\$44,750,349	\$31,281,271.93

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

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RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

WALES FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$512,768.00	\$493,232	\$19,536.00
HIGHWAY FUNDS	\$315,642.00	\$222,197	\$93,445.00
TOTAL TOWN & HIGHWAY	\$828,410.00	\$715,429	\$112,981.00
FIRE PROTECTION	\$113,087.00	\$1,000	\$112,087.00
AURORA WALES FIRE DST	\$0	\$0	\$0
LIGHT DISTRICT #1	\$8,600.00	\$0	\$8,600.00
LIGHT DISTRICT #2	\$0	\$0	\$0
OMITTED TAX	\$0	\$0	\$0
AGRIC PENALTY	\$0	\$0	\$0
REFUSE DISTRICT	\$156,152.30	\$3,000	\$153,152.30
TOTAL SPECIAL DISTRICT	\$277,839.30	\$4,000	\$273,839.30
GRAND TOTALS	\$1,106,249.30	\$719,429	\$386,820.30

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

WEST SENECA FOR THE YEAR 2004	APPROPRIATION	ESTIMATED REVENUES	TAX LEVY
GENERAL FUND TOWNWIDE	\$19,422,182.00	\$8,818,000	\$10,604,182.00
HIGHWAY FUNDS	\$7,680,625.00	\$1,171,224	\$6,509,401.00
HIGHWAY BRIDGES	\$9,000.00	\$0	\$9,000.00
TOTAL TOWN & HIGHWAY	\$27,111,807.00	\$9,989,224	\$17,122,583.00
WATER DISTRICTS	\$226,330.00	\$35,897	\$190,433.00

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FIRE DISTRICTS	\$2,792,060.00	\$0	\$2,792,060.00
GAS LIGHT DIST.	\$106,523.00	\$7,900	\$98,623.00
GEN LIGHT DIST	\$0	\$0	\$0
ELEC LIGHT DIST	\$78,104.00	(\$640)	\$78,744.00
GRASS & WEED CUT	\$0	\$0	\$0
SEWER DISTRICTS	\$7,171,222.00	\$2,181,931	\$4,989,291.00
DRAINAGE DIST	\$7,063.00	\$0	\$7,063.00
SPECIAL ASSMNT	\$203,671.00	\$0	\$203,671.00
ASSTS RECEIVABLE	\$1,100.00	\$0	\$1,100.00
DELINQUENT WATER	\$952.38	\$0	\$952.38
OMITTED TAX	\$0	\$0	\$0
TOTAL SPECIAL DISTRICT	\$10,587,025.38	\$2,225,088	\$8,361,937.38
GRAND TOTALS	\$37,698,832.38	\$12,214,312	\$25,484,520.38

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

CARRIED UNANIMOUSLY.

Item 62 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 675

Re: Levy & Apportion of EC Real Property Tax
– 2004. (Comm. 25E-19)

WHEREAS, the Erie County budget for the year 2004 has been adopted.

NOW, THEREFORE, BE IT

RESOLVED, that the amounts in said County budget that are required to be raised by taxes by this Legislature, are hereby levied upon and shall be collected from the taxable property situated within the County of Erie and liable therefore, effective January 1, 2004, and be it further

RESOLVED, that the Director of Budget, Management and Finance and/or successor to the Commissioner of Finance is hereby directed to apportion said taxes to be raised for such budget against the taxable property liable therefore, as provided by law, and be it further

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 676

Re: Agustin “Pucho” Olivencia Community Center. (Comm. 25E-20)

WHEREAS, the Agustin “Pucho” Olivencia Community Center, Inc. has requested support for its after-school tutorial activities for youth ages 8-18; and

WHEREAS, the Agustin “Pucho” Olivencia Community Center is the oldest Hispanic community center in Buffalo and serves a Hispanic and minority youth population that live at or below the poverty level; and

WHEREAS, the County funds will help the Center in achieving its objective to assist in the prevention of juvenile delinquency by providing supervised after-school tutorial assistance and recreational activities,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with the Agustin “Pucho” Olivencia Community Center, Inc. for the purposes noted above; and be it further

RESOLVED, that funds in the amount of \$3,000 are hereby transferred from funds appropriated to the Buffalo Speech and Hearing Center (CE 58163) to a separate account under DAC 110 921 301 830 0568, Agency Payments Public Benefits Budget, to:

Agustin “Pucho” Olivencia Community Center, Inc. - \$3,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Office of Contract Compliance; the Director of the Division of Budget, Management, and Finance; the Deputy Commissioner Erie County Probation and Youth Services; and Wanda Olivencia, Agency Director, Agustin “Pucho” Olivencia Community Center, Inc., 261 Swan Street, Buffalo, New York 14204.

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

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CARRIED UNANIMOUSLY.

DELETE the Second RESOLVED clause and REPLACE with the following:

RESOLVED, that funds in the amount of \$3,000 are hereby transferred from funds appropriated to the Buffalo Speech and Hearing Center (CE 58163) to a separate account under DAC 110 921 301 830 0568, Agency Payments Public Benefits Budget, to:

Agustin "Pucho" Olivencia Community Center, Inc. - \$3,000

and be it further

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

CARRIED UNANIMOUSLY.

Item 64 – (Comm. 25E-21) District Attorney – Be Safe Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 65 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 677

Re: Youth Services – Authorization to Increase
 Contracts with Youth Agencies.
 (Comm. 25E-22)

WHEREAS, the New York State Office of Children and Family Services has increased 2003 state aid for YDDP programming and has identified available balances for 2002 funds, and

WHEREAS, the Youth Services Board has made recommendations on increasing the following YDDP and Runaway and Homeless State Aid contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the following contracts including amendments with the State of New York and the service provider:

2003 YDDP STATE AID

Boys and Girls Clubs of Buffalo	10,000
Boy Scouts of America	10,000

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Police Athletic League	10,000
Polish Community Center/Matt Urban Program	10,000
William Emslie YMCA	10,000
Be-A-Friend Inc.	10,000
Hispanics United Inc.	5,000
Greater Refuge Temple	5,000
Seneca Babcock	5,000
West Side Community Center	5,000
Dale Carnegie Training Program	<u>5,164</u>
Sub-total:	<u>\$85,164</u>

2002 YDDP STATE AID

Be-A-Friend	<u>\$4,554</u>
Total Allocation to YDDP Programs	<u>\$89,718</u>

2002 RUNAWAY AND HOMELESS STATE AID

Franciscan Center	\$8,496
Compass House Inc.	<u>8,496</u>
Total Allocation to Runaway and Homeless Programs	<u>\$16,992</u>

and be it further

RESOLVED, that the source of funds to cover the cost of this contract is increased State Aid - YDDP, and be it further

RESOLVED, that authorization is provided to make the following budgetary transactions in order to implement the contract increase:

REVENUE

2003 Acct 620-0101 State Aid Revenues – YDDP Reimbursement	<u>\$85,164</u>
2002 Acct 620-0101 State Aid Revenues – YDDP Reimbursement	<u>\$ 4,554</u>
2002 Acct 620-0105 State Aid Revenues – YDDP Reimbursement	<u>\$16,992</u>

APPROPRIATIONS

2003 Acct 830-563 Contractual Services – YDDP Reimbursement	<u>\$85,164</u>
2002 Acct 830-563 Contractual Services – YDDP Reimbursement	<u>\$ 4,554</u>
2002 Acct 830-779 Contractual Services – YDDP Reimbursement	<u>\$16,992</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 66 – (Comm. 25E-23) Environmental Engineering Services – County-Wide Industrial Hygiene & Indoor Air Quality.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 67 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 678

Re: 2003 Highway, Bridge Culvert Program – Utilization of 2003 Bond – 2003 Bridge Design & Award of Engineering & Construction Services. (Comm. 25E-24)

WHEREAS, it is important that the funds identified in the 2003 Program continue to be utilized in an expeditious manner, and

WHEREAS, the approved Erie County Budget contains funds for the 2003 Bridge Design & Construction – Various Locations (Countywide) which were approved in a bond authorization resolution, and

WHEREAS, Wagners CFT Manufacturing, PTY., LTD. (Wagners) is interested in participating in a demonstration project with the Erie County Department of Public Works by donating a pre-fabricated fiber composite bridge superstructure with an approximate value of \$167,000. All costs (design, manufacturing, shipping) associated with the superstructure, except installation, are included. This superstructure would be installed at New Oregon Road BR 446-6 (BIN 3327630) over Tributary to South Branch Eighteen Mile Creek, Town of North Collins, Erie County, and

WHEREAS, the existing bridge condition is severely deteriorated and further weight restrictions may become necessary, and

WHEREAS, in order to continue to advance this work, we will need to assign the design work to an engineering consultant, and award a construction contract for this replacement of the substructure, related approach work, and installation of the superstructure to the lowest responsible bidder (Contractor), and

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WHEREAS, the engineering consultant firm of TVGA Consultants has the necessary expertise to perform this work. TVGA would be the engineer of record for the substructure and approach work. TVGA shall certify that the proposed superstructure meets the required Federal and State performance requirements and conduct load testing of the superstructure after installation. TVGA will also perform required construction inspection for the proposed bridge. Since TVGA has a term agreement with the County, this assignment would be developed as a change order, with the scope of work and cost proposal developed following our normal procedures for Consultant selection, with a total cost including engineering design, construction inspection, and load testing, not to exceed \$230,000, and

WHEREAS, Erie County Department of Public Works, Division of Highways shall competitively bid the construction of the substructure, related approach work and the installation of the superstructure. The project would be bid using normal unit price bid procedures with a cost not to exceed \$500,000, and

WHEREAS, upon the successful completion of this initial pilot project, Erie County anticipates using this technology on two other yet-to-be determined bridges, in order to have a demonstration/evaluation of the new product. These two bridges are anticipated to be cost competitive to currently used technology and will be paid for in full by Erie County, under conventional procurement practice and bid specifications, and

WHEREAS, the intellectual property rights for the manufacturer of the prefabricated bridge will be retained by Wagners.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and hereby directed to execute an agreement with Wagners CFT Manufacturing, PTY., LTD. (Wagners) to accept the demonstration project bridge superstructure at no cost to the County, and to assist in the installation of the superstructure at New Oregon Rd Bridge BR 446-6 over Tributary to South Branch Eighteen Mile Creek, and be it further

RESOLVED, that the Commissioner of Public Works be authorized and is hereby directed to execute a change order to the term agreement for Bridge Design, Construction Inspection and Load Testing and miscellaneous other work, between the County of Erie and the firm of TVGA Consultants, and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to enter into a contract with the lowest responsible bidder for the construction of the substructure, related approach work and installation of the superstructure, and be it further

RESOLVED, that the total cost of this work, including engineering, construction, construction inspection and load testing, shall not exceed \$730,000, and be it further

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RESOLVED, that the funding for this work be from the 2003 Bridge Design and Construction bond account (SFG 420-352), and be it further

RESOLVED, that once a contract is awarded to a construction contractor, the Commissioner of Public Works shall communicate to the Legislature the name of the contractor and bid tabulation for information only, and be it further

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

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

CARRIED. (WEIGHTED VOTE: 15.905 – 0)

Item 68 – (Comm. 25E-25) EC/ECSD No. 6 – NYS Water Pollution Control Revolving Loan Program – Lackawanna Wastewater Treatment Plant.

Item 69 – (Comm. 25E-26) EC/ECSD No. 6 – NYS Water Pollution Control Revolving Loan Program – Holland Avenue Sanitary Sewer.

Item 70 – (Comm. 25E-27) ECSD No. 5 – Capital Project Close Out & Fund Transfer – Capital Reserve Fund.

Item 71 – (Comm. 25E-28) ECSD No. 3 – Capital Project Close Out & Fund Transfer – Debt Service Fund.

Item 72 – (Comm. 25E-29) ECSD No. 5 – Capital Project Close Out & Fund Transfer – Debt Service Fund – Capital Project No. 430-526.

Item 73 – (Comm. 25E-30) ECSD No. 5 – Capital Project Close Out & Fund Transfer – Debt Service Fund – Capital Project No. 430 – 534.

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

Item 74 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 679

Re: Buffalo/Niagara Solar Playground & Learning Center. (Comm. 25E-31)

WHEREAS, the Western New York Sustainable Energy Association, Inc. has requested \$15,000 to further the development of the Buffalo/Niagara Solar Playground and Learning Center, which will feature New York State's first solar-powered carousel; and

WHEREAS, this project will provide an opportunity for Erie County to increase its tourism destination appeal that is enhanced by this project's ties to the world-famous Herschell Carousel Company founded in the early 1900's, as well as because of its ability to link this type of energy related project to the history of this region's environmental-technological leadership that dates back to the early part of the 20th century; and

WHEREAS, County operating funds are essential to the process of raising additional public and private dollars for the planning and development of the Buffalo/Niagara Solar Playground and Learning Center,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with the Western New York Sustainable Energy Association, Inc. for the purposes noted above; and be it further

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

Western New York Sustainable Energy Association, Inc. - \$15,000
 Buffalo/Niagara Solar Playground and Learning Center

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; and the Western New York Sustainable Energy Association, Inc., c/o 27 St. Catherine's Court, Buffalo, NY 14222.

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

CARRIED UNANIMOUSLY.

Item 75 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 680

Re: PILOT Agreements for Frederick Douglass
Redevelopment – Phase III. (Comm. 25E-32)

WHEREAS, Frederick Douglass Associates III, L.P. (FDA) is developing housing for low and very low-income households (Project), pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, the Project is located on the site of the Frederick Douglass Towers in Buffalo, New York and provides 45 residential townhouse units for low and very low-income families; and

WHEREAS, Frederick Douglass Redevelopment – Phase III will be managed by Buffalo Municipal Housing Authority; and

WHEREAS, the Erie County Legislature adopted a resolution (Comm. 20-E-49) on November 20, 2003 approving a PILOT for the Project under the PILOT B formula as defined in the adopted Erie County PILOT policy; and

WHEREAS, said PILOT “B” formula assures that at least 60% of the Project’s beneficiaries are very low-income households; and

WHEREAS, a re-evaluation of the Project has determined that 53% of the project beneficiaries will be very low income households thereby not satisfying the PILOT requirement in the “B” category;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Frederick Douglass Associates III, L.P. and the City of Buffalo relating to the Frederick Douglass Redevelopment – Phase III under the “A” formula as defined in the adopted Erie County PILOT Policy and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that the Erie County Legislature approval of a PILOT request for Frederick Douglass Redevelopment – Phase III Project under the B formula of the adopted Erie County PILOT Policy, (Comm. 20-E-49 approved on November 20, 2003, is rescinded; and be it further

RESOLVED, that said Agreement shall include an annual Payment in Lieu of Taxes (PILOT) of \$14,169 for Phase III by FDA in the first year of the PILOT Agreement with a three (3) percent increase annually thereafter for a fifteen (15) year period, with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 76 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 681

Re: Funding for Town of Evans Water System
 Merger Feasibility & Leak Detection Study.
 (Comm. 25E-33)

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

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

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

WHEREAS, the Town of Evans desires to upgrade its water system in order to merge with the ECWA; and

WHEREAS, Erie County desires to work with the Town of Evans which is implementing this process,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed forty seven thousand five hundred dollars (\$47,500) with the Town of Evans; and be it further

RESOLVED, that the source of the funds will be \$47,500 available in the Regionalism / Economic Development Fund, DAC 110 904 303 830 1299, which will be transferred to new sub-account under Agency Payments monitored by the Department of Environment and Planning, Fund 110, Project 922, Department 302, Account 830; and be it further

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

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

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CARRIED UNANIMOUSLY.

Item 77 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 682

Re: Funding to Provide Potable Water to
 Woodcliff/McKinley Roads in Town of Evans.
 (Comm. 25E-34)

WHEREAS, the County of Erie is interested in assisting with the effort by the Town of Evans to provide potable water to the residents on Woodcliff and McKinley Roads in the Town; and

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

WHEREAS, The Town of Evans has areas of the community obtaining potable water from well systems that are in need of upgrades and replacement to meet established standards for improved water service and fire protection; and

WHEREAS, The Town of Evans desires to upgrade these well water systems in order to provide bulk service from the Erie County Water Authority; and

WHEREAS, Erie County desires to work with the Town of Evans which is implementing this process,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed twenty three thousand five hundred dollars (\$23,500), with the Town of Evans; and be it further

RESOLVED, that the source of the funds will be \$23,500 available in the Regionalism / Economic Development Fund, DAC 110 904 303 830 1299, which will be transferred to new sub-account under Agency Payments monitored by the Department of Environment and Planning, Fund 110, Project 922, Department 302, Account 830; and be it further

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

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

CARRIED UNANIMOUSLY.

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Item 78 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 683

Re: CPS – NYS Emergency Management Office
 Community Emergency Response Team Grant.
 (Comm. 25E-35)

WHEREAS, the County of Erie for the Community Emergency Response Team hereafter known as CERT has been awarded a grant by the New York State Emergency Management Office hereafter known as SEMO, and

WHEREAS, SEMO requires that grant recipients enter into an agreement with the State that details the requirements and timeline to be adhered to in order to receive grant funding,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into an agreement with SEMO and accept funding in the amount of up to \$67,604, and be it further

RESOLVED, that authorization is hereby provided for the County Executive to enter into an agreement with ECC Workforce Development in the amount of \$67,604 to provide this training, and be it further

RESOLVED, that authorization is hereby provided to establish a CERT grant in the Central Police Services Department to implement this program as follows:

Grant Fund
Community Emergency Response Team (CERT) Grant
SFG Project # Central Police Services
December 31, 2003 – March 31, 2004

<u>Revenue</u>	Increase
Acct. 627 - State Aid – Criminal Justice Program	\$ 67,604
Total Revenue	\$ 67,604
<u>Appropriation</u>	Increase
Acct. 830 – Contractual Services Direct Agreement with Workforce Development	\$ 67,604

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Total Appropriation Dept. 650

\$ 67,604

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 Central Police Services.

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

CARRIED UNANIMOUSLY.

Item 79 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 684

Re: Health – Healthy Homes Initiative – 2/1/01
 – 1/31/04 – Revision Project #539.
 (Comm. 25E-36)

WHEREAS, the Erie County Department of Health has received a revised grant award from the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control for implementing the Erie County Healthy Homes Initiative, in the amount of \$918,752, and

WHEREAS, the purpose of the Healthy Homes Initiative is to improve the quality of life of children through reduced health and safety risks associated with the home environment, and

WHEREAS, this will be accomplished through home inspection, distribution of intervention products, provision of services and implementation of an education curriculum for property owners and tenants in Erie County, and

WHEREAS, it will be necessary to amend the subcontract with Channing Bete Company for an amount not to exceed \$66,334 for the period 2/1/01 – 1/31/04 for the purpose of producing custom education materials.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a revised contract with the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control to accept the grant budgeted as follows:

Healthy Homes Initiative
2/1/01 – 1/31/04

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Project #539

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
640-500	Federal Aid- HUD	\$ 918,752	\$ 0	\$ 18,752
641	Env. Protection	<u>25,000</u>	<u>0</u>	<u>25,000</u>
	TOTAL	<u>\$ 943,752</u>	<u>\$ 0</u>	<u>\$ 943,752</u>
EXPENSES				
800	Personal Services	\$ 450,444	\$-40,119	\$ 410,325
801	Overtime	9,000	3,000	12,000
805	Fringe Benefits	88,848	21,487	110,335
810	Office Supplies	9,000	0	9,000
811	Clothing Supplies	1,760	200	1,960
821	Dues & Fees	18,250	2,000	20,250
823	Repairs & Maintenance	216	0	216
824	Travel & Mileage	15,402	-2,400	13,002
825	Out of Area Travel	9,620	0	9,620
826	Other Expenses	168,963	-17,431	151,532
830-1368	Contractual - SUNYAB	47,061	0	47,061
	Contractual – Channing			
830-1369	Bete	28,184	38,150	66,334
	Contractual –			
	Neighborhood Housing			
830-1370	Services	8,544	-8,544	0
880-2720	Interfund - PH Lab	18,000	4,000	22,000
880-5100	Interfund - DISS	3,240	0	3,240
880-6200	Interfund – Env. & Planning	30,750	-18	30,732
	Interdepartmental -			
882-6209	Env. & Planning	8,920	0	8,920
932	Office Equipment	10,000	-40	9,960
	Lab & Technical			
933	Equipment	<u>17,550</u>	<u>-285</u>	<u>17,265</u>
	TOTAL	<u>\$ 943,752</u>	<u>\$ 0</u>	<u>\$ 943,752</u>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an amended subcontract with Channing Bete Company for an amount not to exceed \$66,334 for the period 2/1/01 – 1/31/04 for the purpose of producing custom education materials, and be it further

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RESOLVED, that the subcontract with Channing Bete Company is a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR CUSACK

Item 80 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 685

Re: Lease for Legislative Office Space.
(Comm. 25E-37)

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between Northtown, Inc. located at 3097 Sheridan Drive, Amherst, New York, and Erie County for Legislative Office Space for Erie County Legislator Elise M. Cusack at a cost of \$650.00 per month.

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

CARRIED. (WEIGHTED VOTE: 15.948 – 0)

FROM CHAIRMAN SWANICK

Item 81 – (Comm. 25E-38) Citizens Salary Review Commission Appointments.

RECEIVED, FILED & PRINTED.

December 9 2003

Laurie Manzella
Erie County Legislature Clerk
25 Delaware Avenue
Buffalo, New York 14202

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RE: Citizens Salary Review Commission

Dear Madam Clerk:

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

Thomas F. Higgins
187 Cumberland Avenue
Buffalo, New York 14220

John M. Hannon
190 Northledge Drive
Amherst, New York 14226

Sincerely,

Charles M. Swanick
Chairman
Erie County Legislature

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

CARRIED UNANIMOUSLY.

December 11, 2003

Laurie A. Manzella
Erie County Legislature Clerk
25 Delaware Avenue
Buffalo, NY 14202

RE: CITIZENS SALARY REVIEW COMMISSION APPOINTMENT

Dear Madam Clerk:

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

Herbert Bellamy, Jr.
46 McCarthy Drive
Buffalo, NY 14211

Sincerely,

George A. Holt, Jr.
Minority Leader

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MR. RANZENHOFER moved to RECEIVE, FILE & PRINT as amended. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECC

Item 82 – (Comm. 25D-1) Meeting Notice.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 83 – (Comm. 25D-2) Notice of Public Hearing – Local Law Intro. No. 14 – 2003.

RECEIVED, FILED & PRINTED.

December 5, 2003

VIA HAND DELIVERY

Ms. Laurie A. Manzella, Clerk
Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

RE: Notice of Public Hearing
Local Law Intro. No. 14-2003

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on December 4, 2003.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

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FREDERICK A. WOLF
Erie County Attorney

By: MELISSA O. HEIMERL
Assistant County Attorney

encl.

cc: Frederick A. Wolf, Erie County Attorney
Thomas P. DeMartino, Esq., Senior Executive Assistant
(all w/o attachment)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Friday, December 19, 2003 at 9:30 a.m., concerning:

A LOCAL LAW in relation to a mandatory notification requirement for commercial and residential lawn pesticide applications.

The hearing will be held in Room 805 of the Rath Building, 95 Franklin Street, 8th floor, in the City of Buffalo, New York.

On December 4, 2003, the Erie County Legislature adopted Erie County Local Law Intro. No. 14 of 2003. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
Erie County Executive

FROM THE CLERK OF THE LEGISLATURE

Item 84 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 686

Re: Letter to Chairman Swanick Re: District
Office Leases. (Comm. 25D-3)

December 9, 2003

Hon. Charles M. Swanick, Chairman

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Erie County Legislature
25 Delaware Avenue – 7th Floor
Buffalo, New York 14202

Dear Chairman Swanick:

In the event that today's eleven o'clock deadline passes before legislators have an opportunity to have their district office leases clocked-in, please be advised that this letter may be used as a vehicle to amend at the regular Session scheduled for Thursday, December 11, 2003.

Sincerely,

Laurie A. Manzella
Clerk

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

CARRIED. (WEIGHTED VOTE: 15.906 – 0)

A.

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between Gary Eye and Richard E. Minekime located at 3764 Eckhardt Road, Hamburg, New York, and Erie County for Legislative Office Space for Erie County Legislator Jeanne Z. Chase at a cost of \$625.00 per month.

MR. RANZENHOFER moved to further amend the resolution. MS. CHASE seconded. CHAIRMAN SWANICK abstained.

CARRIED. (WEIGHTED VOTE: 15.958 – 0)

B.

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between the Town of Grand Island located at 2255 Baseline Road, Grand Island, New York, and Erie County for Legislative Office Space for Erie County Legislator Charles M. Swanick at a cost of \$235.00 per month.

MR. RANZENHOFER moved to further amend the resolution. MS. CHASE seconded. CHAIRMAN SWANICK abstained.

CARRIED. (WEIGHTED VOTE: 15.958 – 0)

C.

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RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Kenmore Tonawanda Union Free School District located at 1500 Colvin Boulevard, Buffalo, New York, and Erie County for Legislative Office Space for Erie County Legislator Charles M. Swanick at a cost of \$400.00 per month.

MR. RANZENHOFER moved to further amend the resolution. MS. CHASE seconded. MR. WEINSTEIN abstained.

CARRIED. (WEIGHTED VOTE: 16.070 – 0)

D.

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between The Center of Williamsville located at 4508 Main Street, Amherst, New York, and Erie County for Legislative Office Space for Erie County Legislator Barry A. Weinstein, M.D. at a cost of \$650.00 per month.

MR. RANZENHOFER moved to further amend the resolution. MS. CHASE seconded. MR. SCHROEDER abstained.

CARRIED. (WEIGHTED VOTE: 16.087 - 0)

E.

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between CAZ Development Corp. located at 861 Abbott Road, Buffalo, New York, and Erie County for Legislative Office Space for Erie County Legislator Mark J.F. Schroeder at a cost of \$600.00 per month.

MR. RANZENHOFER moved to further amend the resolution. MS. CHASE seconded. MS. MARINELLI abstained.

CARRIED. (WEIGHTED VOTE: 16.046 – 0)

F.

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between David J. Galbo located at 1701 Hertel Avenue, Buffalo, New York, and Erie County for Legislative Office Space for Erie County Legislator Lynn M. Marinelli at a cost of \$650.00 per month.

MR. RANZENHOFER moved the approval of the resolution as amended. MR. LARSON seconded. CHAIRMAN SWANICK, MS. CHASE, MR. WEINSTEIN, MR. SCHROEDER & MS. MARINELLI abstained.

CARRIED. (WEIGHTED VOTE: 12.067 – 0)

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NFTA

Item 85 – (Comm. 25M-1) Actual/Projected Cash Flow for Period 4/1/03 – 3/31/04 & Projected Cash Flow for Period 10/1/03 – 9/30/04.

Received and filed.

FROM ECIDA

Item 86 – (Comm. 25M-2) Notice of Board of Directors Meeting.

Received and filed.

MEMORIAL RESOLUTIONS

Item 87 – Mr. Swanick requested that when the Legislature adjourns, it do so in memory of James Beeny.

Item 88 – Mr. Falkner requested that when the Legislature adjourns, it do so in memory of Edie Closson.

Item 89 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Shirley Johnson.

Item 90 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Leo Adamski.

Item 91 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Professor John Dickson.

Item 92 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of David Schuleford.

Item 93 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Jason Kempston.

Item 94 – Mr. Swanick requested that when the Legislature adjourns, it do so in memory of the United States soldiers serving overseas.

ADJOURNMENT

MEETING NO. 25
December 11, 2003

ERIE COUNTY LEGISLATURE

Item 95 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, January 8, 2004. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, January 8, 2004 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK