

MEETING NO. 3
February 6, 2003

ERIE COUNTY LEGISLATURE

ERIE COUNTY LEGISLATURE
MEETING NO. 3
February 6, 2003

The Legislature was called to order by Chairman Swanick.

All Members Present except Legislator Larson.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Weinstein.

Item 1 – CHAIRMAN SWANICK directed that the Rules of the Legislature for 2003 remain on the table.

Item 2 – CHAIRMAN SWANICK called for nominations for the Clerk of the Legislature for 2003.

MR. RANZENHOFER placed in nomination for Clerk of the Legislature **LAURIE A. MANZELLA**. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved that nominations be closed. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN SWANICK directed that the communication be RECEIVED, FILED & PRINTED.

February 6, 2003

We, the undersigned members of the Erie County Legislature, pursuant to the 2003 rules of the Erie County Legislature, do hereby designate **Laurie A. Manzella** as **Clerk** of the Erie County Legislature.

GREGORY P. FALKNER
 9th District

CHARLES M. SWANICK
 10th District

JEANNE Z. CHASE
 12th District

STEVEN P. McCARVILLE
 13th District

ELISE M. CUSACK
 14th District

BARRY A. WEINSTEIN
 15th District

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MICHAEL H. RANZENHOFER
 16th District

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 15.808 – 0)

Item 3 – CHAIRMAN SWANICK called for nominations for the Majority Leader of the Legislature for 2003.

MS. CHASE placed in nomination for Majority Leader of the Legislature **MICHAEL H. RANZENHOFER**. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

MS. CHASE moved that nominations be closed. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN SWANICK directed that the communication for the appointment of Majority Leader for the year 2003 be RECEIVED, FILED & PRINTED.

February 6, 2003

We, the undersigned members of the Erie County Legislature, pursuant to the 2003 rules of the Erie County Legislature, do hereby designate **Michael H. Ranzenhofer** as **Majority Leader** of the Erie County Legislature. This petition may be executed in any number of counterparts which, when taken together, shall constitute one fully executed petition.

GREGORY P. FALKNER
 9th District

CHARLES M. SWANICK
 10th District

JEANNE Z. CHASE
 12th District

STEVEN P. McCARVILLE
 13th District

ELISE M. CUSACK
 14th District

BARRY A. WEINSTEIN
 15th District

MICHAEL H. RANZENHOFER
 16th District

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Item 4 – CHAIRMAN SWANICK called for nominations for the Minority Leader of the Legislature for 2003.

MS. MARINELLI placed in nomination for Minority Leader of the Legislature **GEORGE A. HOLT, JR.** MR. SMITH seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved that nominations be closed. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN SWANICK directed that the communication for the appointment of Minority Leader of the Erie County Legislature for the year 2003 be RECEIVED, FILED & PRINTED.

We, the undersigned members of the Minority Caucus of the Erie County Legislature, representing a majority of the weighted vote of said caucus, in accordance with Rule 5 of the Rules of the Erie County Legislature, do hereby designate GEORGE A. HOLT, JR. as Minority Leader of the Erie County Legislature for 2003.

EDWARD J. KUWIK
1st District

MARK J.F. SCHROEDER
2nd District

GEORGE A. HOLT, JR.
3rd District

JUDITH P. FISHER
4th District

DAVID DALE
5th District

ALBERT DeBENEDETTI
6th District

DEMONE A. SMITH
7th District

RAYMOND K. DUSZA
8th District

LYNN M. MARINELLI
11th District

Item 5 – CHAIRMAN SWANICK directed that the Appointment of Majority & Minority Staff for 2003 remain on the table.

Item 6 – CHAIRMAN SWANICK directed that the Appointment of Majority & Minority Counsels for 2003 remain on the table.

Item 7 – CHAIRMAN SWANICK directed that the communications designating the Majority and Minority Newspapers for the year 2003 be RECEIVED, FILED AND PRINTED.

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February 3, 2003

Dear Madam Clerk:

We, the undersigned members of the Minority Caucus of the Erie County Legislature, in accordance with Section 214(2) of the County Law, as amended, do hereby designate the following newspaper, **VIZ: FRONT PAGE**, published in Lackawanna, New York, and having a general circulation in the county of Erie, as the official newspaper for the publication of all local laws, notices and other matters required by law to be published for the county of Erie, effective January 1, 2003.

EDWARD J. KUWIK
 1st District

MARK J.F. SCHROEDER
 2nd District

GEORGE A. HOLT, JR.
 3rd District

JUDITH P. FISHER
 4th District

DAVID DALE
 5th District

ALBERT DeBENEDETTI
 6th District

DEMONE A. SMITH
 7th District

RAYMOND K. DUSZA
 8th District

LYNN M. MARINELLI
 11th District

February 3, 2003

Dear Madam Clerk:

We, the undersigned members of the Minority Caucus of the Erie County Legislature, do hereby designate the following newspaper, **VIZ: BUFFALO CHALLENGER**, published in Buffalo New York, and having a general circulation in the county of Erie, to publish the Concurrent Resolutions of the New York State Legislature required by law to be published for the year 2003.

EDWARD J. KUWIK
 1st District

MARK J.F. SCHROEDER
 2nd District

GEORGE A. HOLT, JR.
 3rd District

JUDITH P. FISHER
 4th District

DAVID DALE

ALBERT DeBENEDETTI

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5th District

DEMONE A. SMITH
 7th District

LYNN M. MARINELLI
 11th District

6th District

RAYMOND K. DUSZA
 8th District

** See Meeting 5 for Majority designation of Newspapers for 2003.

Item 8 – CHAIRMAN SWANICK directed that Comm. 20E-2 (2002) remain on the table.

Item 9 – MR. RANZENHOFER moved to remove all items from Addendum A from the table. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS (ADDENDUM 'A')

Item 10 – MR. RANZENHOFER presented a resolution Honoring Justice Sharon Townsend on Her Appointment to Administrative Judge of New York State's 8th Judicial District. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. DUSZA presented a resolution Honoring Richard M. Moleski Upon His Retirement from the Position of Cheektowaga Town Clerk. MR. DALE seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. SWANICK presented a resolution Honoring Mark R. Winters Upon His Retirement as Chief of Police for City of Tonawanda. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS (ADDENDUM 'A')

Item 13 – CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 1-1 From LEGISLATOR DUSZA Re: Adjusting County Signs to Reflect the Naming of the Fire Training Academy Administration Building in Honor of Vernon J. Callahan.

Item 14 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 1-2 From LEGISLATOR DeBENEDETTI Re: Position Restoration in 2003 Budget.

Item 15 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 1-3 From LEGISLATOR SCHROEDER Re: Calling for Studying the Distribution of the 3% Sales Tax.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

Re: January, 2003 as National Radon Action Month. (Intro. 1-4)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

WHEREAS, residents of Erie County are a precious resource who should be protected from physical harm both in their homes and at work; and

WHEREAS, radon is a colorless, odorless, radioactive gas that as it naturally decays can become radioactive and thereby may threaten the health of our citizens and their families in their homes and at work; and

WHEREAS, radon has been noted by the United States Environmental Agency and the United States Surgeon General as the second leading cause of lung cancer in the United States following smoking and second hand smoke; and

WHEREAS, according to the National Safety Council, radon is estimated to cause approximately 14,000 deaths a year nationally; and

WHEREAS, Erie County has been designated as a “high radon area” by the United States Environmental Protection Agency and the New York State Department of Health; and

WHEREAS, radon testing can be done by homeowners at very low cost; and

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WHEREAS, radon mitigation techniques costs fall in the range of many accepted home maintenance and repairs; and

WHEREAS, The Environmental Protection Agency has designated January, 2003 as National Radon Action Month.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature urges all residents to test their homes for radon either through a use of a home testing kit or by hiring an accredited radon tester; and

RESOLVED, that the Erie County Legislature recommends that county residents effect mitigation techniques if radon levels in their homes test at an action level of 4 picocuries per liter of air or higher in accordance with the Environmental Protection Agency standards, and be it further

RESOLVED, that the Erie County Legislature encourages members of the health, education, building, real estate and medical communities to address radon as a health issue, and be it further

RESOLVED, that, in accordance with the United States Environmental Protection Agency, the Erie County Legislature hereby acknowledges and proclaims January 2003 as National Radon Action Month in Erie County, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the United States Environmental Protection Agency; The New York State Department of Health; Western New York Chapter of the American Lung Association; Deputy Commissioner of the Erie County Department of Environment & Planning, Michael Raab; and Erie County Executive Joel Giambra.

Fiscal Impact: None for resolution.

MS. CHASE moved to amend the resolution to included ET AL Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 17 – CHAIRMAN SWANICK directed that the following resolution be referred to the REGIONALISM AD HOC COMMITTEE.

GRANTED.

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Intro. 1-5 From LEGISLATORS FISHER & MARINELLI Re: Support for a Study of the Possible Consolidation of the City and County Comptroller Offices.

Item 18 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 1-6 From LEGISLATOR DALE Re: Funding for Various Community Organizations.

COMMUNICATIONS FROM ELECTED OFFICIALS (ADDENDUM 'A')

FROM CHAIRMAN SWANICK

Item 19 – (Comm. 1E-1) Budget Session – 11/25/02.

Received and filed.

FROM THE COMPTROLLER

Item 20 – (Comm. 1E-2) Letter to Various City & County Elected Officials Re: Merging Functions of City Comptroller's Office with County Comptroller's Office.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE SHERIFF

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

Re: Transfer of Funds. (Comm. 1E-3)

WHEREAS, The Erie County Sheriff's Office has experienced higher than expected vehicle maintenance expenses, and

WHEREAS, agreements between The Erie County Sheriff's Office and the Erie County Sheriff's Police Benevolent Association have resulted in an additional \$250 uniform payment to each union member and a \$5,300 lump sum payment to the PBA and,

WHEREAS, The Erie County Sheriff's Office provides food, clothing and medical services to inmates at the Erie County Holding Center and the Erie County Correctional Facility, and

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WHEREAS, budgeted funds for the year 2002 are not sufficient to provide for the anticipated expenses in these accounts for the balance of the year, and

WHEREAS, funds are available in the Sheriff's Account 890 – Contractual Salary Reserves to cover these shortages.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized:

<u>Appropriation</u>	<u>Decrease</u>
Department 150 – Sheriff's Division Account 890 - Contractual Salary Reserves	\$266,000
Department 660 – Correctional Facility Account 826 – Other Expenses	<u>\$ 5,500</u>
TOTAL DECREASE	\$271,500

<u>Appropriation</u>	<u>Increase</u>
Department 150 – Sheriff's Division Account 811 – Clothing Supplies	\$ 15,000
Account 813 – Auto Supplies	\$ 10,000
Account 821 – Dues & Fees	\$ 3,000
Account 823 – Repairs & Maintenance	\$ 20,000

<u>Appropriation</u>	<u>Increase</u>
Department 151 – Holding Center Account 811 – Clothing Supplies	\$ 2,500
Account 812 – Food Supplies	\$ 15,000
Department 660 – Correctional Facility Account 812 – Food Supplies	\$ 75,000
Account 814 – Medical Supplies	\$ 125,000
Account 821 – Dues & Fees	<u>\$ 6,000</u>
TOTAL INCREASE	\$271,500
NET IMPACT	<u>\$ 0.00</u>

and be it further,

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RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, the Erie County Comptroller's Office and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

FROM CHAIRMAN SWANICK

Item 22 – (Comm. 1E-4) Copy of Letter to County Attorney Re: Approval of Revenue & Bond Anticipation Notes by Erie County Legislature.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 23 – (Comm. 1E-5) Response to Comm. 1D-12.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DeBENEDETTI

Item 24 – (Comm. 1E-6) Copy of Letter to Mark Hamister Re: Request for Information Concerning Bid to Purchase Buffalo Sabres.

Item 25 – (Comm. 1E-7) Copy of Letter to Thomas Golisano Re: Request for Information Concerning Bid to Purchase Buffalo Sabres.

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

FROM THE COUNTY EXECUTIVE

Item 26 – (Comm. 1E-8) Appointments to Conditional Release Commission.

RECEIVED, FILED & PRINTED.

December 23, 2003

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

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Re: Appointments to Conditional Release Commission

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Section 271, New York State Corrections Law Article 12, do hereby appoint the following individuals to the Conditional Release Commission for the term stated.

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRATION</u>
Thomas Higgins 187 Cumberland Avenue Buffalo, New York 14220	December 31, 2006
Doris A. Carbonell-Medina, Esq. 254 Rounds Avenue Buffalo, New York 14215	December 31, 2006

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/kme

cc: Appointees

George Alexander, Commissioner, Probation & Youth Detention Services

Item 27 – (Comm. 1E-9) Reappointments to EC Mental Hygiene Community Services Board.

RECEIVED, FILED & PRINTED.

December 23, 2002

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

Re: Reappointments to the Erie County
 Mental Hygiene Community Services Board

Dear Honorable Members:

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I, Joel A. Giambra, County Executive of the County of Erie, pursuant to the power vested in me by Section 11-B-03 of the Erie County Charter, and as provided in Revised Article 41 of the New York State Mental Hygiene Law, do hereby submit for your information reappointments to the Erie County Mental Hygiene Community Services Board for the terms indicated.

Mental Retardation/Developmental Disabilities Subcommittee

Gail Baehre
 132 Traverse Blvd.
 Tonawanda, NY 14223

Term Expiration:
 December 31, 2006

Anne Marie Andre
 98 Dorset Drive
 Depew, NY 14043

December 31, 2006

Alcoholism/Substance Abuse Subcommittee

Tamara Bishop, RN
 Buffalo Psychiatric Center
 400 Forest Avenue
 Buffalo, NY 14222

Term Expiration:
 December 31, 2006

Rosemarie Goi
 188 Hunters Lane
 Williamsville, NY 14221

December 31, 2006

Mental Health Subcommittee

Marcie Kelley
 Action for Mental Health
 3108 Main Street
 Buffalo, NY 14214

Term Expiration:
 December 31, 2006

Stephanie Orlando
 Mid Erie Counseling &
 Treatment Services, Inc.
 1520 Walden Avenue
 Cheektowaga, NY 14225

December 31, 2006

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

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ERIE COUNTY LEGISLATURE

JAG/kme

cc: Appointees

Mike Weiner, Commissioner, Mental Health

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

Re: Reappointments to Consumer Protection
 Committee. (Comm. 1E-10)

RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of the following individuals to the Erie County Consumer Protection Committee for the term stated below:

NAME & ADDRESS

TERM EXPIRES

Paul A. Atkinson
 Consumer Credit Counseling
 Services of Buffalo, Inc.
 3980 Sheridan Drive, Suite 308
 Amherst, NY 14226

December 31, 2004

Ellen DeWind
 48 Oakland Road
 Williamsville, NY 14221

December 31, 2004

John R. Domagala
 178 Gregory Place
 Grand Island, NY 14072

December 31, 2004

Mike Igoe
 WGRZ-TV News
 259 Delaware Avenue
 Buffalo, NY 14202

December 31, 2004

Charles F. Kreiner, Jr. (Chair)
 48 Lexington Avenue
 Buffalo, NY 14222

December 31, 2004

Lois M. Meyer
 731 W. Ferry, Apt. 1-KL
 Buffalo, NY 14222

December 31, 2004

Robin L. Reese

December 31, 2004

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163 Werkley Road
 Tonawanda, NY 14150

Albert F. Schneider
 199 Forest Hill Road
 Williamsville, NY 14221

December 31, 2004

Iris F. Skoog
 181 Rollingwood
 Williamsville, NY 14221

December 31, 2004

Linda Williams
 506 Shirley Avenue
 Buffalo, NY 14215

December 31, 2004

Kathleen B. Winter
 Better Business Bureau, Inc.
 741 Delaware Avenue
 Buffalo, NY 14209

December 31, 2004

Hon. Penny Wolfgang
 126 Meadow Road
 Buffalo, NY 14216

December 31, 2004

Item 29 – (Comm. 1E-11) Appointments & Reappointments to EC Youth Services Board.

RECEIVED, FILED & PRINTED.

December 23, 2003

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

Re: Appointments and Reappointments to Erie County Youth Services Board

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Section 11-F-03 of the Erie County Code; do hereby appoint and reappoint the following individuals to the Erie County Youth Services Board for the term ending December 31, 2004.

Appointments

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Laurie M. Santiago
155 Busti Avenue, #201
Buffalo, NY 14201

Roscoe Henderson III
7 Marine Drive
Buffalo, NY 14202

Edward F. Brodka
397 Argonne Drive
Kenmore, NY 14217

Sally Thomas
112 Stanton Street
Buffalo, NY 14206

Leisha Gordon
HSBC Bank USA
One HSBC Center, 13th Floor
Buffalo, NY 14203

Gretchen Fierle
1201 North Davis Road
East Aurora, NY 14052

Reappointments

LaVerne Ampadu
110 Mona Drive
Amherst, NY 14226

Aniela Baj
180 Sheffield Avenue
Buffalo, NY 14220

Rosemary Dudek
117 Winston Road
Buffalo, NY 14216

Mark Klyczek
23 Muskingum Street
Depew, NY 14043

James Lawson

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69 Pine Court
West Seneca, NY 14224

Debra Michaux
229 Summit Avenue
Buffalo, NY 14214

Thomas Schultz
3568 Stony Point Road
Grand Island, NY 14072

Patti Ziolkowski
42 Coburg Street
Buffalo, NY 14216

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/kme

cc: Appointees

George Alexander, Commissioner, Probation & Youth Detention Services

Joseph Abdallah, Deputy Commissioner, Youth Division

Item 30 – (Comm. 1E-12) Reappointment to Senior Services Advisory Board.

RECEIVED, FILED & PRINTED.

December 23, 2002

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

RE: Reappointment to Senior Services Advisory Board

Dear Members:

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

Ms. Ruth Duke

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755 Renaissance Drive
Williamsville, New York 14221

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/kme

cc: Appointee
 Commissioner Pamela Krawczyk

Item 31 – (Comm. 1E-13) Reappointments to Equal Employment Opportunity Advisory Committee.

RECEIVED, FILED & PRINTED.

December 23, 2002

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

Re: Reappointments to Equal Employment Opportunity Advisory Committee

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to the Equal Employment Opportunity Act of 1972, do hereby reappoint the following individuals to the Equal Employment Opportunity Advisory Committee for the terms stated.

NAME AND ADDRESS

TERM EXPIRATION

Ali H. Beile
 329 Potomac Avenue, Lower
 Buffalo, NY 14213

December 31, 2004

Audrey J. Czesak-Kennedy
 605 Admirals Walk
 Buffalo, NY 14202

December 31, 2004

Judith Einach
 19 Penfield Street

December 31, 2004

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Buffalo, NY 14213

Gilbert Hernandez
128 Carmel Road
Buffalo, NY 14214

December 31, 2004

Oscar Hernandez
484 Niagara Street
Buffalo, NY 14201

December 31, 2004

Uzochukwu Ihenko
347 Minnesota Avenue
Buffalo, NY 14215

December 31, 2004

William Leisck
459 Amherst Street
Buffalo, NY 14207

December 31, 2004

Farah Malik
69 Rolling Woods
West Seneca, NY 14224

December 31, 2004

Michael Rivera
268 Crescent Avenue
Buffalo, NY 14214

December 31, 2004

Michael Scott
655 LaSalle Avenue
Buffalo, NY 14215

December 31, 2004

Nesrin Tonlizi
352 North Park Avenue
Buffalo, NY 14216

December 31, 2004

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/kme

cc: Appointees

Charles E. Aughtry, Director, Division of Equal Employment Opportunity
Mohamed A. Mohamed, Coordinator, Minority Business Enterprise

FROM THE COMPTROLLER

Item 32 – (Comm. 1E-14) Copy of Letter to County Executive Re: Request for Full Involvement in Sabres Negotiations.

Item 33 – (Comm. 1E-16) Apportionment & Distribution of 4% Sales Tax Received by EC form NYS for 12/02.

Item 34 – (Comm. 1E-17) Interim Financial Report for Nine Months Ended 9/30/02.

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

FROM THE CLERK

Item 35 – (Comm. 1E-18) Receipt & Concurrence of Recommendation for Appointment to EC Records Commission.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 36 – (Comm. 1E-25) ECSD No. 6 – Personal Request – 2003 Budget Reclassification of Titles.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 37 – (Comm. 1E-26) Acceptance of FEMA Money for Facility Damage – Snowstorm of 12/01.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – (Comm. 1E-28) Funding for West Valley Redevelopment Study.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 39 – (Comm. 1E-29) Village & Town of Lancaster Police Department Merger.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 40 – (Comm. 1E-30) Personnel Request ECSD.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 41 – (Comm. 1E-31) Environmental Engineering Services – Various Projects.

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Item 42 – (Comm. 1E-32) Renovations to Health Department’s Building BB – Water Lab Project at ECMC –Contingency Fund Increase.

Item 43 – (Comm. 1E-33) ECC Improvements to Roadways – Parking Lots & Sidewalks.

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

Item 44 – (Comm. 1E-34) ECSD No. 3 – Proposed Extension Consolidation EC Sewer Agency Report.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 – (Comm. 1E-35) Social Services – WNY Computing Contract.

Item 46 – (Comm. 1E-36) Social Services – Funds transfer & Authorization to Contract.

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

Item 47 – (Comm. 1E-39) Grant Programs – Authorization to Contract.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 48 – (Comm. 1E-44) Appointments to Equal Opportunity Employment Advisory Committee.

RECEIVED, FILED & PRINTED.

December 30, 2002

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

Re: Appointments to Equal Employment Opportunity Advisory Committee

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to the Equal Employment Opportunity Act of 1972, do hereby appoint the following individuals to the Equal Employment Opportunity Advisory Committee for the terms stated.

NAME AND ADDRESS

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Mohamed A. Mohamed
 56 Empress Avenue
 Amherst, New York 14226

December 31, 2004

Adrian Rodriguez, Coordinator
 Minority Business Enterprise
 95 Franklin Street, 16th Floor
 Buffalo, New York 14202

December 31, 2004

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/kme

cc: Appointees

Charles E. Aughtry, Director, Division of Equal Employment Opportunity

FROM THE SHERIFF

Item 49 – (Comm. 1E-45) COPS – Creating a Culture of Integrity Initiative.

Item 50 – (Comm. 1E-46) “Selective Traffic Enforcement” Program (STEP).

Item 51 – (Comm. 1E-47) Public Awareness is Prevention Grant.

Item 52 – (Comm. 1E-48) Asset Forfeiture Grant Appropriations.

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

FROM LEGISLATOR SCHROEDER

Item 53 – (Comm. 1E-50) Copy of Letter to Legislator Ranzenhofer Re: Federal Funding for County Projects.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS (ADDENDUM ‘A’)

FROM THE COUNTY ATTORNEY

Item 54 – (Comm. 1D-1) Notice of County Executive Public Hearing for Local Law Intro. No. 10 (2002).

MEETING NO. 3
February 6, 2003

ERIE COUNTY LEGISLATURE

RECEIVED, FILED & PRINTED.

December 13, 2002

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. 10-2002

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 12, 2002.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF
 Erie County Attorney

By: MELISSA O. HEIMERL
 Assistant County Attorney

encl.

cc: Frederick A. Wolf, Erie County Attorney
 Susannah M. Bochenek, 2nd Assistant 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, Friday, December 27, 2002 at 9:30 a.m., concerning:

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

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The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On December 12, 2002, the Erie County Legislature adopted Erie County Local Law Intro. No. 10 of 2002. 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 BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 55 – (Comm. 1D-2) Notice of Meeting Held 12/19/02 & Agenda.

Received and filed.

FROM ECMC

Item 56 – (Comm. 1D-3) Notice of Rescheduling of Board of Managers Meeting Held 12/19/02.

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 57 – (Comm. 1D-4) Memo to All Legislators & Staff Re: Clock-In Deadline for Session to be Held 1/8/03.

RECEIVED, FILED & PRINTED.

December 18, 2002

To: All Erie County Legislators & Staff

From: Laurie A. Manzella, Clerk

Subject: **CLOCK-IN DEADLINE FOR SESSION TO BE HELD JAN. 8, 2003**

MEETING NO. 3
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Rule No. 9 of the Legislature's Rules of Order specifically states that ". . . *all petitions, resolutions, offers or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date . . .*".

Due to the fact that the 1st Session of 2003 has been scheduled for Wednesday, January 8th, the official clock-in deadline will be **Monday, January 6, 2003 at 11:00 a.m.**

Be advised that items clocked-in after 11:00 a.m. on January 6th may not be addressed until the next regular Session scheduled for January 23, 2003.

Please contact me if you have any questions.

*c: Hon. Joel A. Giambra, Erie County Executive
 Hon. Frank J. Clark, Erie County District Attorney
 Hon. Patrick M. Gallivan, Erie County Sheriff
 Hon. Nancy A. Naples, Erie County Comptroller
 Hon. David J. Swarts, Erie County Clerk
 Other Interested Parties*

FROM THE ECWA

Item 58 – (Comm. 1D-5) SEQR – Negative Declaration – Notice of Determination of Non-Significance – City of Tonawanda Water Improvements.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM HEALTH

Item 59 – (Comm. 1D-6) Notice of Board of Health Meeting to be Held 1/16/03.

Received and filed.

FROM ECC

Item 60 – (Comm. 1D-7) Notice of Meeting Held 12/18/02.

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 61 – (Comm. 1D-8) Notice of 2003 Reorganizational Meeting to be Held 1/8/03.

RECEIVED, FILED & PRINTED.

December 20, 2002

TO THE MEMBERS OF THE LEGISLATURE:

PLEASE TAKE NOTICE that, pursuant to communication 17E-31 (2002), 2003 ***SCHEDULE OF LEGISLATIVE SESSIONS***, a meeting to organize the Erie County Legislature for the year 2003 will be held in the Legislative Chambers, 92 Franklin Street, Ceremonial Courtroom, Part 6, Buffalo, New York on the 8th day of January, 2003 at 2 o'clock in the afternoon of that day, and a Chairman of said Legislature for the year 2003 will then be selected, and you are hereby notified to be present at such time and place as aforesaid.

LAURIE A. MANZELLA
 Clerk
 Erie County Legislature

FROM THE COUNTY ATTORNEY

Item 62 – (Comm. 1D-9) Notice that Local Law No. 4 – 2002 Has Been Filed with State Records & Law Bureau.

Received and filed.

Item 63 – (Comm. 1D-10) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 64 – (Comm. 1D-11) Minutes of Meeting Held 11/20/02.

Received and filed.

FROM ECMC

Item 65 – (Comm. 1D-12) Copy of Letter to Comptroller Naples Re: ECMC Budget for 2003.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEETING NO. 3
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ERIE COUNTY LEGISLATURE

FROM THE COUNTY ATTORNEY

Item 66 – (Comm. 1D-13) Notice of County Executive Approval of Local Law No. 5 – 2002.

RECEIVED, FILED & PRINTED.

January 3, 2003

VIA HAND DELIVERY

Ms. Laurie A. Manzella, Clerk
 Erie County Legislature
 25 Delaware Avenue, 7th Floor
 Buffalo, New York 14202

RE: LOCAL LAW No. 5-2002

Dear Laurie:

Enclosed is a certified copy of the above-mentioned referenced law for your files.

Very truly yours,

FREDERICK A. WOLF
 Erie County Attorney

BY: MELISSA O. HEIMERL
 Assistant County Attorney

Enclosure

cc: Frederick A. Wolf, Erie County Attorney (w/o enclosure)

A Public Hearing was held on the foregoing Local Law Intro. No. 10-2002 on Friday, December 27, 2002, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 27th day of December, 2002.

Joel A. Giambra

FROM ECMC

Item 67 – (Comm. 1D-14) Notice of Finance Committee Meeting Held 1/7/03.

MEETING NO. 3
February 6, 2003

ERIE COUNTY LEGISLATURE

Item 68 – (Comm. 1D-15) Notice of Cancellation of JCC/Planning Committee Meeting for January.

Item 69 – (Comm. 1D-16) Notice Board of Managers Meeting is Rescheduled for 1/16/03.

The above three items were received and filed.

FROM DEP

Item 70 – (Comm. 1D-17) EC Highway Work Permits.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 71 – (Comm. 1D-18) Agenda Items Received & Filed as of 12/31/02.

RECEIVED, FILED & PRINTED.

January 6, 2003

To: Erie County Legislators & Staff

From: Laurie A. Manzella, Clerk

Subject: AGENDA ITEMS RECEIVED & FILED AS OF 12/31/02

In accordance with Rule No. 35 of the Erie County Legislature's Rules of Order, please be advised that the attached list represents all items (local laws, resolutions, departmental and miscellaneous communications) that have been removed from the Agenda of the Legislature (including all committee agendas) as of December 31, 2002.

All of the items on the list were "clocked-in" on or before December 31, 2001. Items clocked-in on or after January 1, 2002, remain on the Legislature's Agenda.

If you have any questions, please contact me at 858-8377.

ATTACHMENT – 1

c: Hon. Joel A. Giambra, Erie County Executive (*w/ attachment*)
 Hon. Frank J. Clark, Erie County District Attorney (*w/ attachment*)

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Hon. Patrick M. Gallivan, Erie County Sheriff (*w/ attachment*)

Hon. Nancy A. Naples, Erie County Comptroller (*w/ attachment*)

Hon. David J. Swarts, Erie County Clerk (*w/ attachment*)

Other Interested Parties (*w/ attachment*)

ITEMS RECEIVED AND FILED AS OF 12/31/02

PAGE 1

SUBMITTER	DATE OF CLOCK-IN	LEG ID #	DESCRIPTION	COMMITTEE ASSIGNMENT	PAGE REF	COMM ACTION	LEGISLATIVE ACTION	FIN ACT	DATE	PAGE
BUDGET, MANAGEMENT & FINANCE	01/02/01	1 D-9A	OPEN ITEM: Correction of Errors on Petitions	FINANCE & MANAGEMENT		TAB	R&F		12/31/02	
BUDGET, MANAGEMENT & FINANCE	01/02/01	1 D-9B	OPEN ITEM: Sale of County Owned Inventory	FINANCE & MANAGEMENT		TAB	R&F		12/31/02	
COUNTY EXECUTIVE	12/29/00	1 E-27	OPEN ITEM: Sewer District Bond Accounts	ENERGY & ENVIRONMENT		TAB	R&F		12/31/02	
CHASE, LARSON, GREENAN, WEINSTEIN & RANZENHOFER	12/19/00	INT 1-1	Support for Bill Requiring State to Compensate for Tax Revenue Lost from Hosting Group Homes (S.1755)	FINANCE & MANAGEMENT		TAB	R&F		12/31/02	
BUDGET, MANAGEMENT & FINANCE	01/04/01	2 D-3	OPEN ITEM: Year-End Budget Balancing Amendments	FINANCE & MANAGEMENT		TAB	R&F		12/31/02	
BUFFALO NIAGARA PARTNERSHIP	02/15/01	5 M-18	Final Report of "Who Does What?" Commission	REGIONALISM AD HOC		TAB	R&F		12/31/02	
MCCARVILLE, LARSON, CHASE GREENAN, WEINSTEIN & RANZENHOFER	02/13/01	INT 5-8	Support for Senate Bill (S.1454) Allowing a Municipality Increased Flexibility and Alternative Methods When Implementing State Mandates	FINANCE & MANAGEMENT		TAB	R&F		12/31/02	

MEETING NO. 3
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ERIE COUNTY LEGISLATURE

SUBMITTER	DATE OF CLOCK-IN	LEG ID #	DESCRIPTION	COMMITTEE ASSIGNMENT	PAGE REF	COMM ACTION	LEGISLATIVE ACTION		
							FIN ACT	DATE	PAGE
COUNTY EXECUTIVE	03/14/01	7 E-22	Bid Opening - ECSD No. 5 - Sisters of Saint Joseph WWTP Structural Rehab	ENERGY & ENVIRONMENT		TAB	R&F	12/31/02	
GREENAN, LARSON, CHASE, MCCARVILLE, RANZENHOFER & WEINSTEIN	03/15/01	INT 7 R	Opposition to Sharing of Revenue Generated from Erie County's "Extra Penny" Sales Tax	FINANCE & MANAGEMENT		TAB	R&F	12/31/02	
COUNTY EXECUTIVE	06/07/01	13 E-45	Veto Message Local Law Intro No.3 - 2001				R&F	12/31/02	
UB CENTER FOR URBAN STUDIES & UB CENTER FOR RESEARCH IN PRIMARY CARE	06/08/01	14 M-3	The Health Status of the Near East Side Black Community	HUMAN SERVICES		TAB	R&F	12/31/02	
COUNTY EXECUTIVE	07/03/01	15 E-37	ECSD Nos. 1, 4 & 5 - Northern Region Administration Building Contract "B" - Mechanical Close Out - Joseph Davis	ENERGY & ENVIRONMENT		TAB	R&F	12/31/02	
BUFFALO & ERIE COUNTY WORKFORCE DEVELOPMENT CONSORTIUM	06/27/01	15 M-10	Copy of Letter to County Executive Re: Activities & Accomplishments.	COMMUNITY ENRICHMENT		TAB	R&F	12/31/02	
MCCARVILLE, GREENAN, LARSON, CHASE, WEINSTEIN & RANZENHOFER	08/31/01	LL 9-1	A LL Amd LL No.1-1959, as Amd, to Prohibit Officers of Political Parties from the Board of ECMC	HUMAN SERVICES			R&F	12/31/02	
MCCARVILLE, GREENAN, LARSON, CHASE, WEINSTEIN & RANZENHOFER	09/05/01	LL 9-2	A LL Amd LL No.1-1959, as Amd, to Prohibit Officers of Political Parties from Board of ECMC	HUMAN SERVICES		TAB	R&F	12/31/02	

ITEMS RECEIVED AND FILED AS OF 12/31/02

PAGE 2

ITEMS RECEIVED AND FILED AS OF 12/31/02

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SUBMITTER	DATE OF CLOCK-IN	LEG ID #	DESCRIPTION	COMMITTEE		LEGISLATIVE ACTION			
				ASSIGNMENT	PAGE REF	COMM ACTION	FIN ACT	DATE	PAGE
SWANICK & PEOPLES	10/02/01	LL 9-3	A LL Amd LL No. 1-1959, as Amd, to Prohibit Officers of Political Parties from Board of ECMC	HUMAN SERVICES		TAB	R&F	12/31/02	
COUNTY EXECUTIVE	11/05/01	21 E-24	ECSD No. 1 - Overflow Retention Facility - Contract Close Out	ENERGY & ENVIRONMENT		TAB	R&F	12/31/02	

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ERIE COUNTY LEGISLATURE

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES (ADDENDUM 'A')

NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 72 – (Comm. 1M-1) Region 9 FWMA Board Minutes from 12/3/02.

Received and filed.

FROM THE TOWN OF PEMBROKE

Item 73 – (Comm. 1M-2) Notice of Public Hearing of Pembroke Town Board to Consider Amendments to Town of Pembroke Zoning Law.

Received and filed.

FROM THE ERIE COUNTY DEMOCRATIC COMMITTEE

Item 74 – (Comm. 1M-3) EC Democratic Committee – 7th Legislative District Endorsement for Filling of Vacancy.

Received and filed.

FROM SENATOR RATH

Item 75 – (Comm. 1M-4) Receipt of Resolution.

Received and filed.

FROM THE ERIE-NIAGARA REGIONAL PARTNERSHIP

Item 76 – (Comm. 1M-5) 2002 Year-End Report.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE LOCUST STREET NEIGHBORHOOD ART CLASSES

Item 77 – (Comm. 1M-6) 2002 Final Report for Cultural Funding.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM NYSDEC

Item 78 – (Comm. 1M-7) Fact Sheet – Former Steel Manufacturing Site.

Received and filed.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 79 – (Comm. 1M-8) Notice of Acceptance of EC Agricultural District No. 12 as Eligible & Feasible.

Received and filed.

FROM LACY, KATZEN, RYEN & MITTLEMAN

Item 80 – (Comm. 1M-9) Notice of Claim.

Received and referred to the COUNTY ATTORNEY.

FROM THE TOWN OF TONAWANDA

Item 81 – (Comm. 1M-10) Resolution Requesting Direct Sales Tax Payment to Town.

Received and filed.

FROM THE ECIDA

Item 82 – (Comm. 1M-11) Notice of Meeting to be Held 1/15/03.

Received and filed.

FROM EC EMC

Item 83 – (Comm. 1M-12) Notice of Meeting Held 12/17/02 & Agenda.

Received and filed.

Item 84 – MR. RANZENHOFER moved to remove all items from Addendum B from the table. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS (ADDENDUM 'B')

Item 85 – MR. FALKNER presented a resolution Congratulating Donald Kraft for Being Named Vigilant Fire Company Fireman of the Year. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 3
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ERIE COUNTY LEGISLATURE

Item 86 – MS. CUSACK presented a resolution Honoring the Burton Sisters & Their Mother for the Movie “Manna From Heaven.” MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 87 – MR. FALKNER presented a resolution Honoring Andrea McGeein, West Seneca Chamber of Commerce Director of the Year. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 88 – MR. FALKNER presented a resolution Honoring Donald Kirsch, West Seneca Chamber of Commerce Citizen of the Year. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 89 – MR. FALKNER presented a resolution Honoring Greenan Law Office, West Seneca Chamber of Commerce Business of the Year. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 90 – MR. FALKNER presented a resolution Honoring West Seneca Satellite of the Variety Club of Buffalo, West Seneca Chamber of Commerce Organization of the Year. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 91 – MR. RANZENHOFER presented a resolution Honoring Clarence Garden Club, Clarence Chamber of Commerce Organization of the Year. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 92 – MR. RANZENHOFER presented a resolution Honoring Domenic & Diane Cortese, Clarence Chamber of Commerce Organization of the Year. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 93 – MR. RANZENHOFER presented a resolution Honoring Kelly Schultz Antiques & Antique World, Clarence Chamber of Commerce Business of the Year. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 94 – MR. FALKNER presented a resolution Congratulating Wallace Piotrowski, 2003 West Seneca Chamber of Commerce Member of the Year. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS (ADDENDUM 'B')

Item 95 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

Re: Calling Upon the Federal Government to
 Restore Workforce Investment Funding.
 (Intro. 2-1)

A RESOLUTION SUBMITTED BY
 LEGISLATORS MARINELLI, KUWIK, FISHER,
 SCHROEDER & WEINSTEIN

WHEREAS, the local economy in Buffalo and Erie County depends first and foremost on the skills of workers that produce goods and services, and

WHEREAS, businesses in Erie County cannot be competitive in the global marketplace without highly skilled workers, and

WHEREAS, nationwide unemployment is at a nine-year high and Workforce Investment Act (WIA) funds are critical in assisting unemployed individuals find and retain employment, and

WHEREAS, funds provided under the WIA are critical for helping unemployed people to find work, employed people to advance, and businesses to increase productivity, and

WHEREAS, the allocation of WIA funds to Erie County declined by 16.4% from program year 2000 to Program Year 2001 and declined further by 13.5% from program Year 2001 to 2002 for a total reduction in allocation of \$3.5 million over two years,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the economic prosperity of our region, and be it further

RESOLVED, that this Honorable Body does hereby call upon the federal government to restore funding provided to the Buffalo and Erie County Workforce Investment Area under the Workforce Investment Act to prior year levels, and be it further

RESOLVED, that certified copies of this resolution be sent to President George W. Bush, to US Senators Charles E. Schumer and Hillary Rodham Clinton, to US Representatives Jack Quinn, Thomas Reynolds and Louise Slaughter, County Executive Joel A. Giambra, Buffalo Mayor

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ERIE COUNTY LEGISLATURE

Anthony M. Masiello, Buffalo & Erie County WIB Chairman Edward Marlette, Jr., and to Office of Workforce Investment Director James Finamore.

Fiscal Impact: Impact of WIA Budget Cuts Is Negative For Working Families in Erie County

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS (ADDENDUM 'B')

FROM LEGISLATOR DeBENDETTI

Item 96 – (Comm. 2E-1) Copy of Letter to Comptroller Re: Remaining Balances in Adelphia Parking & HSBC Arena Assistance.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 97 – (Comm. 2E-2) Copy of Letter to ECMC Interim CEO Re: ECMC Budget for 2003.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 98 – (Comm. 2E-3) Appointment of Michael Eberle to Erie County Board of Ethics.

RECEIVED, FILED & PRINTED.

January 13, 2003

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

Re: Appointment to Erie County Board of Ethics

MEETING NO. 3
February 6, 2003

ERIE COUNTY LEGISLATURE

Honorable Members:

Pursuant to the provisions of Local Law No. 4 – 1989, I, Joel A. Giambra, Erie County Executive, do here by submit for your information the following appointment to the Erie County Board of Ethics, replacing Kevin Loos who has resigned.

NAME & ADDRESS

TERM EXPIRES

Michael Eberle
 Office of Personnel
 Rath Building, Room 604
 Buffalo, New York 14202

Ex-Officio (Non-Voting)

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/kme

cc: Appointee

David Mineo, Chairman, Board of Ethics

Item 99 – (Comm. 2E-4) OPEN ITEM: Legislation Creating a PBC for ECMC.

Item 100 – (Comm. 2E-7) Health – Public Health Preparedness Lab Response Network – 9/1/02 – 8/30/03.

Item 101 – (Comm. 2E-8) Health – Youth Tobacco Enforcement & Prevention Program – 10/1/02 – 9/30/03.

Item 102 – (Comm. 2E-9) Health – Public Health Preparedness Response to Bioterrorism – 5/1/02 – 8/31/03.

Item 103 – (Comm. 2E-10) Health – HIV Partner Notification Grant – 10/1/02 – 9/30/03.

Item 104 – (Comm. 2E-11) Health – Enhanced Drinking Water Protection Program Grant Revision – 1/1/01 – 3/31/03.

Item 105 – (Comm. 2E-12) Health – Women, Infants, & Children’s Supplemental Nutrition (WIC) Program – 10/1/02 – 9/30/03.

Item 106 – (Comm. 2E-13) Health – Transfer of Funds – Women, Infants & Childrens’s (WIC) Supplemental Food Program – 10/1/01 – 9/30/02.

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Item 107 – (Comm. 2E-14) Health – HIV/AIDS Adolescent Peer Educators Contract with American Red Cross, Buffalo Chapter.

Item 108 – (Comm. 2E-15) Health – Breast & Cervical Cancer Screening Program – 9/30/02 – 6/29/03.

Item 109 – (Comm. 2E-16) Health – Eat Well, Play Hard Youth Physical Activity & Nutrition Improvement Initiative – 7/1/02 – 6/30/03.

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

Item 110 – (Comm. 2E-17) OPEN ITEM: New Central Police Public Safety Campus.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 111 – (Comm. 2E-18) OPEN ITEM: Erie County Energy.

Item 112 – (Comm. 2E-19) Utility Enterprise Fund Budget Revision – 2002.

Item 113 – (Comm. 2E-20) Refund for Various Utility Overcharges.

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

Item 114 – (Comm. 2E-21) Reappointment of Patrick Curley to CPS Board of Trustees.

RECEIVED, FILED & PRINTED.

January 16, 2003

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

Re: Reappointment to Central Police Services Board of Trustees

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 11-D-03 of the Erie County Administrative Code, do hereby reappoint Patrick Curley to the Central Police Services Board of Trustees, for a one-year term expiring December 31, 2003.

MEETING NO. 3
February 6, 2003

ERIE COUNTY LEGISLATURE

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

cc: Appointee
 Commissioner Kevin Comerford

Item 115 – (Comm. 2E-22) Emergency Services – Revision to Local Law No. 4 (1986) Re: Erie County Fire Advisory Board Membership.

Item 116 – (Comm. 2E-23) Emergency Services – Acceptance of Award & Establish Grant from NYS Emergency Management Office.

Item 117 – (Comm. 2E-24) Emergency Services – Revision to World Trade Center Grant for Federal Disaster Declaration Dated 9/11/01.

Item 118 – (Comm. 2E-25) Emergency Services – Creation of Chaplain Corps.

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

Item 119 – (Comm. 2E-26) Personnel – Underfill (Trainee) Authorization.

Item 120 – (Comm. 2E-27) Personnel – Variable Minimums.

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

Item 121 – (Comm. 2E-28) 2003 Community Development Block Grant, Emergency Shelter Grant & HOME Investment Partnership Program.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 122 – (Comm. 2E-30) Refuge Plaza Redevelopment Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 123 – (Comm. 2E-31) ECSD No. 2 – Increase & Improvements of Facilities (2003) EC Sewer Agency Report.

Item 124 – (Comm. 2E-32) ECSD No. 3 – General Milestrip Road Sanitary Sewer Modification – Bid Opening.

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Item 125 – (Comm. 2E-33) ECSD No. 6 – A/E Agreement Dated 11/1/02 – Engineering Change Order 1 – Malcolm Pirnie.

Item 126 – (Comm. 2E-34) ECSD No. 3 – A/E Agreement Dated 11/1/02 – Engineering Change Order No. 2 – Malcolm Pirnie.

Item 127 – (Comm. 2E-35) ECSD No. 6 – Construction Inspection Services Agreement Work Order: DG-6, Comm. 8E-36.

Item 128 – (Comm. 2E-36) Semi-Annual Attendance Records – Boards of Managers – ECSDs.

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

COMMUNICATIONS FROM THE DEPARTMENTS (ADDENDUM 'B')

FROM ECMC

Item 129 – (Comm. 2D-1) Board of Managers Finance Committee 1/7/03 Agenda, Minutes & Financial Statements.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 130 – (Comm. 2D-2) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DEP

Item 131 – (Comm. 2D-3) SEQR – Negative Declaration – Losson Subtrunk & Elimination of Pumping Stations.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 132 – (Comm. 2D-4) 2003 Legislature Organization Meeting – Sales Tax Home Rule Resolutions to Precede Selection of Chairman in Order of Business.

Item 133 – (Comm. 2D-5) Organizational Meeting of Erie County Legislature.

The above two items were received and filed.

FROM ECC

Item 134 – (Comm. 2D-6) Notice of Board of Trustees Meetings.

Received and filed.

FROM DEP

Item 135 – (Comm. 2D-7) SEQR – Negative Declaration – Proposed Rules & Regulations for ECSD No. 6 Storm Sewers.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 136 – (Comm. 2D-8) Reorganization Meeting of Erie County Legislature.

Received and filed.

BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 137 – (Comm. 2D-9) Notice of Board of Trustees Meeting Held 1/16/03.

Received and filed.

FROM ECMC

Item 138 – (Comm. 2D-10) Notice of Board of Managers Annual Meeting Held 1/16/03.

Received and filed.

FROM DEP

Item 139 – (Comm. 2D-11) SEQR – Negative Declaration – Union Road Pumping Station & Hyland Avenue Pumping Station.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

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Item 140 – (Comm. 2D-12) Conducting Meetings of Legislature Before a Chairman is Chosen.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 141 – (Comm. 2D-13) OPEN ITEM: Correctional of Errors on Petitions.

Item 142 – (Comm. 2D-14) OPEN ITEM: Sale of County-Owned Inventory.

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

COMMUNICATIONS FROM THE PEOPLES AND OTHER AGENCIES (ADDENDUM 'B')

FROM THE CHAUTAUQUA COUNTY LEGISLATURE

Item 143 – (Comm. 2M-1) Copy of Resolution Re: Requesting NYS Assistance Regarding Snowmobile Club Trail Insurance.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 144 – (Comm. 2M-2) 2003 Schedule of Meetings.

Item 145 – (Comm. 2M-3) Notice of Meeting Held 1/16/03 & Agenda.

Received and filed.

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 146 – (Comm. 2M-4) Notice of Meeting Held 1/15/03 & Agenda.

Item 147 – (Comm. 2M-5) Minutes of 12/02 Meeting.

The above two items were received and filed.

FROM THE NFTA

Item 148 – (Comm. 2M-6) Minutes of 11/02 Meeting.

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Received and filed.

FROM NYSDEC

Item 149 – (Comm. 2M-7) Fact Sheet – Former Hanna Furnace – Subparcel 2.

Received and filed.

FROM SENATOR RATH

Item 150 – (Comm. 2M-8) Receipt of Resolution.

Received and filed.

FROM SQUEAKY WHEEL

Item 151 – (Comm. 2M-9) Final Report for County Cultural Funding for 2002.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE LEGAL AID BUREAU OF BUFFALO

Item 152 – (Comm. 2M-10) Unaudited Financial Statements for Nine Months Ending 9/30/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ECIDA

Item 153 – (Comm. 2M-11) Copy of 2003 Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM JONATHAN D. NAPORA

Item 154 – (Comm. 2M-12) Copy of “Dealing Aces in the Queen City.”

Received and filed.

Item 155 – The minutes of the previous meeting were tabled.

MISCELLANEOUS RESOLUTIONS (MEETING NO. 3 AGENDA)

Item 156 – MR. DeBENEDETTI presented a resolution Honoring the Life of Reuben P. (Bud) Bakewell, Riverside’s Greatest Community Advocate of Youth Hockey & Baseball. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 157 – MS. MARINELLI presented a resolution Honoring Ginny Purcell for Her Dedication & Commitment to the Care Management Coalition of WNY. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 158 – MS. MARINELLI presented a resolution Honoring the Buffalo Olmsted Parks Conservancy Upon Their 25th Anniversary. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 159 – MR. SWANICK presented a resolution Honoring the 7 Astronauts that Died in the Space Shuttle Columbia Tragedy. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 160 – MR. FALKNER presented a resolution Honoring the Spring Brook Fire Company for 90 Years of Service to the Community. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 161 – MS. MARINELLI presented a resolution Congratulating Louis J. Nanni Upon Receiving the “FDR Lifetime Achievement Award.” MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 162 – MR. RANZENHOFER presented a resolution Presenting the 2002 Town of Amherst Service to Youth Awards. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS (MEETING NO. 3 AGENDA)

Item 163 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

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Item 164 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

Item 165 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 be referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 166 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 167 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE{PRIVATE }
 LOCAL LAW NO. _____ – 2002
 LOCAL LAW INTRO. NO. 11 – 2002

A LOCAL LAW in relation to support of the Buffalo and Erie County Public Library.

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

Section 1.

Erie County Local Law Number One of nineteen hundred fifty-nine, constituting the Erie County Charter, as amended, is amended by amending section sixteen hundred twelve thereto to read as follows:

1612. Support of Public Libraries.

a. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be separately set out on the real property tax notices as the “amount for library purposes.” The entire amount of funds allocated in the general budget for library purposes shall be available to the Buffalo and Erie County Public Library, and shall not be subject to withholding, modification, or reduction by the County after adoption of the annual Erie County budget, consistent with library powers in section two hundred fifty-nine of the education law, except that the trustees of the Buffalo and Erie County Public Library shall not authorize, without the prior approval of the County Legislature, the transfer of any appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.

b. The Erie County Legislature shall, by majority vote, annually determine the amount to be raised for the Buffalo and Erie County Public Library under this section. Such amount shall not exceed the anticipated county share of the Buffalo and Erie County Public Library expenses adopted in the annual Erie County budget.

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Section 2.

This local law shall be construed to be in all respects consistent with chapter seven hundred sixty-eight of the laws of nineteen hundred fifty-three and not to alter any provision of that statute, but to carry out the purposes and intent of that statute.

Section 3.

This local law shall be effective January first, the year two thousand and three upon adoption by a two-thirds majority of the Legislature, or, if adopted by a simple majority, this local law shall be effective immediately following approval by the electors of the County at the next general election of state or county government officers held not less than sixty days following the adoption of this local law, provided, however, that the provisions of this local law shall expire and be deemed repealed on or after January first, the year thousand and five.

ALBERT DeBENEDETTI
 MICHAEL H. RANZENHOFER
 JEANNE Z. CHASE
 ELISE M. CUSACK
 CHARLES M. SWANICK
 RAYMOND K. DUSZA
 GEORGE A. HOLT, JR.
 LYNN M. MARINELLI
 DAVID DALE

BARRY A. WEINSTEIN
 DALE W. LARSON
 STEVEN P. McCARVILLE
 GREGORY P. FALKNER
 EDWARD J. KUWIK
 CRYSTAL D. PEOPLES
 JUDITH P. FISHER
 MARK J.F. SCHROEDER

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

CARRIED UNANIMOUSLY.

Item 168 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #1) 2003 remain on the table.

Item 169 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 170 – CHAIRMAN SWANICK directed that Local Law No. 3 (Print #1) 2003 remain on the table.

COMMITTEE REPORTS (MEETING NO. 3 AGENDA)

None.

LEGISLATOR RESOLUTIONS (MEETING NO. 3 AGENDA)

Item 171 – CHAIRMAN SWANICK directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 3-1 From LEGISLATORS McCARVILLE, LARSON & CHASE Re: Urging the Designation of US Route 219 as a “Scenic Byway.”

Item 172 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 3-2 From LEGISLATORS DALE, HOLT, KUWIK, SCHROEDER, FISHER, DeBENEDETTI, SMITH, DUSZA & MARINELLI. Re: Seeking Information on County Executive’s Decision to Retain Taxpayer-Funded Legal Counsel for Sabres Deal.

Item 173 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. DALE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

Re: Calling for a Public Hearing to Increase the Maximum Allowable Income Levels for the Senior Citizen Property Tax Exemption.
(Intro. 3-3)

**A RESOLUTION SUBMITTED BY
LEGISLATORS DUSZA, DALE, HOLT, KUWIK,
FISHER, DEBENEDETTI & SMITH**

WHEREAS, state legislation has been enacted allowing municipalities to increase the maximum income eligibility for senior citizens to receive a real property tax exemption, and

WHEREAS, pursuant to state law, eligible senior citizens are those persons 65 years of age or older who have owned their property for the past 12 consecutive months prior to filing for the exemption and who have incomes that do not exceed the maximum level set by law, and

WHEREAS, senior citizens, in order to be eligible for the property tax exemption, must list their property as their legal address and also reside there, and

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WHEREAS, pursuant to Section 467 of the New York State Real Property Tax Law, as amended, a public hearing must be advertised and held by the Erie County Legislature prior to approval of the proposal to increase the maximum income eligibility level for senior citizen property tax exemptions,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the New York State Real Property Tax Law, as amended, is interested in participating in the local option to increase the maximum income eligibility for senior citizens to receive a real property tax exemption, and be it further

RESOLVED, that upon evaluation of a public hearing, this Honorable Body proposes granting an exemption from County of Erie real property taxes so as to increase the maximum eligibility levels to the extent of fifty percent (50%) of the assessed valuation of real property owned by persons 65 years of age or older who qualify therefore under said section, provided said persons do not have incomes in excess of twenty-one thousand five hundred dollars (\$21,500) for the income tax year immediately proceeding the date of application for said exemption and to the extend provided in the following schedule:

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt From Taxation by Erie County</u>
Up to \$21,500	50%
\$21,500 or more but less than \$22,500	45%
\$22,500 or more but less than \$23,500	40%
\$23,500 or more but less than \$24,500	35%
\$24,500 or more but less than \$25,400	30%
\$25,400 or more but less than \$26,300	25%
\$26,300 or more but less than \$27,200	20%
\$27,200 or more but less than \$28,100	15%
\$28,100 or more but less than \$29,000	10%
\$29,000 or more but less than \$29,900	5%

and be it further

RESOLVED, that the Clerk and Chairman of the Legislature are hereby directed to organize, advertise, and hold a public hearing in the Chambers of the Erie County Legislature on the proposal to increase the maximum eligibility level for senior citizens to receive a real property tax exemption within 30 days following the adoption of this resolution, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Budget Director, the Comptroller, the County Attorney, Deputy Commissioner of Real Property Tax

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Joseph Maciejewski, Senior Services Commissioner Pamela Krawczyk and the Assessors of each city, town and village in Erie County.

Fiscal Impact: To be determined.

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

CARRIED UNANIMOUSLY.

ADD the following **CO-SPONSORS: SWANICK, RANZENHOFER, LARSON, CHASE, WEINSTEIN, McCARVILLE, CUSACK & FALKNER**

DELETE the original resolution in its entirety and **REPLACE** with the following:

WHEREAS, state legislation has been enacted allowing municipalities to increase the maximum income eligibility for senior citizens to receive a real property tax exemption, and

WHEREAS, pursuant to state law, eligible senior citizens are those persons 65 years of age or older who have owned their property for the past 12 consecutive months prior to filing for the exemption and who have incomes that do not exceed the maximum level set by law, and

WHEREAS, senior citizens, in order to be eligible for the property tax exemption, must list their property as their legal address and must also reside there, and

WHEREAS, pursuant to Section 467, paragraph 1(a) of the State Real Property Tax Law, as amended, a public hearing must be scheduled, advertised and held by the Erie County Legislature on the proposal to increase the maximum income eligibility level,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, is interested in participating in the local option to increase the maximum income eligibility for senior citizens to receive a real property tax exemption, and be it further

RESOLVED, that upon evaluation of a public hearing, this honorable body proposes granting an exemption from County of Erie real property taxes so as to increase the maximum eligibility levels to the extent of fifty percent (50%) of the assessed valuation of real property owned by persons 65 years of age or older who qualify therefore under said section, provided said persons do not for have incomes in the excess of twenty-one thousand five hundred dollars (\$21,500) for the income tax year immediately preceding the date of application for said exemption and to the extend provided in the following schedule:

Annual Income

Percentage of Assessed Valuation
Exempt from Taxation By the County of Erie

Up to \$21,500	50 per centum
More than \$21,500 but less than \$22,500	45 per centum
\$22,500 or more, but less than \$23,500	40 per centum
\$23,500 or more, but less than \$24,500	35 per centum
\$24,500 or more, but less than \$25,400	30 per centum
\$25,400 or more, but less than \$26,300	25 per centum
\$26,300 or more, but less than \$27,200	20 per centum
\$27,200 or more, but less than \$28,100	15 per centum
\$28,100 or more, but less than \$29,000	10 per centum
\$29,000 or more, but less than \$29,900	5 per centum

and be it further

RESOLVED, that the Erie County Legislature hereby applies aforesaid exemption schedule to all taxable status dates assessment rolls in Erie County, applying to rolls prepared on taxable status dates after January 1, 2003, and be it further

RESOLVED, that the Clerk and the Chairman of Erie County Legislature are hereby directed to organize, advertise, and hold a public hearing in the Chambers of the Erie County Legislature on the proposal to increase the maximum eligibility level for senior citizens to receive a real property tax exemption within 30 days following the adoption of this resolution, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, Budget Director Joseph Passafiume, Deputy Commissioner of Real Property Tax Joseph Maciejewski, County Attorney Frederick A. Wolf, Senior Services Commissioner Pamela Krawczyk and to the Assessors of each city, town and village in Erie County.

Fiscal Impact: To Be Determined.

MR. DUSZA moved the approval of the resolution as amended. MR. DALE seconded.

CARRIED UNANIMOUSLY.

Item 174 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

Re: Urging NYS to Pass Legislation Banning
Smoking in Public Places. (Intro. 3-4)

A RESOLUTION SUBMITTED BY
LEGISLATOR WEINSTEIN

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ERIE COUNTY LEGISLATURE

WHEREAS, Erie County passed a local law in 1996 (enacted in 1997) that banned smoking in most public places, with provisions made for establishing separate smoking areas in businesses such as restaurants, and

WHEREAS, there were notable exceptions to this law, such as bars, bowling alleys, and bingo halls, and

WHEREAS, this law is presently up for review, with some calling for a strengthening of the law to ban smoking in all public places, and

WHEREAS, other parts of the state have various levels of smoking bans; so, for instance, in Niagara County you can have smoking and non-smoking areas next to each other in restaurants with no barrier, in Erie County there must be a separate enclosed area with ventilation, and just recently New York City passed a law that would ban smoking entirely in restaurants and virtually all other public places, and

WHEREAS, it is clearly in the best interests of our citizens to ban smoking in all public places, but there are concerns about the geographic inequities of our current system, and

WHEREAS, a desirable solution would be a statewide ban on smoking in public places, and

WHEREAS, while there are currently several bills in the New York State Legislature to ban smoking in places such as beaches, parks, and bowling alleys, there is as of yet no comprehensive bill before the body,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the health and well being of our residents, and be it further

RESOLVED, that this Honorable Body does hereby memorialize the New York State Legislature to introduce and pass, and New York State Governor George Pataki to sign into law, legislation that would enact a statewide ban on smoking in all public places, and be it further

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

Fiscal Impact: None for resolution.

MS. FISHER moved to amend the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

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ADD the following Co-Sponsors:

LEGISLATORS FISHER, DeBENEDETTI, HOLT, CUSACK, FALKNER & SWANICK.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE (MEETING NO. 3 AGENDA)

None.

SUSPENSION OF THE RULES (MEETING NO. 3 AGENDA)

Item 175 – MR. HOLT moved for a suspension of the rules to include an item not on the agenda. MS. MARINELLI seconded.

GRANTED.

RESOLUTION NO. 23

Re: Lease for Legislative Office Space.
 (Comm. 3E-37)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Bernard L. Rusiniak, Sr. located at 2956 Union Road, Cheektowaga, New York 14227 and Erie County for Legislative Office Space for Erie County Legislator Raymond K. Dusza at a cost of \$674.04 per month.

MR. HOLT moved the approval of the resolution. MS. MARINELLI seconded. MR. DUSZA abstained.

CARRIED. (WEIGHTED VOTE: 14.864 – 0)

Item 176 – MR. HOLT moved for a suspension of the rules to include an item not on the agenda. MR. SMITH seconded.

GRANTED.

RESOLUTION NO. 24

Re: Lease for Legislative Office Space.
 (Comm. 3E-38)

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RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Caz Development Corp. located at 861 Abbott Road, Buffalo, New York 14220 and Erie County for Legislative Office Space for Erie County Legislator Mark J.F. Schroeder at a cost of \$550.00 per month.

MR. HOLT moved the approval of the resolution. MR. SMITH seconded. MR. SCHROEDER abstained.

CARRIED. (WEIGHTED VOTE: 14.895 – 0)

Item 177 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. WEINSTEIN seconded.

GRANTED.

Comm. 3E-39 from CHAIRMAN SWANICK Re: 2003 Committee Assignments.

RECEIVED, FILED & PRINTED.

February 6, 2003

2003 COMMITTEE ASSIGNMENTS

ECONOMIC DEVELOPMENT

Chair: Michael H. Ranzenhofer
 Vice Chair: Dale W. Larson
 Members: Gregory P. Falkner
 Edward J. Kuwik
 Mark J.F. Shroeder
 Clerk: *Barbara Burke*

HUMAN SERVICES

Chair: Barry A. Weinstein
 Vice Chair: Jeanne Z. Chase
 Members: Elise M. Cusack
 Judith P. Fisher
 Demone A. Smith
 Clerk: *Robin Sion*

FINANCE & MANAGEMENT

Chair: Dale W. Larson
 Vice Chair: Michael H. Ranzenhofer
 Members: Gregory P. Falkner
 Albert DeBenedetti
 George A. Holt, Jr.
 Clerk: *Brad Rybczynski*

COMMUNITY ENRICHMENT

Chair: Elise M. Cusack
 Vice Chair: Barry A. Weinstein
 Members: Steven P. McCarville
 Judith P. Fisher
 Demone A. Smith
 Clerk: *Brad Rybczynski*

ENERGY & ENVIRONMENT

Chair: Jeanne Z. Chase
 Vice Chair: Michael H. Ranzenhofer
 Members: Gregory P. Falkner
 Raymond K. Dusza

GOVERNMENT AFFAIRS

Chair: Steven P. McCarville
 Vice Chair: Jeanne Z. Chase
 Members: Elise M. Cusack
 Albert DeBenedetti

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ERIE COUNTY LEGISLATURE

Clerk: David Dale
Joseph Speth

Clerk: Lynn M. Marinelli
Joseph Speth

PUBLIC SAFETY

Chair: Jeanne Z. Chase
 Vice Chair: Dale W. Larson
 Members: Steven P. McCarville
 Edward J. Kuwik
 Raymond K. Dusza
 Clerk: *Joseph Spino, Jr.*

REGIONALISM AD HOC

Chair: Barry A. Weinstein
 Vice Chair: Steven P. McCarville
 Members: Elise M. Cusack
 Judith P. Fisher
 Mark J.F. Schroeder
 Clerk: *Tod Kniazuk*

Item 178 – MS. CHASE moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.

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

GRANTED.

Intro. 3-5 From LEGISLATORS CHASE & SWANICK Re: Urging Peace Officer Status for ECMC Security Officers.

Item 179 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. WEINSTEIN seconded.

GRANTED.

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

GRANTED.

Intro. 3-6 From LEGISLATORS HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH, DUSZA & MARINELLI Re: Budget Transfer – Roads.

***** For More Information on this Resolution Reference the amendment to Item #203.**

COMMUNICATIONS FROM ELECTED OFFICIALS (MEETING NO. 3 AGENDA)

FROM LEGISLATOR DALE

Item 180 – (Comm. 3E-1) Memo to Clerk of Legislature Re: Public Officers Law.

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Received and filed.

FROM THE COUNTY EXECUTIVE

Item 181 – (Comm. 3E-2) Copy of Letter to Counsel to Governor Re: Assembly Bill A.437/Senate Bill S.235 Act to Amend Tax Law (Erie County).

Received and filed.

Item 182 – (Comm. 3E-3) Appointment of Sgt. Bradley Roth to Erie County Traffic Safety Advisory Board.

RECEIVED, FILED & PRINTED.

January 22, 2003

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

Re: Appointment to Erie County Traffic Safety Advisory Board

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 43, New York Vehicle and Traffic Law, Section 16-12, do hereby appoint to following individual to the Traffic Safety Advisory, for the term stated, to replace Chief Deputy Sheriff Richard T. Donovan.

NAME AND ADDRESS

TERM EXPIRATION

Sgt. Bradley Roth
Erie County Sheriff's Office
One Sheriff's Drive
Orchard Park, New York 14127

December 31, 2003

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/kme

cc: Appointee
John Sullivan, Director, Erie County Stop DWI

MEETING NO. 3
February 6, 2003

ERIE COUNTY LEGISLATURE

Item 183 – (Comm. 3E-4) Appointment of Angelo Rizzo, MD to Erie County Board of Health.

RECEIVED, FILED & PRINTED.

January 22, 2003

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

Re: Appointment to the Erie County Board of Health

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Section 503, do hereby appoint the following individual to the Board of Health, for the term stated.

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRATION</u>
Angelo Rizzo, MD 350 Alberta Drive, Suite 209 Amherst, New York 14226	December 31, 2008

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/kme

cc: Appointee

Commissioner Anthony Billittier, MD, Department of Health

Item 184 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

Re: Various Reappointments to EC Fisheries
 Advisory Board. (Comm. 3E-5)

RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of the following individuals to the Erie County Fisheries Advisory Board for the term stated below:

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NAME & ADDRESS

TERM EXPIRES

Mr. Kent Kruse
 346 Falls Road
 West Falls, New York 14170

December 31, 2005

Mr. Jerry May, Sr.
 Great Lakes Fish Commission
 5858 Lakecrest Drive
 Lakeview, New York 14085

December 31, 2005

Mr. Herbert Schultz
 Southtowns Walleye Association of WNY
 55 North Shore Drive
 Blasdell, New York 14219

December 31, 2005

Mr. Tony Scime
 Niagara Muskie Association
 242 Southwood Drive
 Buffalo, New York 14223

December 31, 2005

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/kme

cc: Appointee

Spencer Schofield, Environment & Planning

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR DeBENEDETTI

Item 185 – (Comm. 3E-6) Letter to Clerk of Legislature Re: FOIL Request.

Received and filed.

FROM LEGISLATOR RANZENHOFER

Item 186 – MS. CUSACK presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

Re: Lease for Legislative Office Space.
 (Comm. 3E-7)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Chestnut Development Co. Inc. located at 8810 Main Street, Williamsville, New York 14221 and Erie County for Legislative Office Space for Erie County Legislator Michael H. Ranzenhofer at a cost of \$600.00 per month.

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

CARRIED. (WEIGHTED VOTE: 14.652 – 0)

FROM LEGISLATOR DeBENEDETTI

Item 187 – (Comm. 3E-8) Letter to Clerk of Legislature Re: Request for a Special Session to be Held 1/29/03.

Received and filed.

FROM THE COMPTROLLER

Item 188 – (Comm. 3E-9) Letter to Legislator DeBenedetti Re: Available Balances for Adelphia Parking & HSBC Arena Assistance.

Received and filed.

FROM LEGISLATOR DeBENEDETTI

Item 189 – (Comm. 3E-10) Response to Comm. 3M-6.

Received and filed.

Item 190 – (Comm. 3E-11) Letter to Director of Budget, Management & Finance Re: Balances for Adelphia Parking & HSBC Arena Assistance.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 191 – (Comm. 3E-12) Various Appointments & Reappointments to Cultural Resources Advisory Board.

MEETING NO. 3
February 6, 2003

ERIE COUNTY LEGISLATURE

RECEIVED, FILED & PRINTED.

January 28, 2003

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

Re: Appointments/Reappointments to Cultural Resources Advisory Board (CRAB)

Honorable Members:

Pursuant to Article III, Section 3.02(f) of the Erie County Charter and Article 19, Section 19.01 of the Erie County Administrative Code, I am appointing/reappointing the following individuals to the Erie County Cultural Resources Advisory Board for the terms noted below.

Appointments

<u>NAME & ADDRESS</u>	<u>TERM EXPIRATION</u>
Cynthia Baird Stark 292 Middlesex Road Buffalo, New York 14216	December 31, 2004
Kate Ross 30 Colonial Snyder, New York 14226	December 31, 2004
Faye Levy 56 Lexington Buffalo, New York 14222	December 31, 2004

Reappointments

<u>NAME & ADDRESS</u>	<u>TERM EXPIRATION</u>
David I. Herer 65 Middlesex Road Buffalo, New York 14216	December 31, 2004
Ralph R. Hernandez 127 Livingston Street Buffalo, New York 14213	December 31, 2004

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Stanton H. Hudson, Jr.
 839 Auburn Avenue
 Buffalo, New York 14222

December 31, 2004

Francesca B. Mesiah
 78 Crescent Avenue
 Buffalo, New York 14214

December 31, 2004

Susan L. Neubauer
 71 Wood Acres Drive
 E. Amherst, New York 14057

December 31, 2004

Michael Noville
 2470 Bauer Road
 Eden, New York 14057

December 31, 2004

Sharon D. Randaccio
 137 Depew Avenue
 Buffalo, New York 14214

December 31, 2004

Leslie H. Zemsky
 181 Morris Avenue
 Buffalo, New York 14214

December 31, 2004

Very truly yours,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/kme
 cc: Appointees
 Commissioner Laurence K. Rubin

FROM THE COMPTROLLER

Item 192 – (Comm. 3E-13) Apportionment & Distribution of 4% Sales Tax Received by EC from NYS for 1/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR SCHROEDER

Item 193 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

Re: Letter to Clerk of the Legislature Re: Vote
 on Comm. 1E-24 (2003) as Amended to be
 Changed to Yes. (Comm. 3E-14)

February 3, 2003

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

RE: REQUEST TO CHANGE VOTE ON COMM. 1 E-24 (2003), AS AMENDED.

Dear Madam Clerk:

I hereby change my vote on the aforementioned communication to "aye," pending the authorization of the Erie County Legislature, pursuant to Rule 33 of the Rules of the Erie County Legislature.

Very truly yours,

MARK J. F. SCHROEDER
 Erie County Legislator
 2nd District

MR. SCHROEDER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

FROM LEGISLATOR DALE

Item 194 – CHAIRMAN SWANICK directed the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 3E-15 From LEGISLATOR DALE Re: Letter to Clerk of Legislature Re: Vote on Comm. 1E-24 (2003) as Amended to be Changed to No.

FROM LEGISLATOR DeBENEDETTI

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Item 195 – (Comm. 3E-16) Acknowledgement of Receipt of Audiotape of Session No. 2 (2003).

Received and filed.

FROM LEGISLATOR FISHER

Item 196 – MS. FISHER presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 28

Re: Letter to Clerk of Legislature Re: Vote on
 Comm. 1E-24 (2003) as Amended to be
 Changed to Yes. (Comm. 3E-17)

February 3, 2003

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

RE: REQUEST TO CHANGE VOTE ON COMM. 1 E-24 (2003), AS AMENDED.

Dear Madam Clerk:

I hereby change my vote on the aforementioned communication to "aye," pending the authorization of the Erie County Legislature, pursuant to Rule 33 of the Rules of the Erie County Legislature.

Very truly yours,

JUDITH P. FISHER
 Erie County Legislator
 4th District

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR DeBENEDETTI

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Item 197 – MR. DeBENEDETTI presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

Re: Letter to Clerk of Legislature Re: Vote on
 Comm. 1E-24 (2003) as Amended to be
 Changed to Yes. (Comm. 3E-18)

February 3, 2003

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

RE: REQUEST TO CHANGE VOTE ON COMM. 1 E-24 (2003), AS AMENDED.

Dear Madam Clerk:

I hereby change my vote on the aforementioned communication to "aye," pending the authorization of the Erie County Legislature, pursuant to Rule 33 of the Rules of the Erie County Legislature.

Very truly yours,

ALBERT DeBENEDETTI
 Erie County Legislator
 6th District

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

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 198 – (Comm. 3E-19) Bond Resolution - \$1,320,000 – Prep of Surveys, Preliminary & Detailed Plans, Specs & Estimates for Reconstruction of Various Streets.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

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Item 199 – (Comm. 3E-20) Health – Comprehensive Community Based Tobacco Control & Prevention Grant.

Item 200 – (Comm. 3E-21) Health – Healthy Heart Worksite Wellness Grant.

Item 201 – (Comm. 3E-22) Health – Children with Special Health Care Needs Program.

Item 202 – (Comm. 3E-23) Health – Women’s Health Services Program.

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

Item 203 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

Re: Highways – Amended 2003 Capital Budget.
 (Comm. 3E-24)

WHEREAS, the County Executive has previously announced a historic investment in our infrastructure to reconstruct deficient roads, bridges and culverts throughout the County, and

WHEREAS, in order to advance this program on an aggressive time frame, award for the fabrication of pre-cast concrete box culverts for 48 locations must occur, and

WHEREAS, the timing and volume of the work has resulted in bids that are approximately 40% below normal estimates, and

WHEREAS, these infrastructure projects provide a much needed stimulus to the economy by providing jobs, and

WHEREAS, additional work through consultant design and construction/installation will follow providing further stimulus to the economy, and

WHEREAS, further benefit to the safety of the traveling public and business growth will result from the completion of this work, and

WHEREAS, the 2003 Erie County Executive's Budget Message & Summary acknowledged that \$30 million of tobacco securitization proceeds are designated to fund this work, and

WHEREAS, at this point \$7 million of these funds are needed to take the necessary initial steps in this rebuilding program,

NOW THEREFORE, BE IT,

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RESOLVED, that the 2003 Capital Budget is hereby amended to include two (2) new capital projects, one for fabrication of pre-cast concrete culverts at 48 locations in the amount of \$2,000,000 and a second one for engineering design contracts and construction installation contracts in the amount of \$5,000,000, and be it further

RESOLVED, that this \$7 million total, at this point in the program, be provided as noted in the 2003 Erie County Executive's Budget Message & Summary from proceeds in the Tobacco Trust Fund, and be it further

RESOLVED, that a certified copy of this resolution be sent to the Director of Budget, Management and Finance, the Department of Public Works-Commissioner's Office, the Commissioner of Public Works, the Division of Highways, and the Erie County Comptroller.

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

CHAIRMAN SWANICK directed that the amendment be sent to the ECONOMIC DEVELOPMENT COMMITTEE.

CHALLENGE TO CHAIR.

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

FAILED. (WEIGHTED VOTE: 8.415 – 7.393)

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

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 14.823 - .985)

Item 204 – (Comm. 3E-25) Town of Brant Farmland Viability Program for Preservation, Development & Revitalization.

Item 205 – (Comm. 3E-26) ECSD No. 2 – West Pleasant Pumping Station Elimination Contract No. 52 ED CMH Company – Close-Out.

Item 206 – (Comm. 3E-27) EC/Southtowns Sewage Treatment Agency – ECSD No. 6 A/E Agreement Dated 6/1/02 – Engineering Change Order No. 1 – Stearns & Wheler.

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Item 207 – (Comm. 3E-28) ECSD No. 1 – Debt Service Project Cole Out & Fund Transfer – Capital Reserve Fund.

Item 208 – (Comm. 3E-29) ECSD No. 5 – Debt Service Project Close Out & Fund Transfer – Capital Reserve Fund.

Item 209 – (Comm. 3E-30) ECSD No. 2 – Debt Service Project Close Out & Fund Transfer – Capital Reserve Fund.

Item 210 – (Comm. 3E-31) ECSD No. 3 – Debt Service Project Close Out & Fund Transfer – Sewer Operating Fund.

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

Item 211 – (Comm. 3E-32) Harvard's Kennedy School of Government Services.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 212 – (Comm. 3E-33) Household Hazardous Waste Collection Program.

Item 213 – (Comm. 3E-34) Coalition Against Nuclear Materials in Tonawanda Consultant Contract.

Item 214 – (Comm. 3E-35) EC/WNY Comprehensive Radon Risk Reduction Program.

Item 215 – (Comm. 3E-36) Emergency Services – Revision of Resolution for Grant from the US Environmental Protection Agency.

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

COMMUNICATIONS FROM THE DEPARTMENTS (MEETING NO. 3 AGENDA)

FROM DPW

Item 216 – (Comm. 3D-1) Copy of Memo to County Executive Re: Consultant Contracts Awarded for Various Capital Projects.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECC

Item 217 – (Comm. 3D-2) Notice of Change of Board of Trustees Meeting Held 1/29/03.

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Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 218 – (Comm. 3D-3) Copy of Letter to County Attorney Re: Order to Show Cause: DeBenedetti v Manzella, Et Al.

Received and filed.

FROM DISS

Item 219 – (Comm. 3D-4) Memorandum of Understanding – ERP Project.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 220 – (Comm. 3D-5) Copy of Letter to County Attorney Re: Order to Show Cause: DeBenedetti v Manzella, Et Al.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 221 – (Comm. 3D-6) Notice that LL No. 5 – 2002 Has Been Filed with State Records & Law Bureau.

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 222 – (Comm. 3D-7) Copy of Letter to Legislator DeBenedetti Re: Receipt of FOIL Request.

Received and filed.

FROM ECC

Item 223 – (Comm. 3D-8) Minutes of Meeting Held 12/18/02.

Item 224 – (Comm. 3D-9) Agenda for Meeting Held 1/29/03.

The above two items were received and filed.

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FROM THE ERIE COUNTY WATER AUTHORITY

Item 225 – (Comm. 3D-10) Unaudited Comparative Financial Statements for Years Ended 12/31/02 & 12/31/01.

Received and filed.

FROM ECMC

Item 226 – (Comm. 3D-11) Notice of Cancellation of Finance Committee Meeting.

Item 227 – (Comm. 3D-12) Notice of JCC/Planning Committee Meeting Held 2/4/03.

Item 228 – (Comm. 3D-13) Notice of Board of Managers Meeting to be Held 2/13/03.

The above three items are received and filed.

FROM ECC

Item 229 – (Comm. 3D-14) Notice of Special Meeting of Board to Trustees Held 2/5/03.

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES
(MEETING NO. 3 AGENDA)

FROM SENATOR RATH

Item 230 – (Comm. 3M-1) Receipt of Resolution.

Item 231 – (Comm. 3M-2) Receipt of Resolution.

The above two items were received and filed.

FROM NYSDEC

Item 232 – (Comm. 3M-3) Receipt of Resolution.

Received and filed.

FROM JAMES M. SHAW

Item 233 – (Comm. 3M-4) Order to Show Cause: DeBenedetti v Manzella, Et Al.

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Received and referred to the COUNTY ATTORNEY.

FROM NIAGARA BINATIONAL REGION ECONOMIC ROUNDTABLE

Item 234 – (Comm. 3M-5) Realizing a Vibrant Niagara Binational Region.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE AUDIT COMMITTEE FOR ERIE COUNTY

Item 235 – (Comm. 3M-6) Letter to Chairman DeBenedetti Re: Minority Appointment for 2003 & Change in Meeting Date.

Received and filed.

FROM JAMES M. SHAW

Item 236 – (Comm. 3M-7) Order to Show Cause: DeBenedetti v Manzella, Et Al.

Received and referred to the COUNTY ATTORNEY.

FROM THE CITY OF BUFFALO – CLERK'S OFFICE

Item 237 – (Comm. 3M-8) Certified Resolution.

Received and filed.

FROM THE MINORITY BAR ASSOCIATION

Item 238 – (Comm. 3M-9) Letter to Clerk of Legislature Re: EC MBE/WBE Utilization Commitment Act.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE STATE OF NY SUPREME COURT

Item 239 – (Comm. 3M-10) Memorandum Decision: DeBenedetti v. Manzella, Et Al.

Received and filed.

FROM THE TOWN OF AURORA

Item 240 – (Comm. 3M-11) SEQR – Notice of Lead Agency – Creation of Extension #5 of Water District #10.

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Received and filed.

FROM ECIDA

Item 241 – (Comm. 3M-12) Notice of Meeting to be Held 2/12/03.

Received and filed.

FROM THE BUFFALO & EC REGIONAL DEVELOPMENT CORPORATION

Item 242 – (Comm. 3M-13) Notice of Meeting to be Held 2/12/03.

Received and filed.

FROM JACK TOMOSER

Item 243 – (Comm. 3M-14) Statement of Support for Keeping Sabres in Buffalo.

Received and filed.

FROM NFTA

Item 244 – (Comm. 3M-15) Board Minutes of Meeting Held 12/23/02.

Received and filed.

MEMORIAL RESOLUTIONS (MEETING NO. 3 AGENDA)

Item 245 – Legislator Swanick requested that when the Legislature adjourns, it do so in memory of the Space Shuttle Columbia astronauts.

Item 246 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Edmund Taberski.

Item 247 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Eugene Buczkowski.

Item 248 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Victoria Karp.

Item 249 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Joe Ptak.

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Item 250 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of James J. Gajkowski.

Item 251 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Cecilia Warner.

Item 252 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Patricia & Peter Brasch.

Item 253 – Legislator Schroeder requested that when the Legislature adjourns, it do so in memory of James Collins.

Item 254 – Legislator Schroeder requested that when the Legislature adjourns, it do so in memory of Eddy Cummings.

Item 255 – Legislator Falkner requested that when the Legislature adjourns, it do so in memory of Bella Stoll.

Item 256 – Legislator Falkner requested that when the Legislature adjourns, it do so in memory of Marie Stack.

Item 257 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Rabbi Martin Goldberg.

Item 258 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Norman Joseph.

ADJOURNMENT (MEETING NO. 3 AGENDA)

Item 259 – 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, February 20, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 20, 2003 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK