

MEETING NO. 4
February 7, 2002

ERIE COUNTY LEGISLATURE

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The Legislature was called to order by Chairman DeBenedetti.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Holt.

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

MR. GREENAN moved the approval of the minutes of Meeting No. 18 of 2001. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 2 – MR. LARSON presented a resolution Honoring Beverly Laurence, Michael Long & Jerold Casseri for Their 15 Years of Service in the Crittenden Fire Company. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 3 – MR. DALE presented a resolution in Commemoration of General Pulaski Association's Ceremonial Wreath Laying. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. LARSON presented a resolution Honoring David Cavagnaro as He Obtains the Rank of Eagle Scout. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. LARSON presented a resolution Honoring John Jerek as He is Honored by Millgrove Fire Department. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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Item 6 – MR. LARSON presented a resolution Honoring Richard Johnson as He is Honored by Millgrove Fire Department. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. DALE presented a resolution Honoring NYS Supreme Court Justice Barbara Howe Upon Her Receipt of Interclub Council of WNY’s Annual “Susan B. Anthony Award.” MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 8 – MS. PEOPLES presented a resolution Honoring Pastor Roderick L. Hennings. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 9 – MS. PEOPLES presented a resolution Honoring Pastor J. Drew Sheard and Evangelist Karen Clark-Sheard. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 10 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #1) 2001 remain on the table.

Item 11 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #2) 2001 remain on the table.

Item 12 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #3) 2001 remain on the table.

Item 13 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 remain on the table.

Item 14 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 15 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

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Item 16 – CHAIRMAN DeBENEDETTI directed that Local Law No. 10 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

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

Item 18 – CHAIRMAN DeBENEDETTI directed that Local Law No. 1 (Print #2) 2002 remain on the table.

Item 19 – CHAIRMAN DeBENEDETTI directed that Local Law No. 2 (Print #1) 2002 remain on the table.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44

January 31, 2002

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT.

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

a. Item Page -2001 (Comm. 1D-16)
DPW: OPEN ITEM: Erie County Court Facilities.
 (5-0)

b. Item Page -2001 (Comm. 2M-9)
AFSCME LOCAL 1095: Notice of Violation of Contract.
 (5-0)

c. Item Page -2001 (Comm. 21M-2)
TOWN OF SARDINIA: Resolution Requesting Speed Limit Reduction of Pratham Road.
 (5-0)

MICHAEL H. RANZENHOFER
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45

January 31, 2002

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT. CHAIRMAN DeBENEDETTI PRESENT AS EX-OFFICIO MEMBER.

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

- | | | | | |
|----|---|------|-------|--------------|
| | Item | Page | -2001 | (Comm. 2D-4) |
| a. | COUNTY ATTORNEY: Copy of Letter to Comptroller Re: 11/30/00 EC Legislature Resolutions.
(5-1) Legislator Peoples in the Negative. Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2001 | (Int. 6-17) |
| b. | GREENAN, CHASE, McCARVILLE, WEINSTEIN & RANZENHOFER: Legislature Location in Courts Master Plan Implementation.
(6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2001 | (Int. 7-19) |
| c. | GREENAN, RANZENHOFER, CHASE, McCARVILLE & LARSON: Support for U.S. Senate Bill (S.306) "Coverdell Education Savings Accounts Act of 2001."
(6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2001 | (Int. 7-12) |
| d. | HOLT: Update on Buffalo Place's Proposed Expansion.
(6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2001 | (Int. 9-3) |
| e. | GREENAN, CHASE, McCARVILLE, LARSON & RANZENHOFER: The Use of Tele Typewriting Systems in Legislative Offices.
(6-0) Chairman DeBenedetti present as Ex-Officio Member. | | | |

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- f. Item Page -2001 (Comm. 11E-5)
COUNTY EXECUTIVE: State Legislative Program 2001.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
- g. Item Page -2001 (Comm. 11E-33)
COUNTY EXECUTIVE: Status Report on Quebecor Training Project.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
- h. Item Page -2001 (Comm. 17E-12)
COMPTROLLER: EC Utilities Aggregation Fund – DPW for Period 1/1/00 – 9/30/00.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
- i. Item Page -2001 (Comm. 17E-18)
COMPTROLLER: Letter to Legislature & County Executive Re: Claim Filed to Receive
Share of Settlement to Compensate Municipalities that Refinanced Bonds.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
- j. Item Page -2001 (Comm. 19E-1)
COMPTROLLER: Notice of Sale of \$35.28 Million in Public Improvement Bonds for
General Capital Projects & \$917,000 in Bonds for Various ECSD Purposes.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
- k. Item Page -2001 (Comm. 20E-3)
COMPTROLLER: Update on \$85,000,000 Bond Refunding – Delay Due to Events of
9/11/01.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
- l. Item Page -2001 (Comm. 20E-5)
COMPTROLLER: Management Letter Issued by Deloitte & Touche in Conjunction with
Audit of County for Year Ending 12/31/00.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
- m. Item Page -2001 (Comm. 20E-6)
COMPTROLLER: Payment-in-Lieu-of-Taxes (PILOT) Program for Period 1/1/00 –
12/31/00.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
- n. Item Page -2001 (Comm. 20M-6)
NYS BOARD OF REAL PROPERTY SERVICES: Certificate of County Equalization
Rates for 2001 Assessment Roles for Municipalities in County of Erie.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
- o. Item Page -2001 (Int. 20-1)
OLMA: Reducing Compensation for the Commissioners of the Erie County Water
Authority.

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(6-0) Chairman DeBenedetti present as Ex-Officio Member.

- p. Item Page -2001 (Comm. 21D-6)
BUDGET, MANAGEMENT & FINANCE: Notice that 2000 Designated Fund Has Been Encumbered.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

- q. Item Page -2001 (Comm. 21E-34)
COUNTY EXECUTIVE: Honorable H. Carl McCall – State Comptroller’s Report, “After the World Trade Center Attacks.”

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

- r. Item Page -2001 (Comm. 25D-9)
ERIE COUNTY WATER AUTHORITY: 2002 Adopted Operating & Maintenance Budget & Capital Budget.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

- s. Item Page -2001 (Comm. 25D-11)
BOARD OF ELECTIONS: Apportionment of Expenses for Conduction of Year 2000 Elections.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

- t. Item Page -2001 (Comm. 25E-2)
COMPTROLLER: Information Regarding Sale of \$36,125,000 of General Obligation Bonds.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

- u. Item Page -2001 (Comm. 26D-1)
BOARD OF ELECTIONS: Copy of Letter to Comptroller Re: Response to Audit.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

- v. Item Page -2002 (Comm. 1D-11)
COMPTROLLER: Non-Compliance with County Purchasing Procedures.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

- w. Item Page -2002 (Comm. 3E-16)
COUNTY EXECUTIVE: Extension of Erie County’s 1% Sales & Compensation Use Tax Amendment of EC Sales Tax & Use Tax Resolution.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

- x. Item Page -2002 (Comm. 3M-4)
TOWN OF TONAWANDA: Resolution from Town Board Re: Request for Direct Payment of Erie County Sales Tax to Town.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

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2. Item Page -2001 **AS AMENDED**
(Comm. 1D-9A)
BUDGET, MANAGEMENT & FINANCE
(A)

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

EMAIL DOCUMENT IS 202553EM.DOC

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it ,

RESOLVED, that petitions numbered 202064 through 202080 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 202064 / 2002 - ASSESSOR - Cancel - \$350.00

SBL No. 151.08-5-23.1 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 350.00 - Town/SpecialDist/School

Charge to : ECSD #6 SAN SEWER 350.00

CANCEL - CLERICAL ERROR, THIP PARCEL WAS CHARGED FOR 6 UNITS ON THE ERIE COUNTY SEWER TAX AND SHOULD ONLY HAVE BEEN CHARGED FOR ONE UNIT. RPTL 550(2)E.

Petition No. 202065 / 2002 - ASSESSOR - Cancel - \$343.00

SBL No. 44.00-2-21.2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 343.00 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 343.00

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CHARGED IN ERROR FOR THE TOWN AND COUNTY SEWER TAX. RPTL 550(2)E.

Petition No. 202066 / 2002 - ASSESSOR - Cancel - \$244.86

SBL No. 44.09-1-10 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

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Acct. No. 132 - \$ 244.86 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 244.86

CANCEL - CLERICAL ERROR, THIS PARCEL IS CHARGED IN ERROR FOR
 THE TOWN AND COUNTY SEWER TAX . RPTL 550(2)E.

Petition No. 202067 / 2002 - ASSESSOR - Cancel - \$350.01

SBL No. 44.09-1-22 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 350.01 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 350.01

CANCEL - CLERICAL ERROR, THIS PARCEL IS CHARGED IN ERROR FOR
 THE TOWN AND COUNTY SEWER TAX. RPTL 550(2)E.

Petition No. 202068 / 2002 - ASSESSOR - Cancel - \$140.07

SBL No. 206.06-3-31.38 - TOWN OF EVANS

Acct. No. 112 - \$ 46.09 - County

Acct. No. 132 - \$ 93.98 - Town/SpecialDist/School

Charge to : TOWN OF EVANS 77.04
 NORTH EVANS FIRE PROTECT 16.94

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE PARCEL ON THE
 TAX ROLL. PARCEL IS INCLUDED WITH SBL 206.06-3-31.37. RPTL 550(2)F

Petition No. 202069 / 2002 - ASSESSOR - Cancel - \$259.46

SBL No. 20.00-4-12.1 - TOWN OF EVANS

Acct. No. 112 - \$ 77.43 - County

Acct. No. 132 - \$ 182.03 - Town/SpecialDist/School

Charge to : TOWN OF EVANS 128.51
 ANGOLA-EVANS FIRE PROTECT 35.21
 ERIE CO SEW DST 2 18.31

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE PARCEL ON THE
 TAX ROLL. THIS PARCEL IS INCLUDED WITH 220.00-4-13. RPTL 550(2)F

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Petition No. 202070 / 202 - ASSESSOR - Cancel - \$197.38

SBL No. 221.00-1-1 - TOWN OF EVANS

Acct. No. 112 - \$ 94.94 - County

Acct. No. 132 - \$ 102.44 - Town/SpecialDist/School

Charge to : TOWN OF EVANS

102.44

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 15,450 FOR COUNTY TAX AND THE TOWN TAX IN THE AMOUNT OF 10,549 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 202071 / 2002 - ASSESSOR - Cancel - \$153.19

SBL No. 235.15-4-20 - TOWN OF EVANS

Acct. No. 112 - \$ 90.64 - County

Acct. No. 132 - \$ 62.55 - Town/SpecialDist/School

Charge to : TOWN OF EVANS

62.55

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 14,750 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202072 / 2002 - ASSESSOR - Cancel - \$409.58

SBL No. 235.05-2-14 - TOWN OF EVANS

Acct. No. 112 - \$ 122.91 - County

Acct. No. 132 - \$ 286.67 - Town/SpecialDist/School

Charge to : TOWN OF EVANS

201.74

ANGOLA-EVANS FIRE PROTECT 55.88

ERIE CO SEW DST 2 29.05

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 53,900 AND SHOULD BE 33,900. RPTL 550(2)A

Petition No. 202073 / 2002 - ASSESSOR - Cancel - \$562.06

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SBL No. 250.14-4-32 - TOWN OF EVANS

Acct. No. 112 - \$ 167.76 - County

Acct. No. 132 - \$ 394.30 - Town/SpecialDist/School

Charge to : TOWN OF EVANS

278.35

ANGOLA-EVANS FIRE PROTECT 76.28

ERIE CO SEW DST 2 39.67

CANCEL -ERROR IN ESSENTIAL FACT, THE BUILDING ON THIS PROPERTY WAS
 REMOVED PRIOR TO MAY 1, 2001. THE ASSESSED VALUE WAS 31,300 AND
 SHOULD BE LAND VALUE ONLY 4000.RPTL 550(3)A

Petition No. 202074/ 2002 - ASSESSOR - Cancel - \$20.58

SBL No. 250.15-3-45.2 - TOWN OF EVANS

Acct. No. 112 - \$ 6.14 - County

Acct. No. 132 - \$ 14.44 - Town/SpecialDist/School

Charge to : TOWN OF EVANS

10.19

ANGOLA-EVANS FIRE PROTECT 2.79

ERIE CO SEW DST 2 1.46

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE PARCEL ON THE
 TAX ROLL. THIS PARCEL IS INCLUDED WITH 250.15-3-44.1.RPTL 550(2)F

Petition No. 202075 / 2002 - ASSESSOR - Cancel - \$534.73

SBL No. 23.08-1-4.12 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 337.10 - County

Acct. No. 132 - \$ 197.63 - Town/SpecialDist/School

Charge to : TOWN OF GRAND ISLAND

197.63

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
 41,400 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
 THE TAX ROLL. RPTL 550(2)C

Petition No. 202076 / 2002 - ASSESSOR - Cancel - \$779.14

SBL No. 36.00-4-8.22 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 453.13 - County

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Acct. No. 132 - \$ 326.01 - Town/SpecialDist/School

Charge to : TOWN OF GRAND ISLAND

265.65

GRAND ISLAND FIRE PROTECT 60.36

CANCEL - ERROR IN ESSENTIAL FACT, HOUSE WAS DEMOLISHED PRIOR TO MAY 1, 2001. THE ASSESSED VALUE WAS 67,050 AND SHOULD BE 11,400. RPTL 550(3)A.

Petition No. 202077 / 2002 - ASSESSOR - Cancel - \$18.83

SBL No. 151.62-4-6 - TOWN OF HAMBURG

Acct. No. 112 - \$ 11.80 - County

Acct. No. 132 - \$ 7.03 - Town/SpecialDist/School

Charge to : TOWN OF HAMBURG

7.03

CANCEL - CLERICAL ERROR, THIS PARCEL IS INCLUDED WITH SBL 151.62-4-8.1 RPTL 550(2)F.

Petition No. 202078 / 2002 - ASSESSOR - Cancel - \$191.11

SBL No. 52.34-7-1 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 191.11 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 30,800 (50%) FOR COUNTY PURPOSES THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202079 / 2002 - ASSESSOR - Cancel - \$212.83

SBL No. 52.42-2-23 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 212.83 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNR OF 34,300 (50%) FOR COUNTY TAX PURPOSES WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 202080 / 2002 - ASSESSOR - Cancel - \$202.79

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SBL No. 65.26-5-8 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 202.79 - Town/SpecialDist/School

Charge to : TOWN OF TONAWANDA

202.79

CANCEL - CLERICAL ERROR, THE GALLONAGE FIGURE THAT WAS USED TO DETERMINE SEWER TAX IS INCORRECT. THE GALLONAGE USED WAS 607 GALLONS AND SHOULD BE 260 GALLONS. RPTL 550(2)E.

(B)

Whereas, the Erie County Director of Real Property Tax Service has investigated the validity of the requests to cancel taxes on the following properties and has hereby approved the canceling of taxes and to be charged back to the applicable Towns and / or Cities.

Therefore be it Resolved that the Erie County Legislature - Pursuant to Erie County Tax Act -

ARTICLE 12 Section 1.0 Hereby, Cancel the following Accounts:

CITY OF BUFFALO - SBL 111.53-4-9

Property located at 110 Franklin St was acquired by the County of Erie on December 7, 2001.

City of Buffalo - \$ 1,701.65

Acct No.112 - \$1,701.65

The following are all owned by the County of Erie in various Towns and City. We are required to pay the special district taxes on the Town and County tax bill. We will credit the various Towns and City of Lackawanna on their 2002 Tax Warrants:

City of Lackawanna \$ 9,058.40
 Acct No 112 - \$ 9,058.40

Town of Amherst \$ 3,697.52
 Acct No 112 - \$ 3,697.52

Town of Aurora \$ 6,074.85
 Acct No 112 - \$6,074.85

Town of Cheektowaga \$ 2,501.74
 Acct No 112 - \$ 2,501.74

Town of Clarence \$ 86.64

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Acct No 112 -	\$86.64	
Town of Evans	\$ 10,494.48	
Acct No 112 -	\$ 10,494.48	
Town of Elma	\$ 174.91	
Acct No 112 -	\$174.91	
Town of Grand Island	\$ 243.76	
Acct No 112 -	\$ 243.76	
Town of Lancaster	\$ 3,492.88	
Acct No 112 -	\$ 3,492.88	
Town of Orchard Park	\$ 78,229.39	
Acct No 112 -	\$ 78,229.39	
Acct No 132 -	\$ 136.56	Town/School
Charge to Orchard Park Central:	\$ 113.86	
(6-0) Chairman DeBenedetti present as Ex-Officio Member.		

3. Item Page -2002 (Comm. 3E-19)

COUNTY EXECUTIVE:

WHEREAS, the Erie County Medical Center has experienced significant growth in its inpatient and outpatient activity during FY 2001; and

WHEREAS, ECMC has an opportunity to pursue and realize additional inpatient and outpatient volume in the current year; and

WHEREAS, to accommodate this additional expansion and to maintain the Hospital's commitment to the highest quality of care and clinical outcomes, it is incumbent that the Medical Center initiate and timely complete the following capital projects, including:

- Activate the Hospital's 10th Operating Room;
- Establish a 2nd Cardiothoracic Operating Room;
- Fund the Ambulatory Surgery & Recovery Room Project;
- Continue Modernization of the Hospital's Inpatient Units;
- Purchase a Variety of Capital Equipment to Maintain a Competitive Edge; and

WHEREAS, to accomplish these critical objectives, it is imperative that ECMC have access to capital financing for the purpose of making capital improvements and acquiring medical equipment; and

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WHEREAS, such access can be assured by financing ECMC's capital requirements with tobacco funds; and

WHEREAS, this recommended funding approach will address the Hospital's immediate capital needs and avoid future occurrences of any principal and interest payments that typically accompany bond financing arrangements; and

WHEREAS, the following four actions are required by the County Legislature to facilitate the financing of ECMC's previously authorized Capital program; and

- Transfer the FY 2001 tobacco funds to the individual ECMC capital accounts;
- Reallocate \$1.6 million in capital monies from the Hospital's FY 2002 Capital Budget for three unanticipated capital projects;
- Reclassify the source of ECMC capital funding from bonds to tobacco financing for the FY 2002 Capital Budget;
- Authorize transfer of the FY 2002 tobacco funds to ECMC's individual capital FY 2002 accounts.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$3,599,000 from the FY 2001 tobacco account to individual capital accounts as outlined below:

Patient Unit Renovation	\$500,000
Nurse Call Unit Replacement	\$80,000
Point of Care System	\$1,169,000
CT Unit Acquisition	\$1,500,000
Installation of Endoscopic Surgery Suite	\$350,000
Total	\$3,599,000

RESOLVED, that the Erie County Legislature does hereby authorize the reallocation of \$1,610,000 from within the previously approved FY 2002 ECMC Capital Budget for the following unanticipated capital projects:

Activate 10 th Operating Room	\$350,000
Establish 2 nd Cardiothoracic Operating Room	\$110,000
Fund the Ambulatory Surgery & Recovery Area	\$1,150,000
Total	\$1,610,000

RESOLVED, that the Erie County Legislature does hereby authorize that funding for the aforementioned unanticipated capital projects be reallocated from the following approved FY 2002 capital projects providing that the net change will not increase the approved capital budget for ECMC in FY 2002 to an amount in excess of \$6,541,500.

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Project	Fiscal Year	From	To	Variance
Nuclear Medicine Imaging Project	2002	\$1,690,000	\$1,127,000	(\$563,000)
Patient Unit Renovation	2002	\$1,500,000	\$800,000	(\$700,000)
Update Information Systems	2002	\$945,000	\$700,000	(\$245,000)
Nurse Call Unit	2002	\$250,000	\$148,000	(\$102,000)
Total Adjustments				(\$1,610,000)

RESOLVED, that the Erie County Legislature does hereby authorize the reclassification of \$6,541,500 in FY 2002 capital monies from bonds to tobacco financing; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$6,541,500 in FY 2002 tobacco financing to individual capital accounts.
 (6-0) Chairman DeBenedetti present as Ex-Officio Member.

4. Item Page -2002 (Comm. 3E-20)
COUNTY EXECUTIVE

WHEREAS, Erie County is interested in assisting with the effort by the Village of Lancaster to upgrade its water system for the purpose of merging with the Erie County Water Authority (ECWA) and establish an improved fire emergency response within the Village of Lancaster in Erie County; and

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

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed two hundred five thousand dollars (\$205,000.00), with the Village of Lancaster; and be it further

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RESOLVED, that the source of the funds will be \$205,000.00 available in the Regionalism/Economic Development, DAC 110 904 303 830, Subaccount 1299, which will be transferred to Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830, and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.
 (6-0) Chairman DeBenedetti present as Ex-Officio Member.

DALE W. LARSON
CHAIRMAN

MR. LARSON moved to separate items #1a., #1w., and #3, and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved to receive and file item #1a. MR. GREENAN seconded. MS. FISHER and MS. PEOPLES voted in the negative.

CARRIED. (WEIGHTED VOTE: 15.054 – 1.946)

MR. LARSON moved to amend item #1w. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

ADD the following Chapter Number in the first paragraph of the resolution:

...pursuant to Chapter 5 of the Laws of 2002.

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

CARRIED UNANIMOUSLY.

* (See Session #5 – 2002 regarding vote changes for Dale, Schroeder, Holt, Fisher & Peoples from yea to nay.)

MR. LARSON moved to approve item #3. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 46

January 31, 2002

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CHASE.

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

- | | | | | |
|----|--------------------------|--|-------|---------------|
| | Item | Page | -2002 | (Comm. 3E-35) |
| a. | COUNTY EXECUTIVE: | ECSD No. 2 – 18 Mile Creek & Sweetland Road Pumping Station Modifications. | | |
| | | (4-0) Legislator Chase absent. | | |

- | | | | | |
|----|-------------------------|------|-------|------------------------------------|
| | Item | Page | -2001 | AS AMENDED
(Comm. 1E-27) |
| 2. | COUNTY EXECUTIVE | | | |

RESOLUTION NO. _____

RESOLUTION DATED _____, 2002.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO.4 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) January 31, 2002
 (Adopted) _____, 2002

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated October 24, 2001 and a resolution of the Erie County Sewer District No. 4 Board of Managers dated October 24, 2001, an extension of Sewer District No. 4 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 4, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District, in

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ERIE COUNTY LEGISLATURE

accordance with applicable flat charges and charges based on units, assessed value and footage, specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 4 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 4 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Avenue, Legislative Chambers, 7th Floor, in Buffalo, New York, in said County, on the 21st day of March, 2002, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No. 4 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

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

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

Section 4. This resolution shall take effect immediately.
 (4-0) Legislator Chase absent.

3.	Item	Page	-2001	AS AMENDED (Comm. 15E-35)
	COUNTY EXECUTIVE			

WHEREAS, the Erie County Legislature had awarded Contract "D", to Industrial Power & Lighting Corp. for the Erie County Sewer District Nos. 1, 4 & 5 Northern Region Administration Building Project; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract "D" in the final contract amount of \$238,931.75 which includes Change Order No. D-2 (final) an increase of \$494.75, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract "D" between the County of Erie and Industrial Power & Lighting Corp., 701 Seneca Street, Buffalo, New York 14210, is accepted in the amount of \$238,931.75, which includes Change Order No. D-2 (final) an increase of \$494.75, and final payment is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract "D" between the County of Erie and Industrial Power & Lighting Corp. in the amount of \$238,931.75 and make final payment from Sewer Capital Account SD #1, 4 & 5, Fund No.430, Project No.916.; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.
 (4-0) Legislator Chase absent.

4. Item Page -2002 (Comm. 3E-33)

COUNTY EXECUTIVE

WHEREAS, authorization to create an Information Technology Engineer position, Job Group 11, and the deletion of an Assistant Project Engineer position, Job Group 9, has been requested by the Division of Sewerage Management (DSM); and

WHEREAS, the DSM has found the change necessary to more accurately reflect the current job duties and skill requirements which include a thorough knowledge of information technology and related communication, software, and hardware as well as the principles, applications and techniques of civil engineering.

NOW, THEREFORE, BE IT

RESOLVED, that in the DSM the position of Information Technology Engineer, Job Group 11, be created and that the Assistant Project. Engineer position (position number 816050), Job Group 9, be deleted; and be it further

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RESOLVED, that the increased cost of the salary for the Information Technology Engineer estimated to be \$6,143 be funded from anticipated unexpended salary costs in the DSM by leaving the position of Administrative Assistant - Sewerage Management vacant for three (3) months; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Commissioner of the Department of Environment and Planning, and one copy to Len Lenihan, Commissioner, Erie County Personnel Department, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director, Budget, Management and Finance.

(4-0) Legislator Chase absent.

5. Item Page -2002 (Comm. 3E-34)

COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the submittal to the federal Department of Housing and Urban Development annual grant and program application materials.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a Year 2002 consolidated application to the federal Department of Housing and Urban Development (HUD) for the 2002 Program Year having an estimated dollar amount as indicated.

1. Community Development Block Grant Program:	\$3,629,000
2. Emergency Shelter Grant Program:	\$ 104,000
3. HOME Investment Partnership Program:	\$1,294,000

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD and local governments necessary to implement the above programs, and be it further

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

(4-0) Legislator Chase absent.

6. Item Page -2002 (Comm. 3E-36)

COUNTY EXECUTIVE

WHEREAS, Erie County is interested in participating in a environmental study at the former Bethlehem Steel site; and

WHEREAS, Erie County desires to encourage the redevelopment of abandoned industrial sites know as brownfields; and

WHEREAS, The Bethlehem Steel Corporation has agreed to share in the costs of this Phase I environmental study; and

WHEREAS, The Erie County Office of Economic Development has funds committed to this effort and has agreed to coordinate the project,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with and accept funds from the Bethlehem Steel Corporation in amounts not to exceed twenty thousand dollars (\$20,000.00), for the purpose of funding environmental studies in the promotion of this sector of the local economy; and be it further

RESOLVED, that the County Executive is authorized to select and enter into contracts with consultants for Phase I Environmental Studies and other related studies and activities for a total amount not to exceed \$35,000; and be it further

RESOLVED, that the source of the funds will be up to \$20,000 available in the Erie County Community Development Block Grant Program; and be it further

RESOLVED, that the County of Erie is authorized to establish a grant project for this purpose and to establish a budget as follows:

Account	Description	Amount
549-0147	Contribution from Bethlehem Steel	\$ 15,000
685-6201	Interfund Revenues - Community Development	<u>\$ 20,000</u>
	Total Revenues	<u>\$ 35,000</u>
826	Other Expenses	\$ 1,500
830	Contractual Agencies	<u>\$ 33,500</u>

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Total Appropriations

\$ 35,000

And be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Commissioner of the Department of Environment and Planning, the Director of the Division of Budget, Management and Finance, the County Attorney and the Erie County Comptroller.

(4-0) Legislator Chase absent.

7. Item Page -2002 (Comm. 3E-37)

COUNTY EXECUTIVE

WHEREAS, Erie County is interested in assisting with the efforts by the 19 member communities of the Southtowns Water Consortium and the Erie County Water Authority (ECWA) in Erie County to determine the financial and engineering of providing safe potable water within the consortium; and

WHEREAS, Erie County desires to encourage efforts to sustain and improve the health, safety and quality of life in the communities within the consortium; and

WHEREAS, The Southtowns Water Consortium has identified over 4200 private wells with some level of health concerns and low water quantities over the past 5 years; and

WHEREAS, The Southtowns Water Consortium desires to establish the feasibility and cost requirements needed to address these health and quality of life issues in the Consortium's communities; and

WHEREAS, Erie County desires to work with the Southtowns Water Consortium and the ECWA, which is implementing this process; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed two hundred thousand dollars (\$200,000.00) with the ECWA, as lead agency on behalf of the Southtowns Water Consortium; and be it further

RESOLVED, that the source of the funds will be \$200,000.00 available in the Regionalism/Economic Development, DAC 110 904 303 830, Subaccount 1299, which will be transferred to Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830, and be it further,

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

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(4-0) Legislator Chase absent.

8. Item Page -2002 (Comm. 3E-38)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning monitors the Erie County Sport Fishery Promotion Program; and

WHEREAS, Jim Hanley's Northeast Outdoors, Inc. was selected as the Erie County Sport Fishery Promotion Program vendor having been selected in response to requests for proposals (RFP) in 2000; and

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract for the year 2002 with Jim Hanley's Northeast Outdoors, Inc. for an amount not to exceed \$65,000 for the purpose of undertaking a year 2002 Sport Fishing Promotion Program in Erie County; and be it further

RESOLVED, that the requirements for request for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since this special service must be provided immediately and it is not deemed feasible nor cost effective for the County to undertake this process; and be it further

RESOLVED, that the source of funds for the contract shall include monies appropriated in the following:

1. \$50,000 - Fund 110, Project 922, Department 302 - Agency Payments Public Benefits, Department of Environment and Planning Account 830, sub-account 0764, Sport Fishing Promotion Program.
2. \$15,000 - Fund 110, Project 945, Department 620 - Environment and Planning, Account 830, sub-account 0764, Sport Fishing Promotion Program.

RESOLVED, that said agreement shall be for continuing the Erie County Sport Fishing Promotion Program initiated in 2000 in Erie County, and be it further

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

(4-0) Legislator Chase absent.

JOHN W. GREENAN
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 47

January 31, 2002

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT.

1. Item Page -2001 (Comm. 18E-39)
COUNTY EXECUTIVE

WHEREAS, the funds received for the PSCIM Grant VII will be used to purchase needed new training equipment to continue to conduct this training for the emergency response community.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Emergency Services, is hereby authorized to transfer earmarked funds to purchase new training equipment to continue to conduct Public Safety Critical Incident Management Programs (PSCIM), and be it further

RESOLVED, that the following transactions are authorized for the purchase of new training equipment for the continuation of PSCIM courses

Department of Emergency Services
PSCIM Grant VII

Revenue

SFG 361 Other Miscellaneous Receipts \$6507

Appropriations

SFG 933 Lab and Tech Equipment \$6507

and be it further

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

(5-0)

2. Item Page -2001 (Comm. 27E-19)

COUNTY EXECUTIVE

WHEREAS, the Department of Probation had submitted a proposal which has been approved by the New York State Division of Criminal Justice Services to establish a position for a community-based Probation Officer to employ intensive supervision, and

WHEREAS, this intensive supervision will be augmented by the added support of the Cheektowaga Police Department, enhanced judicial supervision and community partnerships in the Town of Cheektowaga, and

WHEREAS, the Department of Probation will contract with the Community Action Partnership for a Healthy Lifestyle Incorporated of Cheektowaga, to provide wrap around services,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into contract and accept funding in the amount of \$73,575 under the Title V Grant Program with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the Community Action Partnership for a Healthy Lifestyle Incorporated of Cheektowaga, in an amount not to exceed \$5,400, for the purposes of providing wrap around services, and be it further

RESOLVED, that authorization is hereby provided to create one position of Probation Officer, job group 11 for the Title V Grant, and be it further

RESOLVED, that authorization is hereby provided to establish a new grant in the Department of Probation to implement this program as follows:

Grant Fund - Department 260
 Title V Grant Program
 1/1/02 through 12/31/02

Revenue	Increase
Acct. 627 - State Aid Criminal Justice	\$ <u>73,575</u>
Total Revenue	\$73,575

Appropriation	Increase
Acct. 800 - Personal Services	\$ 49,779

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Acct. 805 - Fringe Benefits	13,296
Acct. 830 - Contractual Services	5,400
Acct. 810 - Office Supplies	600
Acct. 825 - Out of Area Travel	1,500
Acct. 933 - Lab and Technical Equipment	<u>3,000</u>
Total Appropriation	\$ 73,575

and be it further

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

(5-0)

3. Item Page -2002 (Comm. 3E-22)

COUNTY EXECUTIVE

WHEREAS, it is necessary to transfer funds from the Erie County District Attorney's Asset Forfeiture Trust Fund prior to their being expended, and

WHEREAS, said funds are required to be expended for law enforcement and prosecutorial efforts, and

WHEREAS, it is desirable to replace one investigative automobile with an odometer reading of over 100,000 miles, to enhance the District Attorney's case management computer system with the purchase of laptop and personal computers, and to update the technology and improve the efficiency of the office,

NOW, THEREFORE, BE IT

RESOLVED, that \$83,500 in available balances in the Erie County District Attorney's Assets Forfeiture Trust Fund is hereby transferred to the District Attorney's Assets Forfeiture Grant, SFG Project 333, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized to provide funding for investigative, surveillance and prosecutorial purposes to benefit the District Attorney's Office.

DISTRICT ATTORNEY ASSET FORFEITURE GRANT
PROJECT 333 FUND 280

<u>Revenue</u>	<u>Increase</u>
Acct. 502 District Attorney Asset Forfeitures	\$83,500
	<u>- 0 -</u>

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Total Revenue	<u>\$ 83,500</u>
<u>Appropriation</u>	
Acct. 930 Automotive Equipment	\$13,500
Acct. 933 Laboratory and Technical Equipment	70,000
Total Appropriations	<u>\$ 83,500</u>

and be it further

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

AS AMENDED

4. Item Page -2002 (Int. 3-7)
DeBENEDETTI, GREENAN, LARSON, RANZENHOFER, CHASE, WEINSTEIN
McCARVILLE, CUSACK, KUWIK & DUSZA

WHEREAS, the Erie County Legislature has a long-standing history of supporting volunteer fire companies throughout Erie County, and

WHEREAS, Chapter 775 of the New York State's Laws of 1988 provide a service awards program for volunteer fire service where each firefighter receives points based upon the performance of a service in the protection of life and property from fire or other emergency, accident or calamity within the area protected by the fire company or department, and

WHEREAS, the current statute does not allow for the provision of points to an individual who presents a public education class of fire prevention to a school, not-for-profit corporation or civic organization, and

WHEREAS, the teaching of fire prevention is the most pro-active tenet of firefighting, providing communities the information needed to avoid fires before they become a problem, and

WHEREAS, the inclusion of additional points for the teaching of fire prevention classes in the fire service award program would help to ensure that volunteers are recognized for their contribution in fire prevention efforts, and

WHEREAS, opening the program to include fire prevention opportunities allows a greater chance for volunteer firefighters, who are recognized by accumulating 50 points in a year, to be celebrated for their positive impact on their communities, and

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature strongly supports volunteer firefighters for their dedication to our community, and be it further

RESOLVED, that this Honorable Body supports Senate Bill S.1422 which awards volunteer firefighters service points for presenting a public education class of fire prevention to a school, not-for-profit corporation or civic organization, and be it further

RESOLVED, that the Erie County Legislature unanimously calls upon the State Legislature to pass and Governor George Pataki to sign into law the aforementioned legislation, to encourage and reward volunteer firefighters' increased fire prevention, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Pataki and the New York State Legislature.
 (5-0)

JEANNE Z. CHASE
CHAIRPERSON

MS. CHASE moved to separate item #4 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MS. CHASE moved to amend item #4 to include ET AL Co-Sponsorship. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MS. CHASE moved the approval of the item as amended. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48

January 31, 2002

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT.

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

a.

Item	Page	-2001	(Comm. 4E-5)
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COUNTY EXECUTIVE: Analysis of East Ferry Site & Alden Site for New Youth Detention Center.
 (5-0)

b.

Item	Page	-2001	(Comm. 13D-14)
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DPW: Memo to Legislators Re: New Youth Detention Facility.
 (5-0)

c.

Item	Page	-2001	(Comm. 17E-14)
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COUNTY EXECUTIVE: Report on EC Youth Division.
 (5-0)

d.

Item	Page	-2001	(Comm. 17E-15)
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COUNTY EXECUTIVE: Copy of RFP Entitled "Blueprint for Change."
 (5-0)

e.

Item	Page	-2001	(Int. 19-3)
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HOLT: Preventing Tragedies Caused By Unavailable Heat.
 (5-0)

2. **RESOLVED**, that the following item is hereby received, filed and referred to the ENERGY & ENVIRONMENT COMMITTEE.

a.

Item	Page	-2001	(Comm. 18D-8)
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HEALTH: Letter to Legislator Fisher Re: Update on Pesticide Neighbor Notification Law.
 (5-0)

3.

Item	Page	-2002	(Comm. 3E-26)
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COUNTY EXECUTIVE

WHEREAS, enrollment of uninsured adults and children into adequate health coverage is a national, state and local priority, and

WHEREAS, the New York State Department of Health has funded the Western New York Healthcare Association to oversee a grant that facilitates enrollment of families in Erie, Niagara, Cattaraugus and Chautauqua counties, and

WHEREAS, the Erie County Department of Health will be responsible for coordinating the enrollment of families both in Erie and Niagara counties, and

WHEREAS, the Western New York Healthcare Association has named the Erie County Department of Health as a subcontractor to this grant to receive an amount of \$124,182.

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract and accept a grant award from the Western New York Healthcare Association to be budgeted as follows:

Family Health Plus Facilitated Enrollment
 1/1/02 - 12/31/02
 PROJECT#

<u>SFG</u> <u>ACCOUNT</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>
521	OTHER LOCAL SOURCE	\$ <u>124,182</u>
	TOTAL	\$ <u>124,182</u>
	<u>EXPENSES</u>	
800	PERSONAL SERVICES	\$ 92,200
805	FRINGE BENEFITS	21,360
810	OFFICE SUPPLIES	922
824	TRAVEL & MILEAGE EXPENSE	6,000
880-5100	INTERFUND D.I.S.S.	2,700
932	OFFICE EQUIPMENT	<u>1,000</u>
	TOTAL	\$ <u>124,182</u>

and be it further

RESOLVED, that one full-time position of Principal Clerk, JG VI, one full time position of Child Health Enrollment Specialist - Spanish Speaking, JG VI and one full time position of Child Health Enrollment Specialist – JG VI are hereby created.

The following personnel detail is hereby submitted:

TITLE: Principal Clerk	CIVIL SERVICE LIST: Yes
JG: VI	CIVIL SERVICE: Competitive
STEP: 5	
ANNUAL SALARY: \$37,200	
ANNUAL BENEFITS: \$8,620	
TITLE: Child Health Enrollment Specialist Spanish Speaking	CIVIL SERVICE LIST: No CIVIL SERVICE: Competitive

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JG: VI
STEP: 0
ANNUAL SALARY: \$27,500
ANNUAL BENEFITS: \$6,370

TITLE: Child Health Enrollment Specialist CIVIL SERVICE LIST: Yes
JG: VI CIVIL SERVICE: Competitive
STEP: 0
ANNUAL SALARY: \$27,500
ANNUAL BENEFITS: \$6,370

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

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49

January 31, 2002

COMMUNITY ENRICHMENT COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MARINELLI.

AS AMENDED
1. Item Page -2002 (Int. 3-6)
 DeBENEDETTI, CUSACK, WEINSTEIN, GREENAN, RANZENHOFER, LARSON,
McCARVILLE, CHASE, FISHER, PEOPLES, KUWIK & DUSZA
WHEREAS, Erie County has a number of historic homes on the national, state and local registries which represent the history and culture of the region and are worthy of preserving, and

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WHEREAS, to promote cultural tourism which may help to attract and retain jobs in Erie County, property owners of landmarks need to invest in the upkeep and rehabilitation of their historic properties, and

WHEREAS, many landmark homes have fallen into a state of disrepair due to lack of incentives or financial assistance for the owners to restore or maintain the building to its original condition, and

WHEREAS, homeowners interested in restoring their own properties, may not be able to afford to do so when faced with potential increases in taxation as the result of alterations, and

WHEREAS, there is a need to provide financial incentives for homeowner investment in low income residential neighborhoods which may contain landmark buildings or districts designated by Cities, Towns and Villages in Erie County, and

WHEREAS, the New York State has authorized local governments to offer real property tax exemption to alterations or rehabilitation of historic property as authorized pursuant to Section 96-a and 119-aa through 119-dd of the General Municipal Law and section 444-a of the Real Property Tax Law and all other powers granted to the local governments to provide such exemption, and

WHEREAS, municipalities in Erie County have local laws for designation of landmark buildings and districts,

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Legislature study the benefit of such real property tax exemption to alterations or rehabilitation of historic property for purpose of promoting restoring or improving historically or architecturally significant properties which are subject to the regulations of the Historic Preservation Law of the Cities, Towns and Villages, and be it further

RESOLVED, that this study apply to alterations or rehabilitation of historic property as authorized pursuant to Section 96-a and 119-aa through 119-dd of the General Municipal Law and section 444-a of the Real property Tax Law and all other powers granted to the Erie county to provide such exemption as shown in the Exemption Schedule:

Exemption Schedule.

Historically property which shall be defined hereafter shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

<u>Year of Exemption</u>	<u>Percentage of Exemption</u>
1	100%
2	100%

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3	100%
4	100%
5	100%
6	80%
7	60%
8	40%
9	20%
10	0%

and be it further

RESOLVED, that the Erie County Legislature review and recommend guidelines for alterations or rehabilitation, based on the state mandated criteria shown below.

- A.** Alterations and rehabilitation of exteriors of historic property approved by the City, Town or Village prior to commencement of work, and
- B.** Such property must be “historic” which shall mean that the property has been designated as a landmark or is a property that is located in and contributes to the character of a designated historic district, created by a local law which was passed pursuant to Section 96-a or 119-dd of the General Municipal Law, and
- C.** Alteration or rehabilitation of public interiors (to the extent the public interiors are regulated by the local preservation law) of historic property must meet guidelines and review standards established in the local preservation law, and

D. Alterations and rehabilitation must be commenced subsequent to the effective date of this local law, and be it further

RESOLVED, that the Erie County Legislature study the filing of the application for County real property exemption with City, Town or Village Clerk where the property is located. Such exemptions are granted by local governments where the Assessor is satisfied that applicant is entitled to an exemption pursuant to state law, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive Joel A. Giambra, County Attorney Frederick A. Wolf and Budget Director Joseph Passafiume.

Fiscal Impact: To Be Determined
 (4-0) Legislator Marinelli absent.

ELISE CUSACK
CHAIRPERSON

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MS. CUSACK moved to separate item #1 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MS. CUSACK moved to amend item #1 to include ET AL Co-Sponsorship. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MS. CUSACK moved the approval of the resolution as amended. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 26 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 50

January 31, 2002

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MARINELLI.

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

Item Page -2001 (Comm. 21E-13)
 a. **COUNTY EXECUTIVE:** Solid Waste Reduction Project.
 (4-0) Legislator Marinelli absent.

2. Item Page -2001 (Comm. 3E-6)
COUNTY EXECUTIVE

RESOLVED, that the Government Affairs Committee does hereby recommend that the full Legislature confirm the reappointment of Sister Maria T. Pares of 230 Crescent Avenue, Buffalo, New York 14214 as a Member of the Erie County Board of Ethics for a term expiring December 31, 2006, and be it further

RESOLVED, that the Government Affairs Committee does hereby recommend that the full Legislature confirm the appointment of Carmen L. Snell of 319 Parker Avenue, Buffalo, New York 14216 for a term expiring December 31, 2005.
 (4-0) Legislator Marinelli absent.

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3. Item Page -2002 (Comm. 3E-25)
COUNTY EXECUTIVE

WHEREAS, it is necessary to make certain adjustments in Account 821-Dues and Fees for the Erie County Department of Law for 2001 and 2002, and

WHEREAS, the Department of Budget, Management and Finance has identified sources of funds to accomplish this goal, there being \$132,000 available from the 2001 appropriation of unanticipated revenues in Account 110-923310304-Payments in Lieu of Taxes, the annual budget for this account having been realized, and \$18,000 available in the 2002 Erie Tobacco Asset Securitization Corporation;

NOW, THEREFORE, BE IT

RESOLVED, That the following transfers of funds are hereby approved:

Account

110-923310304-Payments in Lieu of Taxes (2001)	(\$132,000)
110-909600821-Dues and Fees (2001)	<u>132,000</u>
Net	-0-

Account

Erie Tobacco Asset Securitization Corporation (2002)	(\$ 18,000)
110-909600821-Dues and Fees (2002)	<u>18,000</u>
Net	-0-

and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Law, the Office of the Comptroller, and the Department of Budget, Management and Finance.

(4-0) Legislator Marinelli absent.

4. Item Page -2002 (Comm. 3E-40)
COUNTY EXECUTIVE

WHEREAS, many Erie County Competitive and Non-Competitive Class Civil Service positions require specialized training and experience which is difficult to obtain or unavailable outside of County service, and

WHEREAS, in order to fill these Competitive Class and Non-Competitive Class positions, it is necessary to hire individuals and provide specialized training to them, and

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WHEREAS, in order to facilitate the hiring of individuals to receive this specialized training and experience, certain County positions are filled on a trainee or underfill basis from trainee Civil Service lists or in the absence of a valid trainee list, on a provisional or temporary basis, and

WHEREAS, since the specific budget amendment authorizing the filling of County positions on a trainee or underfill basis was eliminated from the budget, departments will not be able to fill such positions which will then impair the departments ability to render services to the public,

NOW, THEREFORE, BE IT

RESOLVED, that effective January 1, 2002 funds appropriated for the Competitive and Non-Competitive Class positions listed below, may be used to pay a trainee or underfill a lesser amount until such employee becomes qualified to fill such positions:

Charge Nurse
 Child Protective Worker
 Computer Operator
 Computer Programmer
 Interne Personnel Specialist
 Probation Officer
 Probation Officer (Spanish Speaking)
 Investigating Public Health Sanitarian
 Sewage Treatment Plant Operator
 Social Services Program Specialist

and be it further

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

(4-0) Legislator Marinelli absent.

STEVEN P. McCARVILLE
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 27 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 51

January 31, 2002

REGIONALISM AD HOC
 COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT. CHAIRMAN DeBENEDETTI PRESENT AS EX-OFFICIO MEMBER.

All items hereby remain on the table.

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 28 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 4-1 From LEGISLATORS MARINELLI, PEOPLES & FISHER Re: Fiscal Fairness & Equity for Managerial / Confidential Erie County Employees.

Item 29 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 52

Re: Calling on New York State Congressional Delegation to Support a Temporary Increase in the Federal Medicaid Assistance Percentage (FMAP). (Intro. 4-2)

A RESOLUTION SUBMITTED BY LEGISLATORS DEBENEDETTI, GREENAN, McCARVILLE, CHASE, CUSACK, WEINSTEIN, RANZENHOFER & LARSON

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WHEREAS, under Federal Law, local governments are not responsible for any portion of Medicaid funding, however, Congress has given states the ability to require local governments to share in financing the non-federal share of Medicaid costs, and

WHEREAS, the United States Centers for Medicare and Medicaid (CMS), formally known as the Health Care Financing Administration (HCFA), has issued data that demonstrates that no other state in the country burdens its localities like New York State, and

WHEREAS, Medicaid has become the single largest appropriation in every county budget and, with the reemergence of double-digit annual growth rates, this program is siphoning away limited resources needed to fund other critical budgetary needs at the county level, and

WHEREAS, the National Governor's Association (NGA), including Governor Pataki, has supported a proposal for a temporary increase in the federal medical assistance program (FMAP) as an economic stimulus option that would provide more federal funding to state Medicaid programs, and

WHEREAS, NGA has indicated that a temporary increase in FMAP would help to stimulate the nation's economy and shore up safety net efforts for low-income families, and

WHEREAS, on January 16, 2002, Governor Pataki and the New York State Legislature enacted legislation providing for a multi-billion, three-year plan to address New York's shortage of healthcare workers, to financially strengthen New York's Hospitals, nursing homes and other health care facilities and increase funding to other important health care programs, and

WHEREAS, this new plan will increase the local Medicaid burden by approximately \$350 - \$400 million over the next three years, and

WHEREAS, this legislation also integrates the funding from an increase in the FMAP of three percent for the next three state fiscal years and relies on this increased federal funding as a major offset to new local costs, and

WHEREAS, without the increased FMAP, property taxpayers across New York State will be forced to fund the increased Medicaid costs in the form of higher property taxes,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges the Western New York Congressional Delegation to take into consideration the impact on local property taxpayers as the Congress considers future Medicaid expansions that permit states to offset non-federal costs with a local share, and be it further

RESOLVED, that Erie County Legislature does hereby call upon the Western New York Congressional delegation to support a temporary increase in FMAP to help offset the negative financial impact on local property taxpayers, and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the President George W. Bush, the Western New York Congressional delegation, Governor George Pataki, and the Western New York State Legislative Delegation.

Fiscal Impact: potential savings for local taxpayers.

MR. SWANICK moved to amend the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

ADD the following co-sponsors:

SWANICK, KUWIK, SCHROEDER, HOLT, FISHER, DALE, PEOPLES, DUSZA & MARINELLI

DELETE the second and third RESOLVE clauses in their entirety and REPLACE with the following:

RESOLVED, that this Honorable Body does hereby call upon New York State's Delegation to the U.S. Congress to support a 3% increase in New York State's FMAP reimbursement from the federal government to assist in offsetting any negative financial impact upon local property taxpayers, and be it further

RESOLVED, that certified copies of this resolution be sent to President George W. Bush, US Senators Charles E. Schumer and Hillary Rodham Clinton, New York State's congressional delegation, Governor George E. Pataki, and to the Western New York delegations to the New York State Assembly and Senate.

MR. GREENAN moved the approval of the resolution as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 30 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 4-3 From LEGISLATORS FISHER, PEOPLES, KUWIK, HOLT, SWANICK, MARINELLI, DALE, SCHROEDER & DUSZA Re: Support for Mandatory Domestic Violence Training for Child Protection Workers.

Item 31 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the REGIONALISM AD HOC COMMITTEE.

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GRANTED.

Intro. 4-4 From LEGISLATOR WEINSTEIN Re: Requesting State Authorization for Municipally-Owned Casino Gambling in Downtown Buffalo.

Item 32 – MS. CUSACK presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53

Re: Funding for Community Organizations.
 (Intro. 4-5)

A RESOLUTION SUBMITTED BY LEGISLATOR CUSACK

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$600.00 from the Legislature – Contractual fund (DAC: 110905100830) to fund 110, Project 221, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Excalibur Leisure Skills Center, Inc.	830/	\$600.00
TOTAL		\$600.00

And be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph A. Passafiume, Kelly Brown – First Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, James Catalano, Excalibur Leisure Skills Center, Inc. (90 North Drive, Buffalo, NY 14216).

Fiscal Impact: Appropriation of 2002 - budgeted funds

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

CARRIED UNANIMOUSLY.

Item 33 – CHAIRMAN DeBENEDETTI directed that the following resolution be directed to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 4-6 From LEGISLATORS FISHER, PEOPLES, SWANICK, DUSZA & HOLT Re: Support for Lowering Evidentiary Threshold for Proof of Physical & Serious Injury.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54

Re: Child Passenger Safety Week, 2/10/02 – 2/16/02. (Intro. 4-7)

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

WHEREAS, the children of Erie County are a precious resource which should be protected from physical harm while riding in motor vehicles; and

WHEREAS, motor vehicle crashes are the leading cause of death for children ages four (4) to fourteen (14); and

WHEREAS, fifty-six percent (56%) of all children, under age fifteen (15), killed in car crashes in the year 2000 were not restrained in a child safety seat, booster seat, or seatbelt; and

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WHEREAS, the proper use of a child safety seat reduces fatal injuries to infants by seventy-one percent (71%) in passenger vehicles and fifty-eight percent (58%) in light trucks and to toddlers by fifty-four percent (54%) in passenger vehicles and fifty-nine percent (59%) in light trucks; and

WHEREAS, child safety seat checks at approved fitting stations in conjunction with the Erie County Sheriff's Department have shown to improve the safety of children riding in motor vehicles in Erie County; and

WHEREAS, The National Highway Traffic Safety Administration has designated February 10, 2002 through February 16, 2002 as National Child Passenger Safety Week;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges all residents to protect the county's children by properly restraining all children riding in a motor vehicle in an approved child safety seat, booster seat or seatbelt pursuant to New York State laws and guidelines; and be it further

RESOLVED, that the Erie County Legislature recommends that county residents have their child safety seats checked at an approved fitting station for proper use and physical condition; and be it finally

RESOLVED, that the Erie County Legislature hereby recognizes February 10, 2002 through February 16, 2002 as National Child Passenger Safety Week as designated by The National Highway Traffic Safety Administration.

Fiscal Impact: None

MR. SWANICK moved to amend the resolution to include ET AL Co-Sponsorship. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 35 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 4-8 From LEGISLATORS DeBENEDETTI, GREENAN, WEINSTEIN, CUSACK, CHASE, RANZENHOFER, McCARVILLE & HOLT Re: Reconstituting the Erie County Medical Center as a Public Benefit Corporation.

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Item 36 – MS. FISHER presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

Re: Support for a Community Organization.
(Intro. 4-9)

A RESOLUTION SUBMITTED BY
LEGISLATORS FISHER, PEOPLES & MARINELLI

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$12,000 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
YWCA of WNY – Women Leaders in Progress Institute	830/	\$12,000
TOTAL		\$12,000

and be it further

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

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

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, First Assistant County Attorney Susannah Bochenek, Tanya Perrin-Johnson, Chief Executive Officer, YWCA of WNY, (190 Franklin Street, Buffalo, NY 14202-2462.)

Fiscal Impact: Appropriation of 2002-budgeted funds.

MS. FISHER moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 37 – MS. FISHER presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

Re: Support for Various Community
Organizations. (Intro. 4-10)

A RESOLUTION SUBMITTED BY
LEGISLATOR FISHER

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,850 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Excalibur Leisure Skills Center	830/0691	\$ 600
Gay & Lesbian Youth Services		

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Of WNY, Inc.	830/1146	\$1,250
TOTAL		\$1,850

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, First Assistant County Attorney Susannah Bochenek, James Catalano, Board President, Excalibur Leisure Skills Center, Inc., (90 North Drive, Buffalo, NY 14216,) and to Marvin Henchbarger, Executive Director, Gay and Lesbian Youth Services of WNY, Inc., (190 Franklin Street, Buffalo, NY 14202.)

Fiscal Impact: Appropriation of 2002-budgeted funds.

MS. FISHER moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 38 – MR. SWANICK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

Re: Support for Community Events &
 Organizations. (Intro. 4-11)

A RESOLUTION SUBMITTED BY
 LEGISLATOR SWANICK

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$65,000 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
City of Tonawanda Community Development Agency	830/1152	\$65,000
TOTAL		\$65,000

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 920, Department 300 Agency Payments – Cultural, (DAC: 110920300830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>OLD AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Buffalo Philharmonic Orchestra Society	830/0180	\$651,280	\$5,000	\$656,280
TOTAL			\$5,000	

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, First Assistant County Attorney Susannah Bochenek, First Administrative Assistant Kelly Brown, Jean Harmon, City of Tonawanda Community Development Agency, (200 Niagara Street, Tonawanda, NY

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14150,) and to Carol Timberman-Yore, Buffalo Philharmonic Orchestra Society, (11Symphony Circle, Buffalo NY 14201.)

Fiscal Impact: Appropriation of 2002-budgeted funds.

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

CARRIED UNANIMOUSLY.

DELETE the first RESOLVE and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$89,000 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
City of Tonawanda Community Development Agency	830/1152	\$65,000
Union Occupational Health Center	830/0970	\$20,000
Cheektowaga Senior Center	830/0255	\$ 2,000
Sloan Fire Hose Co.	830/0632	\$ 2,000
TOTAL		\$89,000

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$6,000 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 920, Department 300 Agency Payments – Cultural, (DAC: 110920300830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>OLD AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Buffalo Philharmonic Orchestra Society	830/0180	\$651,280	\$5,000	\$656,280

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Lancaster Opera House	830/0365	\$15,000	\$1,000	\$16,000
TOTAL				\$6,000

and be it further

DELETE the final **RESOLVE** and ***REPLACE*** with the following:

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, First Assistant County Attorney Susannah Bochenek, Jean Harmon, City of Tonawanda Community Development Agency, (200 Niagara Street, Tonawanda, NY 14150,) Carol Timberman-Yore, Buffalo Philharmonic Orchestra Society, (11 Symphony Circle, Buffalo, NY 14201,) Raymond Struzik, Executive Director, Union Occupational Health Center, (450 Grider Street, Buffalo, NY 14215,) Patricia Wojcik, Director, Cheektowaga Senior Center, (Broadway / Union Road, Cheektowaga, NY 14227,) Sean McGee, Fire Chief, Sloan Fire Hose Company, (55 Gates Avenue, Sloan, NY 14212,) and to Tom Kazmierczak, Director, Lancaster Opera House, (Central Avenue, Lancaster, NY 14086.)

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 39 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 25E-14. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 8.502 – 8.498)

RESOLUTION NO. 58

Re: Authorizing the Partial Reconstruction of Existing Courthouse Buildings – BOND.

RESOLUTION NO. 58 OF 2001

BOND RESOLUTION DATED February 7, 2002

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BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PARTIAL RECONSTRUCTION OF EXISTING COURTHOUSE BUILDINGS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$57,604,000, APPROPRIATING \$12,981,000 THEREFOR IN ADDITION TO \$44,623,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$12,981,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$44,623,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) November 27, 2001

(Adopted) February 7, 2002

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

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to continue existing capital project No. 410-164, consisting of the partial reconstruction of existing County Courthouse Buildings. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$57,604,000, and \$12,981,000 is hereby appropriated therefor, in addition to the \$44,623,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2001 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$12,981,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$20,188,000 bonds previously authorized therefor pursuant to Resolution No. 280-2001 adopted on June 21, 2001 and the \$24,435,000 bonds previously authorized therefor pursuant to Resolution No. 135-2000 adopted on April 13, 2000, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the principal amount of \$12,981,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 3. The buildings to be reconstructed are of Class "A" construction as defined by Section 11.00 a. 11. (a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$12,981,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.12 (a)(1) of the Law, is twenty (20) years.

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Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 8.502 – 8.498)

The item is therefore received and filed.

Item 40 – MR. RANZENHOFER moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Intro. 9-15. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

Re: Calling for the Development of a Creative Plan that Will Fully Address Air and Noise Pollution Conditions Created by the Williamsville Toll Barrier.

A RESOLUTION SUBMITTED BY LEGISLATOR RANZENHOFER

WHEREAS, the New York State Thruway Authority wants to improve traffic flow on the Interstate 90 east of Buffalo and is considering moving the Williamsville toll to the east along the 18-mile corridor between the present toll and exit 48A in Pembroke, and

WHEREAS, the authority's consulting firm has analyzed each mile along the stretch, and by using a scoring system that incorporates engineering and environmental factors, has identified three potential sites, and

WHEREAS, the sites chosen are between mile markers 404-405 east of Crittenden Road, between mile markers 408-409 west of South Newstead Road and mile marker 410 west of North Millgrove Road near Ransom Road, and

WHEREAS, the proposed solution to moving the toll barrier has simply been to move all the Williamsville toll barrier problems to the communities of Clarence, Newstead and Lancaster, and

WHEREAS, this conditions of air and noise pollution created by the toll barrier will not get resolved or go away by simply moving the toll barrier along with its serious environmental issues from one community to another, and

WHEREAS, the areas of Clarence, Newstead and Lancaster offer residents a beautiful and clean suburban/rural environment-moving the current Williamsville Toll Barrier would be irresponsible to the residents who live there and in due course negatively affect the quality of life in those communities forever, and

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature looks to provide viable solutions and conditions that best protect all residents of Erie County, and be it further

RESOLVED, that this Honorable Body does hereby call upon the New York State Department of Transportation and the New York State Thruway Authority to develop a creative plan that will fully address air and noise pollution conditions created by the toll barrier before even considering moving the facility in the communities of Clarence, Newstead and north eastern Lancaster, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Pataki, the New York State Department of Transportation, the New York State Thruway Authority, the New York Department of Environmental Conservation and members of the Western New York delegation.

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

CARRIED UNANIMOUSLY.

DELETE the entire resolution and REPLACE with the following:

WHEREAS, the Williamsville Toll Barrier, which was built in 1953, no can longer handle the ever-increasing traffic volume, and

WHEREAS, because of the current location of the toll barrier, nearby neighborhoods are being adversely affected by noise and air pollution, and

WHEREAS, two years ago the New York State Thruway Authority began a comprehensive 36 month study with the goal of developing a new toll barrier that could handle the new traffic pattern for the next 20 years, and

WHEREAS, the New York State Thruway Authority is looking into the building of a \$40 million, state-of-the-art toll barrier with as many as 17 lanes, including four high-speed EZPass lanes that will allow some motorists to travel through without slowing down to 5 mph, and

WHEREAS, the New York State Thruway Authority wants to improve traffic flow on the Interstate 90 east of Buffalo and is considering moving the Williamsville toll to the east along the 18-mile corridor between the present toll and exit 48A in Pembroke, and

WHEREAS, the authority's consulting firm has analyzed each mile along the stretch, and by using a scoring system that incorporates engineering and environmental factors, has identified three potential sites, and

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WHEREAS, the sites chosen are between mile markers 404-405 east of Crittenden Road, between mile markers 408-409 west of South Newstead Road and mile marker 410 west of North Millgrove Road near Ransom Road, and

WHEREAS, many residents currently living in suburban and rural Erie County fear that if a new toll barrier is built, that it will increase noise, traffic and air pollution which will adversely affects their peaceful suburban and rural communities, and

WHEREAS, the areas of Clarence, Newstead and Lancaster offer residents a beautiful and clean suburban/rural environment – moving the current Williamsville Toll Barrier should not result in negatively affecting the quality of life for the residents in those communities, and

WHEREAS, the proposed solution should not be to move the Williamsville toll barrier problems to the communities of Clarence, Newstead and Lancaster, and

WHEREAS, these conditions of air and noise pollution created by the toll barrier will not get resolved or go away by simply moving the toll barrier along with its serious environmental issues from one community to another, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature looks to provide viable solutions and conditions that best protect all residents of Erie County, and be it further

RESOLVED, that this Honorable Body does hereby call upon the New York State Department of Transportation and the New York State Thruway Authority to avoid transferring the noise, air, traffic and environmental problems that exist in Williamsville to neighboring communities, and

RESOLVED, that a certified copy of this resolution be forwarded to Governor Pataki, the New York State Department of Transportation, the New York State Thruway Authority, the New York Department of Environmental Conservation and members of the Western New York Delegation.

Fiscal Impact: Nothing for Resolution

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

CARRIED UNANIMOUSLY.

Item 41 – MR. GREENAN moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 21E-22. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 59

Re: Erie County Sewer District No. 6 Contract
 No. 28STP Filter Press Steel Frame Installation
 Bid Opening.

WHEREAS, the Erie County Department of Environment and Planning has received the following low bids for the Erie County Sewer District No. 6, Sludge Filter Press Project, Contract No. 28STP, on December 18, 2001.

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
A - General	<u>Joseph Davis, Inc.</u>	\$463,000.00
D - Electrical	<u>Tunney Electric, Inc.</u>	\$ 46,264.00

and

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

WHEREAS, the Erie County Department of Environment and Planning recommends the award of Contract No. 28STP to the aforementioned low bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the Sludge Filter Press Project, Contract No. 28STP, be awarded to the low bidders as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
A - General	<u>Joseph Davis, Inc.</u>	\$463,000.00
D - Electrical	<u>Tunney Electric, Inc.</u>	\$ 46,264.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidders:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
A - General	Joseph Davis, Inc. 1200 West Tupper Street Buffalo, New York 14201	\$463,000.00
D - Electrical	Tunney Electric, Inc. 8525 Roll Road Clarence Center, New York 14032	\$ 46,264.00

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subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$509,264.00 from Sewer Capital, Erie County Sewer District No. 6, Fund No. 430, Project No. 914; and be it further

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 42 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MS. PEOPLES seconded.

GRANTED.

CHAIRMAN DeBENEDETTI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

Comm. 4M-12 From LEGISLATOR MARINELLI Re: Endorsement for the Change to the Service Awards Program.

Item 43 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

GRANTED.

CHAIRMAN DeBENEDETTI directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

Comm. 4M-13 From LEGISLATOR MARINELLI Re: Letter regarding an Historic Preservation Property Tax Exemption for the County.

Item 44 – MR. GREENAN moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

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GRANTED.

CHAIRMAN DeBENEDETTI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Comm. 4E-55 From the COUNTY EXECUTIVE Re: Home Rule Requests – Dunn Tire Park.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR SWANICK

Item 45 – (Comm. 4E-1) Democratic Caucus's Recommendation to Erie- Niagara Regional Partnership (ENRP)

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 46 – (Comm. 4E-2) Reappointments to Senior Services Advisory Board.

RECEIVED, FILED & PRINTED.

January 24, 2002

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

Re: Reappointments to Senior Services Advisory Board

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Administrative Code Section 11-E-03, do hereby reappoint the following individuals to the Senior Services Advisory Board, for the term ending December 31, 2003.

Ms. Jane Brookings
 33 Linwood Avenue, Apt. 605
 Buffalo, NY 14209

Ms. Jean Millholland
 800 West Ferry Street, #5C
 Buffalo, NY 14222

Ms. Sylvia Rodriguez

Ms. Linda Hamm

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87 Marigold Avenue
 Buffalo, NY 14215

138 Kingsley Street
 Buffalo, NY 14208

Ms. Georgia Henley
 358 Hastings Avenue
 Buffalo, NY 14215

Ms. Donna Sundell
 HSBC, Box 803
 Buffalo, NY 14240

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG:bmc
 cc: Appointees
 Commissioner Pamela Krawczyk

FROM LEGISLATOR CUSACK

Item 47 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

Re: Lease for Legislative Office Space.
 (Comm. 4E-3)

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between Northtown, Inc. located at 3097 Sheridan Drive, Amherst, New York 14226 and Erie County for Legislative Office Space for Erie County Legislator Elise M. Cusack at a cost of \$510.00 per month.

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR MARINELLI

Item 48 – (Comm. 4E-4) Notice of Absence from Government Affairs & Community Enrichment Committee Meetings Held 1/31/02.

RECEIVED, FILED & PRINTED.

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January 28, 2002

The Honorable Laurie A. Manzella
Clerk
Erie County Legislature
25 Delaware Ave., 7th Flr.
Buffalo, N.Y. 14202

Dear Madam Clerk:

Please be advised that due to a previously scheduled out-of-town commitment, I will be unable to attend the upcoming meetings of the Legislature's Government Affairs and Community Enrichment Committees, scheduled January 31, 2002.

I would ask that this communication be filed in your office, and received, filed and printed by the Legislature at our February 7 regular session.

Thank you.

Sincerely,

Legislator Lynn Marinelli
District 11

Item 49 – (Comm. 4E-5) Copy of Letter to William Seiner Re: Pan-American Exposition Centennial Celebration.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 50 – (Comm. 4E-6) Copy of Letter to Counsel to Governor Re: A9577/S6040 an Act to Amend Tax Law in Relation to Imposition of Sales & Compensating Use Taxes.

Received and filed.

FROM THE COMPTROLLER

Item 51 – (Comm. 4E-7) Apportionment & Distribution of 4% Sales Tax Received by Erie County from NYS for January.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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FROM THE COUNTY EXECUTIVE & CHAIRMAN DeBENEDETTI

Item 52 – (Comm. 4E-8) Various Appointments & Reappointment to Erie County Industrial Development Agency (ECIDA).

RECEIVED, FILED & PRINTED.

January 31, 2002

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

Re: Appointments and Reappointment to Erie County Industrial
Development Agency

Dear Members:

I, Joel A. Giambra, Erie County Executive, and I, Albert DeBenedetti, Chairman of the Erie County Legislature, do hereby appoint/reappoint the following individuals to the Erie County Industrial Development Agency, pursuant to Section 891-A of the New York General Municipal Law, for the term ending January 31, 2004.

Reappoint:

Patrick P. Lee
Chairman and CEO
International Motion Control, Inc.
369 Franklin Street
Buffalo, NY 14202

Appoint:

The Honorable Albert DeBenedetti
Chairman, Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202
(replacing Hon. Charles M. Swanick)

Susan A. McCartney

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Buffalo State College
 BA116, 1300 Elmwood Avenue
 Buffalo, NY 14222
 (replacing Anthony N. Diina)

Fred B. Saia
 331 McKinley Avenue
 Kenmore, NY 14217
 (replacing Thomas O'Donnell)

Kevin J. Clarke
 89 Plantation Court
 East Amherst, NY 14051
 (replacing William O'Loughlin, Jr.)

Respectfully submitted,

Joel A. Giambra
 Erie County Executive

Albert DeBenedetti
 Chairman, Erie County Legislature

cc: Appointees
 Robert P. Fine, Esq.

Susan A. McCartney
Buffalo State College
BA116, 1300 Elmwood Avenue
Buffalo, New York 14222
716-878-4030

Experience:

Director, Buffalo State College, Small Business Development Center, 1990-present.

Manages several grants and oversees team of professional business advisors that assist individuals to start and/or expand small businesses. Responsible for hiring, managing of staff, developing budgets, submission of program reports. Represent center at National conferences, before business groups, government agencies, and legislative bodies.

Assistant Director, Buffalo State College, Small Business Development Center, 1984-1990. Assisted in the management of the center. Counseled small business owners and represented the center before various groups and organizations.

Assistant Professor, Erie Community College, Buffalo, New York, 1982-1984.

Account Executive, Fitten Cunningham, & Lauzon, Buffalo New York, 1980 -1984.

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Registered investment banker and stock broker.

Education:

MBA, SUNY Buffalo. Buffalo, New York, 1979.

BA, Art History, SUNY Buffalo, Buffalo New York, 1978.

BS, Biology, Syracuse University, Syracuse, New York, 1975.

Professional Activities and Distinctions:

Vice President, Office of Urban Initiatives

Chairman, Preservation Coalition of Erie County

Board Member, Forever Elmwood

Vice President, Central Terminal Restoration Corporation

Board Member, Buffalo State College, Judicial Board SBA Regional Advisory Board

Economic Development Committee, HSBC Bank

Board Member, Niagara Frontier, International Youth Hostels, Inc.

Leadership Buffalo, member

Awards:

Buffalo News, Citizen of the Year

Business First, 40 under 40 award

West Side Business and Taxpayers' Association, Citizen of the Year

Small Business Advisor of the Year, New York State

SBA Vision 2000 Award for KidBiz

SBA Director's Award of Distinction

Other

Executive Producer, "Making It Work In Buffalo," cable television program

Assisted in the New York City Small Business Disaster Effort, fall 2001

Fred B. Saia

SUMMARY OF QUALIFICATIONS

President, the Oneida Group of Companies

Oneida Sales & Services, Oneida Concrete Products

1951 Hamburg Turnpike. Lackawanna, New York 14218

Phone: (716)-822-8205 Fax: (716)-824-5313

E-Mail Address: fred@oneidargroup.com

PERSONAL

331 McKinley Avenue; Kenmore, NY 14217

Married; Father of three (3) children

Date of Birth: February 9, 1952

EDUCATION

Canisius High School, 1971 Graduate
University of Buffalo; BS Geology, 1975
University of Buffalo Center for Entrepreneurial Leadership 1988 - '89
Canisius College Center for Entrepreneurship; 1991 - '92

PROFESSIONAL EXPERIENCE

- *Greater Buffalo Chamber of Commerce and **Business First of Buffalo**, Vanguard Award, 1989; Oneida named Minority Business of the Year.*
- *Nominee for SEA Small Business Person of the Year, 1992 and 1996*
- *Resource Planning Associates, named Outstanding Minority Business, 1993*
- *Listed on **Inc.** Magazine's 500 Fastest Growing Private Companies, 1996 1997 and 1998.*
- *National Indian and Native American Employment and Training Conference; Oneida received the 1998 Outstanding Employer Award.*
- *Listed on **Inc.** Magazine's Initiative for a Competitive Inner City 100, 1999.*

Community Activities

- *Board of Directors of the Native American Community Services*
- *Member of the Board of Directors of the Buffalo Niagara Partnership*
- *University of Buffalo Center for Entrepreneurial Leadership, Board of Director.*
- *Rehabilitation Board; New York State*
- *Advisory Council to the State Advocate, New York State*
- *Commission for the Blind & Visually Handicapped State Rehabilitation Council, New York State*
- *President. Board of Trustees, Charter School of Applied Technologies*
- *WNED, Board of Directors*

Biography-Kevin J. Clarke

Mr. Kevin J. Clarke is Vice President / General Manager of Quebecor World Buffalo, Inc., a one million square foot printing facility staffed by over 1, 100 craftspeople focused on the annual

production of over five billion dollars of retail print products. These products include AAA TourBooks, mass market paperback books, weekly magazines, retail inserts and a variety of specialty products. The Buffalo location is a "mega facility" of Quebecor World and the world's largest manufacturer of mass market books. It is also ISO 9002 certified.

Mr. Clarke graduated from Niagara University in 1973 with a B.S. in Logistics and has held numerous operating, staff, sales and general management positions over the last 25 years. Over the last 15 years, he has been called in by many organizations to "repair" ailing or troubled manufacturing facilities. Kevin is a strong supporter of empowered work teams, and his "Tiger Team" concept has been implemented and successfully copied in numerous factories across America.

Kevin holds leadership roles in a variety of volunteer organizations such as Books for Kids, and other literacy initiatives. He is a member of the Board of Trustees for St. Joseph's Collegiate Institute and a member of the Board of Directors and Vice Chairman for the Buffalo-Niagara Partnership, the Buffalo-Niagara Enterprise and chair of the Buffalo-Niagara Partnership's Manufacturing Council.

Kevin and his wife Kathryn reside in East Amherst, New York. They have three grown children.

Quebecor World Inc. (NYSE; TSE:IQW) is the largest commercial printer in the world. It is a market leader in most of its major product categories which include magazines, inserts and circulars, books, catalogs, specialty printing and direct mail, directories, digital pre-media, logistics, mail list technologies and other value added services. Quebecor World Inc. has over 43,000 employees working in more than 160 printing and related facilities in the United States, Canada, Brazil, France, the United Kingdom, Spain, Austria, Sweden, Switzerland, Finland, Chile, Argentina, Peru, Columbia, Mexico and India.

KEVIN J. CLARKE

IMMEDIATE OBJECTIVE

Senior Operations Position

Experience:

- Labor Negotiations
- ISO 9002 Certification
- Purchasing/Material Control
- Marketing/Sales
- Key Account Development
- Manufacturing
- Multi-Million Dollar Contract Negotiation
- Customer Service
- Finance/Budgeting

Computer Applications/Modeling
 Short-and Long-Term Planning
 Logistical Planning

SPECIALIZATION

Develop and implement advanced production methods and increase employee involvement to achieve significant organizational turnarounds and create new business ventures.

EXPERIENCE

(Volume over \$150 million annually)
 Vice President/General Manager
 Vice President, Sales
 Sales/Marketing Manager
 Manufacturing Manager
 Corporate Logistics Manager

EMPLOYMENT REVIEW

Quebecor Printing Buffalo, Inc. - 1982 to Present

Vice President/General Manager - Buffalo, New York/1996 to Present

Overall responsibility for 1 million square foot manufacturing facility employing 950-1200 people. This facility prints over \$3 billion in retail products each year.

Results

- Successfully downsized business in 1996 by 400 employees due to loss of major account.
- Increased Division yearly earnings by over 30%
- Revitalized business by new product development and commitment from current customers; all employees rehired by July 1999
- Successfully negotiated an 8.5 year labor agreement with Division's eight separate bargaining units
- Achieved ISO 9002 certification June 1999

Special Assignment-Dallas, Texas/March to September 1998

- Assigned to take control of failing Greenfield expansion program
- Achieved breakeven Status within nine months
- Expanded business base
- Hired new key Division personnel
- Achieved #1 ranking from Time Magazine; Division was previously in last place of weekly production

Vice President, Sales - Buffalo, New York/1991 to 1996

Results

- Negotiated and renewed 70% of customer long-term book business, assuring \$150 million sales through 1997
- Developed and finalized contract for largest U.S. book order (180 million units per year) Exceeded 1992
- Sales Plan quotas by 10.2%

Methods

- Developed Customer Profile Database
- Created new marketing approach and sales kit for the publication sales force
- Expanded potential for mass market book business *via* entry into new markets, e.g., top 100 newspapers, professional sports, supermarkets, Fortune 500, and national associations
- Identified and prepared comprehensive manufacturing plans and proposals to secure two new accounts totaling 100 million units

Special Assignment – Clarksville, Tennessee/March to September 1990

Reported Directly to Board Chairman, Ed Scarff

Reorganized a new plant start up. Changed \$2 million monthly loss to a breakeven in 6 months.

Manufacturing Manager - Buffalo, New York/1988 to 1991

Existing Problems

- Expiration of 87% publishing contracts in 1991
- Replacement of \$125 million decline in annual sale.
- Aging and obsolete equipment
- Poor employee morale

Solutions

- Implemented comprehensive count control program to reduce waste and improve billable levels; impact \$0.5 million savings per year
- Developed and launched two new business segments for the Book Operation
- Introduced all state-of-the-art production methods and manufacturing Techniques, e.g., robotics, vision technology
- Established actual manufacturing cost levels and reconfigured price scales to establish a more competitive market position

Results

- Rebuilt total customer base through more competitive cost/price program
- Increased volume to 400 million mass market books
- redesigned entire operation, based on cooperating work groups and bonus incentive

- Improved schedule fidelity from 68% to 97.5%

Manufacturing Services Manager - Buffalo, New York/1986 to 1988

Staff: 200 management and hourly employees - Purchasing, Production and Manpower Planning. Material Control, Warehousing and Distribution

- Implemented new plant loss controls with collaboration of 88% of 1,300 labor force by creating "Tiger Team Concept"

Corporate HQ Transportation Manager - Norwalk, Connecticut/1982 to 1986

- Chaired campaign revising total company logistics system resulting in over \$3 million in annual freight savings
- Designed and implemented corporate freight management system, tracking and highlighting cost-savings potentials

Chesebrough-Ponds, Inc., -Greenwich, Connecticut/1978 to 1982

Assistant Division Transportation Manager

- Created a new freight management concept: integrated payment data and order-fill rates; tracked schedule fidelity
- Eliminated 30 of 50 warehouse points
- Reduced total shipping costs from 8.3% to 5%

Ragu Products, Inc. - Rochester, New York/1973 to 1978

- Transportation Manager
- Contributed to the national business expansion from \$50 million to \$500 million

PRODUCTION TECHNIQUES IMPLEMENTED

CONCEPTS ADAPTIVE TO ANY MANUFACTURING ENVIRONMENT; THESE ARE IN PRINTING

- Designed and successfully manufactured the world's most productive mass market book press in conjunction with Strachan Henshaw Machinery Ltd., press supplier.
- Created unique production concept for major U.S. retailer resulting in over \$25 million in new sales and significant competitive advantage for Buffalo Division.
- Developed sophisticated new marketing program complete with "Sell Kit" for sales force to capitalize on entry into five new potential markets.
- Implemented electronic technologies including massive adaptation of robotics, requiring complete revision of production methods in many cases, but enabling company to become successful bidders for largest mass market printing contracts in the U.S.
- Developed and implemented the first large scale employee participation program at Quebecor Printing (Arcata Graphics). Over 1,300 employees participated in a Waste Reduction Program that resulted in over \$1.5 million in annual savings.

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The "Tiger Team" concept was adopted throughout the corporation as a model for employee empowerment.

- Developed pocket guides for every manufacturing department with input from all department members, i.e., Book Pressroom, Book Bindery, Shipping, Receiving, Inventory, Supplies, Maintenance. Included are details for operation and maintenance of every piece of equipment with recommendations for improvement.
- Created sophisticated "information database" to accurately profile customer activity, and to model and predict trends based on recent history. This has resulted in accurate identification of specific customer equipment needs and highlighted operational cost-savings opportunities.
- Developed and implemented a single source program resulting in over \$0.9 million in annual material cost reductions.
- Completely revised all transportation, incoming and outgoing; reshaped entire U.S. warehousing network.

NATIONAL TRADE SEMINAR AND SYMPOSIUM PRESENTATIONS

- National Committee of IDPA and CPDA
 (All major international distributors of books and periodicals)/April 1989
- Presentation on "Mass Market Paperback Book Manufacturing and Distribution"/Audience of 500 Solomon Brothers Global Business - The Quality Way, New York City Luncheon Speaker/May 1991
 "Quality - How to Create a Quality Environment for Your Employees"
 The techniques utilized to successfully renew an aging plant through employee involvement and the utilization of state-of-the-art manufacturing technologies.
- Publication: Clarke, Kevin J.; "Team Approach Pays Off," *Printing Impressions*, October 1989.

AFFILIATIONS

Board of Trustees: St. Joseph's Collegiate Institute
 Chairman, Books For Kids, National Literacy Initiative Habitat for Humanity
 Advisory Board: Niagara University
 Technical Advisory Committee: U.S. Postmaster General (1984 to 1988)
 National Freight Transportation Organization
 American Society of Transportation and Logistics

EDUCATION

B.S. Degree, Niagara University 1973

PERSONAL

KEVIN J. CLARKE
 89 Plantation Court
 E. Amherst, NY 14051

(716 Buffalo) Residence 688-1896
 Office 686-2502

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FROM LEGISLATOR DeBENEDETTI

Item 53 – (Comm. 4E-9) Chairman’s Appointment to Central Police Services (CPS) Board of Trustees.

RECEIVED, FILED & PRINTED.

January 31, 2002

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

Re: Appointment to Central Police Services Board of Trustees

Dear Members:

I, Albert DeBenedetti, Chairman, Erie County Legislature, pursuant to Article 11-D-03 of the Erie County Administrative code, do hereby appoint the Honorable Jeanne Z. Chase to the Central Police Services Board of Trustees, for the one-year term expiring December 31, 2002.

Ms. Chase replaces the Honorable Edward J. Kuwik, whose term has expired.

Respectfully submitted,

ALBERT DeBENEDETTI, CHAIRMAN
 ERIE COUNTY LEGISLATURE

FROM LEGISLATOR CUSACK

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

Re: Copy of Letter to Clerk Re: Votes on Items
 1b & 1c in Human Services Committee Report
 No. 1 to be Changed to No. (Comm. 4E-10)

January 31, 2002

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The Hon. Laurie A. Manzella
Clerk, Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Clerk Manzella:

I am hereby formally requesting that my vote to Receive and File items No. 1b and 1c in the Human Services Committee Report #1 considered at the January 24, 2002 Session of the Erie County Legislature be changed to a "no" vote.

Thank you for your attention to this request.

Very truly yours,

ELISE M. CUSACK
Erie County Legislator
14th District

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR CHASE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

Re: Letter to Clerk Re: Votes on Items 1b & 1c
in Human Services Committee Report No. 1 to
be Changed to No. (Comm. 4E-11)

January 31, 2002

The Hon. Laurie A. Manzella
Clerk, Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Clerk Manzella:

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I am hereby formally requesting that my vote to Receive and File items No. 1b and 1c in the Human Services Committee Report #1 considered at the January 24, 2002 Session of the Erie County Legislature be changed to a "no" vote.

Thank you for your attention to this request.

Very truly yours,

JEANNE Z. CHASE
 Erie County Legislator
 12th District

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

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 56 – (Comm. 4E-12) Amended Investment Guidelines.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

Re: Selective Traffic Enforcement Program
 (STEP). (Comm. 4E-13)

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded \$29,484 to The Erie County Sheriff's Office to participate in the statewide "Selective Traffic Enforcement" Program, and

WHEREAS, these funds will be used to fund overtime and purchase equipment dedicated to reducing unsafe driving behavior in an effort to decrease serious injury or death from traffic accidents.

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive is hereby authorized to enter into a contract with the State of New York Governor's Traffic Safety Committee and is authorized to accept funding in the amount of \$29,484 and it be further,

RESOLVED, that authorization is hereby provided to budget those funds as follows:

Department 931 - Sheriff's Office

<u>REVENUE</u>	<u>Increase</u>
Acct. 639 State Aid Miscellaneous	<u>29,484</u>
TOTAL REVENUE	<u>29,484</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
Acct. 801 - Overtime	25,252
Acct. 805 - Fringe Benefits	1,932
Acct. 933 - Lab & Technical Equipment	<u>2,300</u>
TOTAL APPROPRIATIONS	<u>29,484</u>

and it be further

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

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

CARRIED UNANIMOUSLY.

Item 58 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

Re: Asset Forfeiture Grant Appropriations.
 (Comm. 4E-14)

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994, and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account, and

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WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$31,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Grant, Project #493, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE GRANT - PROJECT #493

<u>REVENUE</u>		<u>Increase</u>
502	Forfeiture Crime Proceeds	<u>31,000</u>
	Total Revenue	<u>31,000</u>
<u>APPROPRIATION</u>		<u>Increase</u>
825	Out-of-Area Travel	1,500
826	Miscellaneous Expenses	25,000
933	Lab & Technical Equipment	<u>4,500</u>
	Total Appropriations	<u>31,000</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR DALE

Item 59 – MR. SWANICK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

Re: Letter to Clerk Re: Vote on Intro 3-5 to be
 Changed to Yes. (Comm. 4E-15)

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February 4, 2002

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

RE: CHANGE OF VOTE - INTRO. 3-5 (AS AMENDED)

Dear Madam Clerk:

At the last session of the Erie County Legislature, the Legislature considered and approved Intro 3-5, as amended, concerning support for video arraignment of accused individuals and prisoners.

I had opposed this item because of a lack of comprehensive information concerning this matter. Subsequent to the Legislative session, additional information and dialogue was evident within the Legislature's Regionalism *Ad Hoc* Committee.

Therefore, in accordance with Rule 33 of the Rules of the Erie County Legislature, I hereby request that my vote on Intro. 3-5 (as amended) be changed to an affirmative, or "aye" vote.

Thank you for your attention to this matter.

Very truly yours,

David Dale
Erie County Legislator
5th District

February 4, 2002

The Honorable Albert DeBenedetti
Chairman
Erie County Legislature
25 Delaware Ave., 7th Floor
Buffalo, NY 14202

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Dear Chairman DeBenedetti:

At our last session, the Legislature adopted Intro. 3-5, as amended, concerning support for video arraignment of accused individuals and prisoners. As you know, I was one of three members that voted against that resolution.

On the floor, I discussed the lack of a substantive dialogue on this matter. While I attended the meeting of the Legislature's Regionalism *Ad Hoc* Committee at which this issue was abruptly brought forth, that discussion lacked comprehensiveness, inasmuch as representatives of the Erie County Bar Association, Aid to Indigent Prisoners' Society, and other groups relevant to the practice of law were not invited to participate in the discussion. It was for these reasons that I cast my vote in the negative.

I am pleased to say that a substantive dialogue was subsequently held concerning this matter. On January 31, the Regionalism *Ad Hoc* Committee had a wider dialogue on this issue, inviting the State Office of Court Administration and other relevant parties to the discussion. In fact, that discussion yielded additional benefit by learning that video arraignment is not the only available use for this technology. The technology will evidently save additional time and funds through its use for teleconferencing and other matters which are often time consuming and costly for the county and the state.

In light of this additional information, I am prepared to change my vote. Accordingly, under separate cover, and in accordance with Rule 33 of the Rules of the Erie County Legislature, I will inform the Clerk of my plans to put forth a motion to change my vote on Intro. 3-5, as amended.

It is my hope that, in the future, rather than simply adopt resolutions quickly, we will be able to allow for a greater scrutinization of important issues within the Legislature's committee structure. That notwithstanding, I am pleased to be able to support this measure at this time, and I thank you for your many courtesies.

Very truly yours,

David Dale
Erie County Legislator
5th District

FROM LEGISLATOR SWANICK

Item 60 – (Comm. 4E-16) Letter to Clerk Re: Democratic Caucus Support of “Bennett Plan” for Reapportionment.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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FROM LEGISLATOR GREENAN

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

Re: Lease for Legislative Office Space.
 (Comm. 4E-17)

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between Frank Pirritano located at 3700 SW 5th Avenue, Cape Coral, Florida 33914 and Erie County for Legislative Office Space for Erie County Legislator John W. Greenan at a cost of \$625.00 per month.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 62 – (Comm. 4E-18) Health – Lease Agreement for Perry Valley Clinic Site.

Item 63 – (Comm. 4E-19) Health – Facilitated Enrollment for Child Health Plus & Medicaid 9/1/01 – 8/31/02.

Item 64 – (Comm. 4E-20) Geneva B Scruggs Health Clinic.

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

Item 65 – (Comm. 4E-21) OPEN ITEM: Erie County ERP Project Authorization to Enter Into Contract.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 66 – (Comm. 4E-22) Health – Youth Tobacco Enforcement & Prevention Program 10/1/01 – 9/30/02.

Received and referred to the HUMAN SERVICES COMMITTEE.

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Item 67 – (Comm. 4E-23) Funding for Rich Products Corporation Through the Buffalo & Erie County Workforce Development Consortium.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 68 – (Comm. 4E-24) Health – HIV/AIDS Adolescent Peer Educators.

Item 69 – (Comm. 4E-25) Health – Facilitated Enrollment for Child Health Plus & Medicaid 1/1/00 – 8/31/01.

Item 70 – (Comm. 4E-26) Health – Asthma Initiative Pilot Program 1/1/01 – 12/31/01.

Item 71 – (Comm. 4E-27) Health – Childhood Lead Poisoning Prevention Program 1/1/02 – 12/31/02.

Item 72 – (Comm. 4E-28) Health – Women’s Health Services Program 4/1/01 – 3/31/02.

Item 73 – (Comm. 4E-29) Health – Immunization Action Plan.

Item 74 – (Comm. 4E-30) Health – Personnel Adjustment.

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

Item 75 – (Comm. 4E-31) Funding for the State University at Buffalo’s Institute for Local Governance & Regional Growth.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 76 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

Re: Appointment to Erie County Environmental Management Council. (Comm. 4E-32)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Richard F. Brox of 119 Westfield Road, Amherst, New York 14226 as a Member of the Erie County Environmental Management Council for a term to expire May 31, 2003.

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

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CARRIED UNANIMOUSLY.

Item 77 – (Comm. 4E-33) Reappointment to Erie County Cultural Resources Advisory Board.

RECEIVED, FILE & PRINTED.

February 5, 2002

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

Re: Reappointment to Erie County Cultural Resources Advisory Board

Dear 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 hereby reappoint the following individual to the Erie County Cultural Resources Advisory Board for the term stated.

NAME AND ADDRESS	TERM EXPIRES
Dr. Thomas A. Jambro 66 Kenton Place Hamburg, NY 14075	December 31, 2003

Sincerely,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG:bmc
 cc: Appointee
 Commissioner Laurence Rubin
 Charlene Ritter-Lester

Item 78 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

Re: Appointment to ECSD No. 3 Board.

(Comm. 4E-34)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Damian Wiktor of 7206 Tricia Lane, Boston, New York 14025 as a Member of the Erie County Sewer District Board #3 for a term to expire December 31, 2003.

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

CARRIED UNANIMOUSLY.

Item 79 – MR. GREENAN presented the following item and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

Re: Granting Easement to Verizon New York to Lay Cable on ECC South Campus.
 (Comm. 4E-35)

WHEREAS, Erie Community College ("ECC") maintains a cell tower ("Cell Tower") at its South Campus, located in Orchard Park, New York; and

WHEREAS, on September 20, 2001, the Erie County Legislature authorized the County Executive to sign a lease with Cricket Communications ("Cricket") for the purpose of placing a transmission antenna on the Cell Tower (Comm. 17E-37); and

WHEREAS, Cricket has contracted with Verizon New York, Inc. ("Verizon") to lay T-1 cable in the vicinity of the Cell Tower for the purpose of servicing Cricket's transmission antenna and incidental equipment; and

WHEREAS, Verizon desires to lay the T-1 cable in an area of existing Verizon-owned cables on the ECC South Campus in which no previous easement has been granted to Verizon; and

WHEREAS, Verizon's cable services other customers on the ECC South Campus, in addition to Cricket; and

WHEREAS, the easement Verizon desires to obtain from the County is approximately ten feet (10') in length.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby grants authority to the County Executive to sign an easement with Verizon to lay cable in the vicinity of the ECC South Campus Cell Tower; and be it further

RESOLVED, that such easement shall be in place so long as Verizon continues to serve customers on the ECC South Campus; and be it further

RESOLVED, that the easement documents prepared by Verizon shall be subject to the review and approval of the County Attorney; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 80 – (Comm. 4E-36) ECSD Nos. 1, 4 & 5 – Northern Region Administration Building Contract “D” – Electrical Close-Out – Industrial Power & Lighting.

Item 81 – (Comm. 4E-37) ECSD No. 2 – Contract No. 41EV – Contract Award.

Item 82 – (Comm. 4E-38) DEP – Budget Revision.

Item 83 – (Comm. 4E-39) Household Hazardous Waste Collection Program.

Item 84 – (Comm. 4E-40) ECSDs – Semi-Annual Attendance Records – Board of Managers.

Item 85 – (Comm. 4E-41) EC Sewer Construction Projects – Annual Change Order Report.

Item 86 – (Comm. 4E-42) ECSD’s Western NY Council on Occupational Safety & Health Proposed Agreement.

Item 87 – (Comm. 4E-43) Year 2002 Federal Emergency Shelter Grant Program Contracts.

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

Item 88 – (Comm. 4E-44) Coordinated Care’s Telephone Assurance Program (TAP).

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 89 – (Comm. 4E-45) ECSD No. 5 – Contract No. 7A – Thompson Extension – Contract Award.

Item 90 – (Comm. 4E-46) ECSD No. 2 – 18 Mile Creek & Sweetland Road Pumping Station Modifications – Contract No. 37EV“A” General Change Order No. A-1 – Paul Gallo Contract.

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

Item 91 – (Comm. 4E-47) Office of Traffic Safety Grant Revision for 2001-2002 Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 92 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

Re: Creation of Assistant County Attorney
(Labor) Position. (Comm. 4E-48)

WHEREAS, it has previously been determined that the Division of Labor Relations needs additional staff, and

WHEREAS, funds were appropriated in the 2002 Budget for the Division of Labor Relations to hire the services of professionals to meet the staffing needs, and

WHEREAS, it is deemed more beneficial to have a full-time County employee assist in the Division of Labor Relations, and

WHEREAS, the County of Erie desires to hire the most qualified person in the position,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to create an Assistant County Attorney (Labor) position, Job Group 16, in the operating budget of the County Attorney; and be it further

RESOLVED, that such position be funded at a Variable Minimum of Step 3; and be it further

RESOLVED, that the funding for the new position shall be made available by transferring the funds from the operating budget of the Division of Labor Relations, and be it further

RESOLVED that the Director of Budget, Management and Finance is hereby granted authority to transfer funds as required into the appropriate accounts to fully implement this Resolution, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 93 – (Comm. 4E-49) Social Services – TANF Services Block Grant Full Service Schools Contract Revision.

Item 94 – (Comm. 4E-50) Senior Services – Authorization to Amend HEAP Grant Budget to Transfer Van & to Enter Into Van Contract.

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

Item 95 – (Comm. 4E-51) Sale of County Owned Inventory SBL#186.010-1-18 – Manchester Road, Town of Aurora.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 96 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

Re: Acquiring Property for Kenmore Avenue Reconstruction. (Comm. 4E-52)

WHEREAS, the Erie County Department of Public Works, Division of Highways, is planning to reconstruct portions of Kenmore Avenue in the City of Buffalo and Town of Tonawanda; and

WHEREAS, the principal purpose of the Kenmore Avenue Reconstruction Project ("Project") is to improve vehicular access to several industries located along Kenmore Avenue and improve the viability of such industries; and

WHEREAS, in order to facilitate the Project, it will be necessary for the County to acquire by fee, permanent easement or temporary easement portions of real property in the vicinity of Kenmore Avenue, such real property to be acquired by the County is hereinafter referred to as the "Subject Properties"; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be

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necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works, or her authorized representatives, are hereby authorized to negotiate with the owners of the following properties towards acquiring a portion of their real property, either by fee or by temporary or permanent easement, which is necessary for the Project:

<u>Parcel Number</u>	<u>Municipality</u>
65.82-2-1	Buffalo
65.19-1-3	Tonawanda
65.19-1-1.1	Tonawanda
77.05-1-1.12	Tonawanda
77.05-1-1.111	Tonawanda
65.17-1-1	Tonawanda
65.14-1-3	Tonawanda

and be it further

RESOLVED, that the expenses of acquiring the Subject Properties shall be derived from funds previously appropriated by the County Legislature for the Right-of-Way portion of the reconstruction project, such appropriations having been made by Resolution Comm. 15E-20 on July 12, 2001; and be it further

RESOLVED, that the County Attorney shall prepare, and the County Executive shall execute, all appropriate documents relating to acquiring fee interests in the Subject Properties; and be it further

RESOLVED, that should one or more owners of the Subject Properties refuse to convey such real property to the County for an amount not exceeding fair market value, the County Attorney shall be authorized and is hereby directed to commence Eminent Domain Proceedings against the refusing property owners, pursuant to Chapter 839 of the Laws of 1977, to acquire fee interests in the Subject Properties; and be it further

RESOLVED, that certified copies of this resolution shall be sent to the Commissioner of Public Works, the County Comptroller and the County Attorney.

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

CARRIED UNANIMOUSLY.

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Item 97 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

Re: Acquiring Property for Mill Road Bridge
 Reconstruction. (Comm. 4E-53)

WHEREAS, the Erie County Department of Public Works, Division of Highways, is planning to reconstruct the Mill Road Bridge ("Bridge") over Cazenovia Creek in the Village of East Aurora; and

WHEREAS, in order to facilitate the reconstruction of the Bridge, it will be necessary for the County to acquire by fee, permanent easement or temporary easement portions of real property in the vicinity of the Bridge, such property to be acquired by the County is hereinafter referred to as the "Subject Properties"; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works, or her authorized representatives, are hereby authorized to negotiate with the owners of the following properties towards acquiring a portion of their real property, either by fee or by temporary or permanent easement, which is necessary for the Bridge reconstruction project:

<u>Parcel Number</u>	<u>Township</u>
175.07-2-4	Aurora
175-07-2-6	Aurora
175.11-1-6.1	Aurora
175.11-1-7.11	Aurora
175.11-1-8	Aurora
175.11-2-1	Aurora

and be it further

RESOLVED, that the expenses of acquiring the Subject Properties shall be derived from funds previously appropriated by the County Legislature for the Right-of-Way Incidentals and Right-of-Way Acquisition Phases for the Bridge project, such appropriations having been made by Resolution Comm. 4E-24 on February 15, 2001.

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RESOLVED, that the County Attorney shall prepare, and the County Executive shall execute, all appropriate documents relating to acquiring fee interests in the Subject Properties; and be it further

RESOLVED, that should one or more owners of the Subject Properties refuse to convey such real property to the County for an amount not exceeding fair market value, the County Attorney shall be authorized and is hereby directed to commence Eminent Domain Proceedings against the refusing property owners, pursuant to Chapter 839 of the Laws of 1977, to acquire fee interests in the Subject Properties; and be it further

RESOLVED, that certified copies of this resolution shall be sent to the Commissioner of Public Works, the County Comptroller and the County Attorney.

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

CARRIED UNANIMOUSLY.

Item 98 – (Comm. 4E-54) DPW – Personnel Changes.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM DPW

Item 99 – (Comm. 4D-1) Copy of Memo from Commissioner Lehman to John Rizzo Re: Non-Compliance with County Purchasing Procedures.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

Item 100 – (Comm. 4D-2) Notice of Board of Trustees Meeting Held 1/30/02 & Agenda.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 101 – (Comm. 4D-3) Duplicate of Comm. 4E-6 (2002).

Item 102 – (Comm. 4D-4) Notice that Local Law No. 6 – 2001 was Received by NYS Department of State.

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Item 103 – (Comm. 4D-5) Notice that Local Law No. 7 – 2001 was Received by NYS Department of State.

The above three items were received and filed.

FROM DEP

Item 104 – (Comm. 4D-6) SEQR – Negative Declaration – Notice of Determination of Non-Significance – Southtowns Sewage Treatment Plant, S3690 Lake Shore Road, Hamburg.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ECWA

Item 105 – (Comm. 4D-7) Copy of Unaudited Comparative Financial Statements for Years Ending 12/31/01 & 12/31/00.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECC

Item 106 – (Comm. 4D-8) Notice of Various Meetings of Board of Trustees to be Held 2/11/02 & 2/27/02.

Received and filed.

FROM DEP

Item 107 – (Comm. 4D-9) SEQR – Solicitations for Lead Agency Status – Type I Action – City of Buffalo, City of Lackawanna & Town of Hamburg.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 108 – (Comm. 4D-10) Response from DISS to Countywide Review of Erie County's Passenger Vehicle Fleet Audit as of 4/30/01.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

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FROM THE BOARD OF SUPERVISORS WAYNE COUNTY

Item 109 – (Comm. 4M-1) Support for Western Erie Canal Heritage Corridor Planning Commission.

Received and filed.

FROM THE LEGAL AID BUREAU OF BUFFALO

Item 110 – (Comm. 4M-2) Copy of Letter to Clerk Re: Unaudited Financial Statements for 9 Months Ending 9/30/01.

Received and filed.

FROM ASSEMBLYMAN BURLING

Item 111 – (Comm. 4M-3) Receipt of Certified Resolutions.

Received and filed.

FROM THE BUFFALO PUBLIC HEARING ARCHIVE & LOAN ORGANIZATION

Item 112 – (Comm. 4M-4) Letter to Legislators Re: Taping of Sessions & Committee Meetings.

Received and filed.

FROM THE WEST VALLEY CITIZEN TASK FORCE

Item 113 – (Comm. 4M-5) Notice of Meeting Held 2/5/02 & Agenda.

Received and filed.

FROM THE NFTA

Item 114 – (Comm. 4M-6) Copy of Minutes of Board Meeting Held 12/17/01.

Received and filed.

FROM GOVERNOR PATAKI

Item 115 – (Comm. 4M-7) Receipt of Certified Resolution Int 25-1.

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Item 116 – (Comm. 4M-8) Receipt of Certified Resolution Int 21-2.

The above two items were received and filed.

FROM THE ECIDA

Item 117 – (Comm. 4M-9) Notice of Board of Directors Meeting to be Held 2/13/02.

Received and filed.

FROM THE BUFFALO ECONOMIC RENAISSANCE CORPORATION

Item 118 –(Comm. 4M-10) Letter to Clerk Re: Grant to Buffalo Economic Renaissance Corporation – Tops Supermarket – Jefferson Avenue.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK, REGIONALISM COMMITTEE

Item 119 – (Comm. 4M-11) Memo to Legislator Weinstein Re: Summary of 1/31/02 Meeting on Video Arraignments.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

MEMORIAL RESOLUTIONS

Item 120 – Legislator Greenan requested that when this legislature adjourns, it do so in memory of Arthur Teelak.

Item 121 – Legislator Chase requested that when this legislature adjourns, it do so in memory of Alice Pacynski.

ADJOURNMENT

Item 122 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. GREENAN moved that the Legislature adjourn until 2 p.m. Thursday, February 28, 2002. MR. SWANICK seconded.

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CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, February 28, 2002 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK