

**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

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The Legislature was called to order by Chairman Swanick.

All Members were present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. DeBenedetti.

Item 1 – MS. PEOPLES moved to reconsider Comm. 4E-32. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

Re: ECSD No. 6 – South Park  
 Avenue – Sewer Project, City of  
 Lackawanna.

WHEREAS, Erie County Sewer District No. 6 needs to immediately replace an 18-inch collapsed storm sewer under South Park Avenue in the City of Lackawanna; and

WHEREAS, the City of Lackawanna has proposed rebuilding South Park Avenue in 2001; and

WHEREAS, both the City and the Sewer District desire to consolidate their construction projects to alleviate inconvenience to the public, reduce costs and minimize coordination problems during construction.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 6, and the City of Lackawanna for the purpose of combining the reconstruction of South Park Avenue and rebuilding the 18-inch storm sewer under South Park Avenue into one construction contract is approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney,

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and content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate \$150,000.00 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 the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management.

MS. PEOPLES moved to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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

WHEREAS, Erie County Sewer District No. 6 needs to immediately replace an 18-inch collapsed storm sewer under South Park Avenue and an eight (8) inch sanitary sewer on Franklin Street as well as fix the drainage on South Park Avenue near Autumn Lane in the City of Lackawanna, and

WHEREAS, the City of Lackawanna has proposed rebuilding South Park Avenue and Franklin Street in 2001, and

WHEREAS, both the City and Sewer District desire to consolidate their construction projects to alleviate inconvenience to the public, reduce costs and minimize coordination problems during construction,

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 6, and the City of Lackawanna for the purpose of combining the reconstruction of South Park Avenue with the rebuilding of the 18-inch storm sewer under South Park Avenue and the repaving of Franklin Street with the replacement of the eight (8) inch sanitary sewer under Franklin Street is approved, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney, and content by the Commissioner of the Department of Environment and Planning, and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate \$150,000.00 from Sewer Capital Erie County Sewer District No. 6 Fund No. 430, Project No. 914, and be it further

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RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management.

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

CARRIED UNANIMOUSLY.

Item 2 - MS. PEOPLES moved to reconsider Comm. 4E-40. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

Re: CPS – Authorization of Lease of  
 Additional Space.

WHEREAS, the Erie County Department of Central Police Services operates the Police Training Academy, and

WHEREAS, there is a large increase in the number of recruits in the 98th Basic Police Training Course, and

WHEREAS, the County wishes to lease additional classroom space for the Academy at its current site, the Advanced Training Center,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the Advanced Training Center of Buffalo and Erie County Inc. to provide additional classroom space for the Department of Central Police Services Police Training Academy, and be it further

RESOLVED, that said lease shall provide additional classroom space of 1,888 square feet at 275 Oak Street, Buffalo, New York at a cost of \$8,000 for March 1, 2001 through June 30, 2001, and be it further

RESOLVED, that funding for said lease shall be made available through a transfer in the 2001 Budget of \$8,000 from Department 310, Countywide Accounts Monitored by Budget, Account 893, County Contingency to Department 650, Central Police Services, Account 822 -Rental Charges, 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, the County Comptroller, the County Attorney's Office, and the Department of Central Police Services.

MS. PEOPLES moved to amend the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

**DELETE** the 3<sup>rd</sup> 'RESOLVED' in its entirety and **REPLACE** with the following:

RESOLVED, that funding for said lease shall be made available through a transfer in the 2001 Budget of \$8,000 from Youth Services - Detention - Contractual Non-Secure (DAC: 110947251830) to Department 650, Central Police Services, Account 822 – Rental Charges, and be it further

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

CARRIED UNANIMOUSLY.

Item 3 – CHAIRMAN SWANICK directed that Intro 6-6 remain on the table.

Item 4 - CHAIRMAN SWANICK directed that Intro 6-7 remain on the table.

Minutes of the previous meeting were tabled.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. WEINSTEIN presented a resolution Honoring Amherst Youth Board 2001 "Service to Youth Recipients." MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. McCARVILLE presented a resolution Congratulating Ronald Ehlers on His Retirement. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. McCARVILLE presented a resolution Congratulating Randy Rosen Upon Receiving the Spirit of Gowanda Community Service Award. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 8– MR. McCARVILLE presented a resolution Congratulating Lew & Doris Gabel Upon Receiving the Spirit of Gowanda Business Award. MR. GREENAN seconded.

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CARRIED UNANIMOUSLY.

Item 9 – MR. WEINSTEIN presented a resolution Honoring Reverend Charles Greene Upon His Retirement. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. PEOPLES presented a resolution Congratulating Thomas E. Kreuder on His Retirement. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. KUWIK presented a resolution Congratulating Harold Switala on His Graduation & Commending Him for Serving Our Country During World War II. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 12 - MR. HOLT presented a resolution Congratulating Ms. Al-Nisa Banks of the Challenger on Being Honored by the Black Journalists Association. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 13 - MR. HOLT presented a resolution Congratulating Mr. Frank Merriweather & Family of the Criterion Publications on Being Honored by the Black Journalists Association. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 14 - CHAIRMAN SWANICK directed that Local Law No. 2 (Print #3) 2000 remain on the table.

**COMMITTEE REPORTS**

Item 15 – MR. DUSZA presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

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ENERGY & ENVIRONMENT

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COMMITTEE  
 REPORT NO. 4

ALL MEMBERS PRESENT.

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

	Item	Page	-2001	(Comm. 2M-1)
a.	<b>MCFARLAND – JOHNSON:</b>	Lancaster Airport Draft Environmental Assessment.		
	(5-0)			

	Item	Page	-2001	(Comm. 5E-29)
b.	<b>COUNTY EXECUTIVE:</b>	ECSD – Semi-Annual Attendance Records – Board of Managers.		
	(5-0)			

	Item	Page	-2001	(Comm. 5M-1)
c.	<b>NYSDEC:</b>	Remedial Construction Completed at Westinghouse Hazardous Waste Site.		
	(5-0)			

	Item	Page	-2001	(Comm. 5M-10)
d.	<b>MCFARLAND – JOHNSON:</b>	Lancaster Airport Final Environmental Assessment.		
	(5-0)			

2.	Item	Page	-2001	(Comm. 5E-6)
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**COUNTY EXECUTIVE**

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the **2000-2001** snowmobile season in an amount not to exceed **\$50,588.55**, and

WHEREAS, the sum of \$1,000 is budgeted as a state revenue for snowmobile development in the 2001 Adopted Budget for the Division of Parks, and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands,

NOW, THEREFORE, BE IT

**RESOLVED**, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed **\$50,588.55** as pertains to snowmobile trail maintenance performed during the **2000-2001** snowmobile season, and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed **\$46,428.55** for the purpose of snowmobile trail maintenance on club trails during the **2000-2001** snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in the amounts as follows:

Colden Trail Riders Inc . . . . .	\$3,349.37
Eden Trail Blazers Inc . . . . .	\$2,964.02
Grand Island Snowmobile Club Inc. . . . .	\$3,349.37
Hamburg Snowmobile Club Inc . . . . .	\$5,313.27
Holland Sno-Rascals Inc . . . . .	\$2,174.74
Marilla Sno-Mob Inc . . . . .	\$5,345.77
Northern Erie Snowseekers Inc . . . . .	\$7,216.85
Pioneer Sno-Surfers Inc . . . . .	\$2,546.16
Southern Tier Snowdrifters Inc . . . . .	\$7,212.18
W.N.Y. Snowmobile Club of Boston Inc.	<u>\$6,956.82</u>
	<b>\$46,428.55</b>

and be it further,

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, project 942, dept. 640, account 553, in the amount of **\$46,428.55**, and an increase in appropriations in the amount of **\$46,428.55**, in the Division of Parks, fund 110, project 942, dept. 640, account 830, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of Snowmobile Clubs, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget and Management, Commissioner of the Department of Environment and Planning, the County Comptroller, and the Commissioner of the Department of Parks, Recreation and Forestry.

(5-0)

3. Item Page -2001 (Comm. 5E-8)

**COUNTY EXECUTIVE**

WHEREAS, County Sewer District vehicles used to haul sewage sludge require Divisible Load Weight Permits; and

WHEREAS, self insured applicants for the Divisible Load Weight Permit are required by regulation, (Title 17, NYCRR Subpart 154-1) to sign an indemnification agreement with the State of New York for such purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to enter into an indemnification agreement with the State of New York pursuant to Title 17 NYCRR Subpart 154-1 for

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the purpose of securing Divisible Load Weight Permits necessary for County operations, subject to approval as to form by the County Attorney; 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 J. Dudek, Assistant County Attorney.  
 (5-0)

4. Item Page -2001 (Comm. 5E-19)

**COUNTY EXECUTIVE**

WHEREAS, the existing sand filters at Erie County Sewer District No. 2's Big Sister Creek Treatment Plant have prematurely failed; and

WHEREAS, the filters are needed to produce a high quality effluent in conformance with the plant's State discharge permit; and

WHEREAS, the State has given the Sewer District until the summer bathing season begins to get the filters back in operation; and

WHEREAS, the Sewer District needs to transfer \$70,000.00 from its Operating Fund Balance to hire a contractor to assist in the repair of the filters.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller be authorized and directed to transfer \$70,000.00 from Sewer District No. 2's Operating Fund Balance, 220 852 299, to Revenue Account, Use of Fund Balance 220 852 821 698 105 and Repairs & Maintenance Charges 220 852 820 823, for payment of the necessary repairs; and be it further

RESOLVED, that any decision by the County Executive to declare an emergency to effectuate emergency repairs is hereby affirmed; and be it further

RESOLVED, that the County Attorney be authorized and directed to take all actions necessary to recover the County's costs associated with this failure from the responsible party(ies); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, Nancy A. Naples, Erie County Comptroller and Gregory J. Dudek, Assistant County Attorney.  
 (5-0)



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**RAYMOND K. DUSZA**  
**CHAIRMAN**

MR. DUSZA moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 88

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GOVERNMENT AFFAIRS  
 COMMITTEE  
 REPORT NO. 3

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

**ALL ITEMS ARE HEREBY TABLED.**

**ALBERT DeBENEDETTI**  
**CHAIRMAN**

MR. DeBENEDETTI moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. PAULY presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

February 20, 2001

REGIONALISM AD HOC  
 COMMITTEE  
 REPORT NO. 1

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

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

Item Page -2000 (Comm. 19M-18)  
 a. **ASSEMBLYMAN HIGGINS:** Request for \$400,000 in County Funds for Development of  
 "Gallagher Beach."  
 (4-0) Legislator DeBenedetti absent.

Item Page -2000 (Comm. 22M-8)  
 b. **NIAGARA CO DEPARTMENT OF PLANNING DEVELOPMENT & TOURISM:** 2001:  
 A Fish Odyssey.  
 (4-0) Legislator DeBenedetti absent.

Item Page -2000 (Comm. 26M-10)  
 c. **ASSEMBLYMAN HIGGINS:** Small Boat Harbor Beach Development Project.  
 (4-0) Legislator DeBenedetti absent.

Item Page -2000 (Comm. 27D-13)  
 d. **DEP:** Brant, Evans, North Collins – Regional Farmland Protection Project.  
 (4-0) Legislator DeBenedetti absent.

**WILLIAM A. PAULY  
 CHAIRMAN**

MR. PAULY moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 18 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90

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PERSONNEL AD HOC  
 COMMITTEE  
 REPORT NO. 4

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DeBENEDETTI.

1. Item Page -2000 (Comm. 28E-10)

**COUNTY EXECUTIVE**

RESOLVED, that the Personnel Ad Hoc Committee does hereby recommend that the full Legislature confirm the appointment of the following individual to the Erie County Council on the Disabled.

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRATION</u>
Lydia J. Brown 100 Summershade Court East Amherst, NY 14051	June 30, 2001

(4-0) Legislator DeBenedetti absent.

2. Item Page -2001 (Comm. 5E-7)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health has received a grant award from the Federal Department of Housing and Urban Development (HUD), Office of Lead Hazard Control, in the amount of \$918,752 for implementing a Healthy Homes Initiative, and

WHEREAS, the purpose of the Healthy Homes Initiative is to improve the quality of life of children through reduced exposure to health and safety risks associated with the home environment, and

WHEREAS, this will be accomplished through home inspection, distribution of intervention products, provision of services and implementation of an education curriculum to property owners and tenants in the targeted area.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with HUD to accept the grant budgeted as follows:

**HEALTHY HOMES INITIATIVE PROGRAM**  
**02/01/01 – 01/31/04**

SFG ACCT	SUB-ACCT	REVENUE	NEW BUDGET
640	500	HUD – Health Department	<u>\$ 918,752</u>
		<b>TOTAL</b>	<b><u>\$ 918,752</u></b>
		<b>EXPENSES</b>	

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800		Personal Services	\$ 404,976
805		Fringe Benefits	88,848
810		Office Supplies	9,000
811		Clothing Supplies	1,095
824		Local Travel	13,502
825		Out of Area Travel	8,520
826		Other Expenses	183,457
830	1368	Contractual – SUNYAB Research	47,061
830	1369	Contractual – Channing L. Bete	34,305
830	1370	Contractual – Neigh Housing Serv.	8,544
880	2720	Interfund – Public Health Lab	18,000
880	5100	DISS	3,240
880	6200	Interfund – Envir. & Planning	39,670
882	2709	Interdepartment – Health Grants	45,414
932		Office Equipment	2,580
933		Lab & Tech Equipment	<u>10,540</u>

**TOTAL** **\$ 918,752**

**PUBLIC HEALTH LAB**

814		Medical Supplies	\$ 18,000
685	2709	Interfund – Health Grants	\$ 18,000

**ENVIRONMENT & PLANNING**

814		Medical Supplies	\$ 6,648
826		Other Expenses	\$ 33,022
685	2709	Interfund – Health Grants	\$ 39,670

**HEALTHY NEIGHBORHOOD GRANT – PROJECT #330**

553		State Aid	\$ (45,414)
883	2709	Interdepartment – Health Grants	\$ 45,414

and be it further

RESOLVED, that one full-time position of Sr. Investigating Public Health Sanitarian, JG IX, one full-time position of Investigating Public Health Sanitarian, JG VII, one full-time position of Sr. Clerk Typist, JG IV, and one regular part-time position of Environmental Education Specialist, JG IX are hereby created.

The following personnel detail is hereby submitted:

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TITLE: Sr. Investigating Public Health Sanitarian FUNDING: 100% Federally Funded  
 JG: IX CIVIL SERVICE: Yes  
 STEP: 5  
 ANNUAL SALARY: \$42,018  
 ANNUAL BENEFITS: \$8,891

TITLE: Investigating Public Health Sanitarian FUNDING: 100% Federally Funded  
 JG: VII CIVIL SERVICE: Yes  
 STEP: 1  
 ANNUAL SALARY: \$29,478  
 ANNUAL BENEFITS: \$6,238

TITLE: Environmental Education Specialist (RPT) FUNDING: 100% Federally Funded  
 JG: IX CIVIL SERVICE: Yes  
 STEP: 5  
 ANNUAL SALARY: \$20.20 per hour  
 ANNUAL BENEFITS: \$4,445

TITLE: Sr. Clerk Typist FUNDING: 100% Federally Funded  
 JG: IV CIVIL SERVICE: Yes  
 STEP: 5  
 ANNUAL SALARY: \$28,022  
 ANNUAL BENEFITS: \$5,929

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with the SUNYAB Research Foundation for an amount not to exceed \$47,061 for the period 2/1/01 – 1/31/04, for purpose of providing statistical analysis of project data and assistance with project evaluation, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Channing L. Bete, Company, Inc. in an amount not to exceed \$34,305 for the period 2/1/01 – 1/31/04, for purpose of creation of three tailored publications (Pre-K coloring book, a coloring book for 6-9 year olds, and a handbook of the in-home education curriculum in English and Spanish), and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Neighborhood Housing Services of South Buffalo, Inc. in an amount not to exceed \$8,544 for the period 2/1/01 – 1/31/04, for the purpose of facilitating referrals for property owners to obtain available resources for rehabilitation loans and grants, weatherization services and information and service regarding lead risk assessment, and be it further

RESOLVED, that the subcontracts with SUNYAB Research Foundation, Channing L. Bete, Company, Inc. and Neighborhood Housing Services of South Buffalo special services which must be

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provided immediately and continuously, and therefore the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

(4-0) Legislator DeBenedetti absent.

3. Item Page -2001 (Comm. 5E-21)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health provides environmental health services, and

WHEREAS, increased workload and responsibilities require creation of one full-time position of a Senior Clerk Typist, JG IV, and

WHEREAS, a vacant position of Clerk Stenographer, JG II, will be deleted to help fund the creation of this position, and

WHEREAS, funds are also available in the personnel services appropriations in the Health Department's Adopted 2001 Budget to achieve the foregoing.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full-time position of Senior Clerk Typist, JG IV, and be it further

RESOLVED, that one vacant full-time position of Clerk Stenographer, (position # 140280) is hereby deleted.

The following personnel detail is hereby submitted:

TITLE: Senior Clerk Typist

CIVIL SERVICE: Yes

JOB GROUP: IV

STEP: 1

ANNUAL SALARY: \$24,176

ANNUAL BENEFITS: \$5,319

and be it further

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

(4-0) Legislator DeBenedetti absent.

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4. Item Page -2001 (Comm. 5E-28)

**COUNTY EXECUTIVE**

WHEREAS, the Southtowns Agency approved a resolution to authorize a change in title in the 2001 Budget for the Erie County Sewer District No. 3/Southtowns Sewage Treatment Agency; and

WHEREAS, the Agency desires to change the title of Assistant Chief Treatment Plant Supervisor – RPT, Job Grade 15 to a Supervising Maintenance Mechanic – RPT, Job Grade 9.

NOW, THEREFORE, BE IT

RESOLVED, that the title of Assistant Chief Treatment Plant Supervisor – RPT, Job Grade 15 be changed to a Supervising Maintenance Mechanic – RPT, Job Grade 9 to enable the treatment plant staff to perform increased maintenance and repair of the facilities; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management, and the Erie County Personnel Department.  
(4-0) Legislator DeBenedetti absent.

5. Item Page -2001 (Comm. 5E-31)

**COUNTY EXECUTIVE**

RESOLVED, that authorization is hereby provided for the County Executive to enter into contract and accept Legislative Award funding in the amount of \$200,000, with the New York State Division of Criminal Justice Services, and be it further

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

Grant Fund 281 – Department 650  
Central Police Services Forensic Laboratory  
“DNA Lab Assistance” grant  
04/01/00 to 03/31/02

<u>Revenue</u>	<u>Increase</u>
Acct. 627 – State Aid Criminal Justice Programs	<u>\$200,000</u>
Total Revenue	<u>\$200,000</u>

<u>Appropriation</u>	<u>Increase</u>
Acct. 800 – Personal Services	\$ 69,000
Acct. 801 – Overtime	15,000
Acct. 805 – Fringe Benefits	19,320

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Acct. 814 – Lab Supplies	30,680
Acct. 823 – Maintenance	11,000
Acct. 825 – Out of Area Travel	6,000
Acct. 933 – Lab & Tech Equipment	<u>49,000</u>
Total Appropriation	<u>\$200,000</u>

and be it further

RESOLVED, that authorization is hereby provided to establish the following positions in the new “DNA Lab Assistance” grant budget:

One (1) Forensic Serologist, J.G. 12  
 One (1) Evidence Clerk, J.G. 6

and be it further

RESOLVED, that certified copied of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Personnel and the Department of Central Police Services.  
 (4-0) Legislator DeBenedetti absent.

**CHARLES M. SWANICK  
 CHAIRMAN**

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

CARRIED UNANIMOUSLY.

MS. PEOPLES moved to amend item #4. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

**ADD the following WHEREAS clause:**

WHEREAS, an additional adjustment, in the Office of the County Clerk, Auto Bureau Division, is required,

**DELETE the second RESOLVE clause and add the following:**

RESOLVED, that the position of Second Deputy County Clerk – Auto Bureau in the County Clerk’s Office is hereby reallocated to a Job Group, step 5, and be it further



**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that this reallocation be retroactive to the first day of Pay Period #1 for the Budget Year 2001, and be it further

RESOLVED, that the cost of this reallocation, \$14,130, be transferred from the 2000 Legislative Contractual (DAC: 110905100830) (2000-budgeted funds) to the following accounts in County Clerk – Auto Bureau: \$11,677 to Personal Services (DAC: 110916131800) and \$2,453 to Fringe Benefits (DAC: 110916131805), and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Joel A. Giambra, Erie County Executive, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget of Management, David J. Swarts, Erie County Clerk, First Assistant County Attorney Susannah M. Bochenek and to Jennifer Anger, Administrative Assistant, Erie County Legislature, and the Erie County Personnel Department.

MS. PEOPLES moved the approval of the resolution as amended. MS. MARINELLI seconded. MR. OLMA voted in the negative.

CARRIED.

Item 19 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

February 22, 2001

COMMUNITY ENRICHMENT  
 COMMITTEE  
 REPORT NO. 4

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

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

a. Item Page -2000 (Comm. 26D-6)  
**ECC: Enrollment Information.**  
 (5-0)

b. Item Page -2000 (Comm. 26M-29)  
**EC PUBLIC BENEFIT OVERSIGHT COMMITTEE: Report on 2001 County Public**  
**Benefit Funding Requests.**  
 (5-0)

Item Page -2001 (Comm. 4D-1)

**MEETING NO. 6****March 1, 2001****ERIE COUNTY LEGISLATURE**

- c. **BUFFALO & ERIE COUNTY PUBLIC LIBRARY:** 2001 Library Materials Budget Distribution.

(5-0)

- d. **MAYOR MASIELLO:** Suggested Appointment to Board of Trustees of Buffalo & Erie County Public Library.

(5-0)

Item	Page	-2001	(Comm. 4M-10)
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- e. **BUFFALO CONVENTION & VISITORS BUREAU:** Marketing Plan 2001.

(5-0)

Item	Page	-2001	(Comm. 5M-5)
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- f. **BUFFALO CONVENTION & VISITORS BUREAU:** List of Board of Directors for Buffalo – Erie, Buick Marathon Inc.

(5-0)

Item	Page	-2001	(Comm. 5M-7)
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**LYNN M. MARINELLI  
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

Item 20 – MR. FITZPATRICK presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

February 22, 2001

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 2

ALL MEMBERS PRESENT.

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

- a. **COUNTY EXECUTIVE:** EC Home – JCAHO Firestopping.

(5-0)

Item	Page	-2001	(Comm. 1E-25)
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**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

- |    |   |      |       |               |
|----|---|------|-------|---------------|
|    | Item  | Page | -2001 | (Comm. 5E-27) |
| b. | <b>COUNTY EXECUTIVE:</b>  |      |       |               |
|    | DPW – Erie County Home JCAHO Firestopping – Code Compliance.                  |      |       |               |
|    | (5-0)   |      |       |               |
|    | Item  | Page | -2001 | (Comm. 5M-8)  |
| c. | <b>NFTA:</b>  |      |       |               |
|    | Capital Expenditure Reports for Third Quarter of Year Ending 3/31/01.         |      |       |               |
|    | (5-0)   |      |       |               |
|    | Item  | Page | -2001 | (Int. 5 -16)  |
| d. | <b>OLMA:</b>  |      |       |               |
|    | Support for Project Labor Agreement for Buffalo Schools Construction Project. |      |       |               |
|    | (5-0)   |      |       |               |

**AS AMENDED**

- |    |                         |      |        |                |
|----|-------------------------|------|--------|----------------|
| 2. | Item                    | Page | - 2000 | (Comm. 27E-13) |
|    | <b>COUNTY EXECUTIVE</b> |      |        |                |

WHEREAS, 750 tons of contaminated petroleum soil was excavated during the County-wide underground fuel storage tank upgrades, and

WHEREAS, Erie County seeks to dispose of the contaminated soil in a proper and legal manner, and

WHEREAS, previously Erie County has paid approximately \$30.00 per ton through an invitation to bid process, and

WHEREAS, the Town of Tonawanda is trying to cap off its landfill with fill before closing it, and

WHEREAS, the contaminated soil has passed all relevant tests for addition to the landfill,

NOW, THEREFORE, BE IT,

RESOLVED, the Town of Tonawanda, through a municipal agreement will allow up to 750 tons of soil which Erie County has excavated from fuel tank upgrade projects to be used as fill in the Town of Tonawanda landfill, and be it further,

RESOLVED, that Erie County agrees to pay the Town of Tonawanda \$5.88 per ton for disposal of Erie County soil and it further agrees to pay the agreed market price per ton for the Town of Tonawanda to transport the soil from each site to the town landfill, and be it further,

RESOLVED, that the Erie County Legislature does hereby authorize Erie County to enter into a municipal agreement with the Town Council of the Town of Tonawanda for disposal of the soil to assist the town in capping off its landfill, and be it further,

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

(5-0)

**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

3. Item Page - 2001 (Comm. 4E-19)

**COUNTY EXECUTIVE**

WHEREAS, the 1997, 1998, 2000 and 2001 capital budgets contain \$8,000,000.00 for the New Secure Youth Detention Facility, and

WHEREAS, the firm of Ciminelli-Cowper Co., The Cyclorama Building, 369 Franklin Street, Buffalo NY 14202, is being recommended by the Consultant Selection Committee for Construction Management Services,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with Ciminelli-Cowper Co., The Cyclorama Building, 369 Franklin Street, Buffalo NY 14202, and be it further,

RESOLVED, that an amount not to exceed \$430,000.00, including reimbursables, be paid for said construction management services for this work, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the 1997 Youth Detention Rehabilitation Capital Project 806, Fund 410, and be it further,

RESOLVED, that the Request for Qualifications, Statement of Qualifications Evaluation Process and Request for Proposals are attached for your information, and be it further,

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

(5-0)

4. Item Page - 2001 (Comm. 5E-24)

**COUNTY EXECUTIVE**

WHEREAS, the Main Library's O&M budget has funding for emergency generator replacement, and

WHEREAS, the firm of EI Team is engaged by the Department of Public Works under an Architectural/Engineering Contract for Miscellaneous Projects, and

WHEREAS, it is now desired to start design of the emergency generator replacement so this project can be bid in 2001,

NOW, THEREFORE, BE IT,

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**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to EI Team, on a percentage of construction, basis, not to exceed \$30,000.00, including testing, reimbursables, and miscellaneous expenses relative to the engineering design services required for the Main Library Emergency Generator Replacement, and be it further,

RESOLVED, that the \$30,000.00 fee allocation be taken from the Main Library Repair and Maintenance Account 820973420823, and be it further,

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

(5-0)

5. Item Page - 2001 (Comm. 5E-25)

**COUNTY EXECUTIVE**

RESOLVED, that for County purposes of construction and reconstruction of roads, the County Executive is hereby authorized and directed to acquire the following interest in the various parcels of land herein described for and in consideration of sums described herein, as listed below, and be it further

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

Willett Road (CR 187)

City of Lackawanna, New York

PARCEL	OWNER(S)	AREA	COST
1 (Fee)	Niagara Mohawk Power Corp.	0.210 Acre	\$300.00

Town of Hamburg, New York

1A (Fee)	Niagara Mohawk Power Corp.	0.310 Acre	\$300.00
1 B (P. E.)	Niagara Mohawk Power Corp.	0.095 Acre	\$100.00

(5-0)

6. Item Page - 2001 (Comm. 5E-26)

**COUNTY EXECUTIVE**

WHEREAS, engineering design services are required for Chestnut Ridge Water Line Installation - Phase III and completion of the Master Plan, and

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**ERIE COUNTY LEGISLATURE**

WHEREAS, the firm of Okie Engineering, P.C. presently has a contract with the County of Erie to provide design services for Chestnut Ridge Water Line, Phases I thru III,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Okie Engineering, P.C., 3556 Lakeshore Road, Hamburg, New York, in an amount not to exceed \$38,000, including testing, reimbursables, and miscellaneous expenses relative to engineering design services required for the Chestnut Ridge Water Line Installation - Phase III and completion of the Master Plan, and be it further,

RESOLVED, that the \$38,000 fee allocation be taken from the Chestnut Ridge Water Line Installation - Phase III bond account, SFG 133, Fund 410, and be it further,

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

(5-0)

**MICHAEL A. FITZPATRICK**  
**CHAIRMAN**

MR. FITZPATRICK moved the approval of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 21 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 93

February 22, 2001

FINANCE & MANAGEMENT  
 COMMITTEE  
 REPORT NO. 4

ALL MEMBERS PRESENT.

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

Item	Page	-2000	(Comm. 6D-13)
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**MEETING NO. 6****March 1, 2001****ERIE COUNTY LEGISLATURE**

- a. **BUDGET, MANAGEMENT & FINANCE OPEN ITEM:** Year-End Budget Balancing Amendments.  
(5-0)
- b. **COMPTRROLLER:** Regionalism/Consolidation.  
(5-0)
- |      |      |       |               |
|------|------|-------|---------------|
| Item | Page | -2000 | (Comm. 18E-3) |
|------|------|-------|---------------|
- c. **ECMC:** Funding for Capital Projects at ECMC & EC Home in 2001 Capital Budget.  
(5-0)
- |      |      |       |                |
|------|------|-------|----------------|
| Item | Page | -2000 | (Comm. 27D-16) |
|------|------|-------|----------------|
- d. **BUDGET, MANAGEMENT & FINANCE:** Budget Monitoring Report for Period Ending 8/30/00.  
(5-0)
- |      |      |       |               |
|------|------|-------|---------------|
| Item | Page | -2001 | (Comm. 2E-12) |
|------|------|-------|---------------|
- e. **MARINELLI:** Copy of Letter to Superintendent of Ken-Ton Union Free School District.  
(5-0)
- |      |      |       |              |
|------|------|-------|--------------|
| Item | Page | -2001 | (Comm. 4E-6) |
|------|------|-------|--------------|
- f. **COMPTRROLLER:** State Education Department Report on Audit – Department of Youth Services & Buffalo Hearing & Speech – 1/1/98 – 12/31/98.  
(5-0)
- |      |      |       |              |
|------|------|-------|--------------|
| Item | Page | -2001 | (Comm. 4E-8) |
|------|------|-------|--------------|
- g. **COMPTRROLLER:** Apportionment & Distribution of the 4% Sales Tax Revenue from NYS for January.  
(5-0)
- |      |      |       |              |
|------|------|-------|--------------|
| Item | Page | -2001 | (Comm. 5E-4) |
|------|------|-------|--------------|
- h. **COMPTRROLLER:** CIN A-02-01-67259 – 1999 Single Audit Report.  
(5-0)
- |      |      |       |              |
|------|------|-------|--------------|
| Item | Page | -2001 | (Comm. 5E-5) |
|------|------|-------|--------------|
- i. **COMPTRROLLER:** 2000 Investment Earnings.  
(5-0)
2. **COUNTY EXECUTIVE**
- |      |      |        |                                    |
|------|------|--------|------------------------------------|
| Item | Page | - 2000 | <b>AS AMENDED</b><br>(Comm. 1D-9A) |
|------|------|--------|------------------------------------|

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

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

RESOLVED, that petitions numbered 201051 through 201081 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. 201051 / 2001 - ASSESSOR - Cancel - \$385.73

SBL No. 99.67-4-10 - CITY OF BUFFALO

Acct. No. 112 - \$ 385.73 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE THAT WAS USED TO DETERMINE THE RPTL 520 CHARGE WAS INCORRECT. THE ASSESSMENT WAS 73,800 AND SHOULD BE 4,900. RPTL 550(2)A.

Petition No. 201052 / 2001 - ASSESSOR - Cancel - \$199.18

SBL No. 111.38-3-9.112 - CITY OF BUFFALO

Acct. No. 112 - \$ 199.18 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE BUFFALO URBAN RENEWAL AGENCY OWNS THIS PARCEL. PARCEL IS WHOLLY EXEMPT FROM TAXES. EXEMPTION FOR THIS PARCEL THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 201053 / 2001 - ASSESSOR - Cancel - \$626.04

SBL No. 26.07-1-14 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 626.04 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 626.04

CANCEL - CLERICAL ERROR, THE SANITARY SEWER WAS CALCULATED INCORRECTLY ON THE TAX ROLL. GALLONAGE FIGURES USED WAS 717 SHOULD BE 464. RPTL 550(2)E

Petition No. 201054 / 2001 - ASSESSOR - Cancel - \$1,757.60

SBL No. 26.03-1-23.1 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County



**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

Acct. No. 132 - \$ 1,757.60 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 1,757.60

CANCEL - CLERICAL ERROR, THIS PARCEL IS CHARGED FOR SEWER CHARGES AND A PRE TREAT CHARGE WHEN IN FACT IT IS NOT IN THIS DISTRICT. RPTL 550(2)E.

Petition No. 201055 / 2001 - ASSESSOR - Refund - \$1,123.41

SBL No. 28.00-1-58.1 - TOWN OF AMHERST

Acct. No. 112 - \$ 106.75 - County

Acct. No. 132 - \$ 1,016.66 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT 1,016.66

REFUND - CLERICAL ERROR, THIE PARCEL IS OWNED BY ASBURY UNITED METHODIST CHURCH WHICH IS COVERED UNDER A RELIGIOUS EXEMPTION WHICH IS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.  
 CHECK IN FAVOR OF: ASBURY UNITED METHODIST CHURCH

Petition No. 201056 / 2001 - ASSESSOR - Cancel - \$512.60

SBL No. 28.00-1-58.1 - TOWN OF AMHERST

Acct. No. 112 - \$ 266.68 - County

Acct. No. 132 - \$ 245.92 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 245.92

CANCEL - CLERICAL ERROR, THE RELIGIOUS EXEMPTION IN THE AMOUNT OF 54,900 THAT THIS PRACEL IS ENTITLED TO WAS OMITTED. RPTL 550(2)C.

Petition No. 201057 / 2001 - ASSESSOR - Cancel - \$60.59

SBL No. 28.33-1-10 - TOWN OF AMHERST

Acct. No. 112 - \$ 27.21 - County

Acct. No. 132 - \$ 33.38 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 28.10  
 SWORMSVILE FIRE PROTECTIO 5.28

CANCEL - CLERICAL ERROR, THE ASSESSDD VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 80,600 AND SHOULD BE 75,000. RPTL 550(2)A.

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Petition No. 201058 / 2001 - ASSESSOR - Cancel - \$56.09

SBL No. 42.00-1-25.21 - TOWN OF AMHERST

Acct. No. 112 - \$ 7.29 - County

Acct. No. 132 - \$ 48.80 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	17.12
WILLIAMSVILLE CENT	30.70
TRANSIT FIRE PROTECTION	0.98

CANCEL - CLERICAL ERROR, THIS PARCEL IS NOT TAXABLE IT IS NOW PART OF A STREET ( CASEY RD )

Petition No. 201059 / 2001 - ASSESSOR - Cancel - \$11.76

SBL No. 56.15-2-1./5E - TOWN OF AMHERST

Acct. No. 112 - \$ 6.21 - County

Acct. No. 132 - \$ 5.55 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	5.55
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CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 1,278 (5%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM

(PETITION NUMBER 201059 CONTINUED)  
THE TAX ROLL. RPTL 550(2)C.

Petition No. 201060 / 2001 - ASSESSOR - Cancel - \$202.46

SBL No. 56.17-3-15 - TOWN OF AMHERST

Acct. No. 112 - \$ 106.86 - County

Acct. No. 132 - \$ 95.60 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	95.60
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CANCEL - CLERICAL ERROR, THE SENIRO EXEMPTION IN THE AMOUNT OF 22,000 (20%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FORM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201061 / 2001 - ASSESSOR - Cancel - \$145.21

SBL No. 80.09-8-5 - TOWN OF AMHERST

Acct. No. 112 - \$ 63.15 - County

Acct. No. 132 - \$ 82.06 - Town/SpecialDist/School

**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

Charge to : TOWN OF AMHERST 70.19  
 SNYDER # 7 FIRE DISTRICT 11.87

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 90,000 AND SHOULD BE 77,000. RPTL 550(2)A.

Petition No. 201062 / 2001 - ASSESSOR - Cancel - \$128.44

SBL No. 91.06-15-39 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 128.44 - County

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

Charge to :  
 CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION FOR COUNTY TAX PURPOSES IN THE AMOUNT OF 16,555 (30%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201063 / 2001 - ASSESSOR - Cancel - \$122.58

SBL No. 91.07-12-11 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 81.92 - County

Acct. No. 132 - \$ 40.66 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA 40.66

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION FOR THE COUNTY IN THE AMOUNT OF 10,560 AND THE TOWN IN THE AMOUNT OF 4,224 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 201064 / 2001 - ASSESSOR - Cancel - \$169.18

SBL No. 101.84-1-7 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 76.03 - County

Acct. No. 132 - \$ 93.15 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA 93.15

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 51,600 AND SHOULD BE 41,800. RPTL 550(2)A.

Petition No. 201065 / 2001 - ASSESSOR - Cancel - \$61.09

SBL No. 101.28-11-6 - TOWN OF CHEEKTOWAGA

**MEETING NO. 6****March 1, 2001****ERIE COUNTY LEGISLATURE**

Acct. No. 112 - \$ 61.09 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 7,875 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX BILL. RPTL 550(2)C.

Petition No. 201066 / 2001 - ASSESSOR - Cancel - \$54.64

SBL No. 29.00-1-27.13 - TOWN OF CLARENCE

Acct. No. 112 - \$ 33.44 - County

Acct. No. 132 - \$ 21.20 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 15.38  
SWORMSVILLE FIRE 5.82

CANCEL - CLERICAL ERROR, THE ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 177,000 AND SHOULD BE 170,000. RPTL 550(2)A.

Petition No. 201067 / 2001 - ASSESSOR - Cancel - \$29.14

SBL No. 29.00-2-2.2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 29.14 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 29.14

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND WAS CHARGED FOR WATER USAGE. RPTL 550(2)E.

Petition No. 201068 / 2001 - ASSESSOR - Cancel - \$592.19

SBL No. 29.13-1-13 - TOWN OF CLARENCE

Acct. No. 112 - \$ 441.46 - County

Acct. No. 132 - \$ 150.73 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 150.73

CANCEL - CLERICAL ERROR, THE PARCEL IS OWNED BY ST MARY'S CHURCH AND IS ENTITLED TO THE RELIGIOUS EXEMPTION THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201069 / 2001 - ASSESSOR - Refund - \$639.78

**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

SBL No. 43.13-2-1./ECI - TOWN OF CLARENCE

Acct. No. 112 - \$ 500.04 - County

Acct. No. 132 - \$ 139.74 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 139.74

REFUND - CLERICAL ERROR, THE BUSINESS EXEMPTION IN THE AMOUNT OF 88,480 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

CHECK IN FAVOR OF: BURT C FREEMAN

Petition No. 201070 / 2001 - ASSESSOR - Cancel - \$496.18

SBL No. 43.13-2-1./ECI - TOWN OF CLARENCE

Acct. No. 112 - \$ 369.89 - County

Acct. No. 132 - \$ 126.29 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 126.29

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO THE BUSINESS EXEMPTION IN THE AMOUNT OF 77,420 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201071 / 2001 - ASSESSOR - Cancel - \$557.30

SBL No. 57.11-4-7.1 - TOWN OF CLARENCE

Acct. No. 112 - \$ 326.79 - County

Acct. No. 132 - \$ 230.51 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 230.51

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 512,400 AND SHOULD BE 4444,000. RPTL 550(2)A.

Petition No. 201072 / 2001 - ASSESSOR - Cancel - \$242.33

SBL No. 57.14-7-15 - TOWN OF CLARENCE

Acct. No. 112 - \$ 142.38 - County

Acct. No. 132 - \$ 99.95 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 69.99  
 TRANSIT FIRE PROTECT 17.54

**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

ECSD #5 N DIST PROJ

12.42

CANCEL - CLERICAL ERROR, THE ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 311,000 AND SHOULD BE 281,200. RPTL 550(2)A.

Petition No. 201073 / 2001 - ASSESSOR - Cancel - \$2,447.80

SBL No. 70.03-1-25 - TOWN OF CLARENCE

Acct. No. 112 - \$ 1,457.20 - County

Acct. No. 132 - \$ 990.60 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE	567.40
HARRIS HILL FIRE DIST	296.11
ERIE CO SEWER DIST #5	127.09

(PETITION NUMBER 201073 CONTINUED)

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSEMENT WAS 310,000 AND SHOULD BE 5,000. RPTL 550(2)A.

Petition No. 201074 / 2001 - ASSESSOR - Refund - \$761.56

SBL No. 71.00-3-24 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 761.56 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI	761.56
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REFUND - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 50,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C. CLARENCE CENTRAL  
 CHECK IN FAVOR OF: ALICE FORTHMAN % ROCK OAK LLC

Petition No. 201075 / 2001 - ASSESSOR - Cancel - \$350.90

SBL No. 71.06-3-53 - TOWN OF CLARENCE

Acct. No. 112 - \$ 261.58 - County

Acct. No. 132 - \$ 89.32 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE	89.32
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CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 54,750 (30%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

**MEETING NO. 6**  
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Petition No. 201076 / 2001 - ASSESSOR - Cancel - \$198.68

SBL No. 72.10-1-19 - TOWN OF CLARENCE

Acct. No. 112 - \$ 148.11 - County

Acct. No. 132 - \$ 50.57 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 50.57

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 31,000 (50%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201077 / 2001 - ASSESSOR - Cancel - \$170.25

SBL No. 82.06-5-49 - TOWN OF CLARENCE

Acct. No. 112 - \$ 95.55 - County

Acct. No. 132 - \$ 74.70 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 46.96  
HARRIS HILL FIRE DIST 19.41  
ERIE CO SEWER DIST #5 8.33

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 210,000 AND SHOULD BE 190,000. RPTL 550(2)A.

Petition No. 201078 / 2001 - ASSESSOR - Refund - \$248.46

SBL No. 240.13-1-1.112 - TOWN OF EVANS

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 248.46 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 248.46

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 16,450 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C EDEN CENTRAL  
CHECK IN FAVOR OF: MARK & JULIE SMOLINSKI

Petition No. 201079 / 2001 - ASSESSOR - Cancel - \$236.10

SBL No. 192.20-5-21 - TOWN OF EVANS

Acct. No. 112 - \$ 101.42 - County

Acct. No. 132 - \$ 134.68 - Town/SpecialDist/School

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Charge to : TOWN OF EVANS 134.68

CANCEL - CLERICAL ERROR, THE VETERAN EXEMPTION IN THE AMOUNT OF 14,160 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201080 / 2001 - ASSESSOR - Refund - \$597.82

SBL No. 192.20-9-30 - TOWN OF EVANS

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 597.82 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 597.82

REFUND - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 41,120 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C. LAKESHORE CENTRAL  
 CHECK IN FAVOR OF: MARIE ELLIS

Petition No. 201081 / 2001 - ASSESSOR - Cancel - \$204.24

SBL No. 200.00-3-14.1 - TOWN OF EVANS

Acct. No. 112 - \$ 61.39 - County

Acct. No. 132 - \$ 142.85 - Town/SpecialDist/School

Charge to : TOWN OF EVANS 100.30  
 ANGOLA-EVANS FIRE PROTECT 28.04  
 ERIE CO SEW DST 2 14.51

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE PARCEL. THE DUPLICATE SBL IS 220.00-3-14.11. RPTL 550(2)F.

(5-0)

**CRYSTAL D. PEOPLES**  
**CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

Item 22 – MR. HOLT presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.



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**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 94

February 22, 2001

SOCIAL SERVICES  
 COMMITTEE  
 REPORT NO. 4

ALL MEMBERS PRESENT.

**ALL ITEMS ARE HEREBY TABLED.**

**GEORGE A. HOLT, JR.**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

Item 23 – MRS. FISHER presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95

February 22, 2001

HEALTH/MENTAL HEALTH  
 COMMITTEE  
 REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

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

- |    |   |      |       |               |
|----|---|------|-------|---------------|
|    | Item  | Page | -2000 | (Comm. 27D-4) |
| a. | <b>ECMC: Board of Managers Approved Resolution Re: Lease at Northern Erie Alcohol Clinic.</b>     |      |       |               |
|    | (4-0) Legislator Holt absent.   |      |       |               |
|    | Item  | Page | -2001 | (Comm. 5D-11) |
| b. | <b>ECMC: Minutes of Board of Managers Meeting Held 2/8/01.</b>                                    |      |       |               |
|    | (4-0) Legislator Holt absent.   |      |       |               |
|    | Item  | Page | -2001 | (Comm. 5M-15) |
| c. | <b>ERIE COUNTY MENTAL HYGIENE COMMUNITY SERVICES BOARD: Notice of Meeting to be Held 2/15/01.</b> |      |       |               |

(4-0) Legislator Holt absent.

- d. Item Page -2001 (Comm. 5M-17)  
**JAMES TOTARO:** Copy of Letter to Chairman Swanick Re: Accepts Appointment as Chair of EC Home Health Care Advisory Board.  
 (4-0) Legislator Holt absent.

2. Item Page - 2001 (Comm. 5E-22)  
**COUNTY EXECUTIVE**  
 WHEREAS, the Erie County Health Department operates a Public Health Campaign Program,  
 and

WHEREAS, the Erie County Department of Health has received a revised grant from the New York State Health Department in the amount of \$490,815 for the Public Health Campaign from 4/1/00 - 3/31/01 which authorizes budgetary adjustments, and

WHEREAS, the revised grant includes funding for the Model Tuberculosis Control Clinic and the Sexually Transmitted Disease (STD) Prevention Program and increases funding for laboratory supplies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised grant from the New York State Department of Health to continue the Public Health Campaign Program which is budgeted as follows:

**Department of Health**  
**PUBLIC HEALTH CAMPAIGN**  
**04/1/00 - 03/31/01**  
**PROJECT # 332**

<u>SFG REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
360 OTHER LOCAL SOURCES	\$ 63,841	\$ 0	\$ 63,841
553 STATE AID	<u>490,815</u>	<u>0</u>	<u>490,815</u>
<b>TOTAL</b>	<b><u>\$554,656</u></b>	<b><u>\$ 0</u></b>	<b><u>\$ 554,656</u></b>
 <b><u>EXPENSES</u></b>			
800 PERSONNEL SERVICES	\$432,914	\$ -15,484	\$ 417,430
805 FRINGE BENEFITS	91,616	-3,516	88,100
810 OFFICE SUPPLIES	450	0	450
814 MEDICAL SUPPLIES	0	19,000	19,000
821 DUES & FEES	1,200	0	1,200
823 REPAIRS & MAINT.	300	0	300
824 TRAVEL & MILEAGE	16,000	0	16,000

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**ERIE COUNTY LEGISLATURE**

825 OUT OF AREA TRAVEL	4,576	0	4,576
826 OTHER EXPENSES	7,250	0	7,250
933 LAB & TECH EQUIPMENT	<u>350</u>	<u>0</u>	<u>350</u>
<b>TOTAL</b>	<b><u>\$554,656</u></b>	<b><u>\$ 0</u></b>	<b><u>\$ 554,656</u></b>

and be it further

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

(4-0) Legislator Holt absent.

3. Item Page - 2001 (Comm. 5E-23)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health operates an Infant Child Health Assessment Program (I CHAP), and

WHEREAS, the purpose of the grant is to provide developmental screening and surveillance to children at risk for or suspected of having developmental delays. Program activities include, but are not limited to, developmental screening, disseminating information on Child Health Plus, facilitating access to health care coverage, identifying gaps and barriers linking to community services and resources, and

WHEREAS, budgetary adjustments are necessary in order to meet the program's workplan and balance the grant's accounts.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to make the following budgetary adjustments:

**Department of Health  
 Infant Child Health Assessment Program  
 Project 329  
 10/1/00 - 9/30/01**

<b>SFG</b>		<b>CURRENT</b>		<b>REVISED</b>
<b>ACCOUNT</b>	<b>REVENUE</b>	<b>BUDGET</b>	<b>CHANGE</b>	<b>BUDGET</b>
553	State Aid	<u>\$244,999</u>	<u>+9,706</u>	<u>\$254,705</u>
	TOTAL	<u>\$244,999</u>	<u>+9,706</u>	<u>\$254,705</u>
			<b><u>EXPENSES</u></b>	
800	Personal Services	\$ 202,211	-2,863	\$ 199,348
805	Fringe Benefits	41,788	+2069	43,857

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810	Office Supplies	0	+ 800	800
824	Travel & Mileage	1,000	+5,000	6,000
825	Out of Area Travel	0	+ 500	500
830	Contractual Services	0	+ 300	300
880-5100	Information & Support Services	0	+ 2,400	2,400
933	Lab & Technical Equipment	<u>0</u>	<u>+ 1,500</u>	<u>\$1,500</u>
	<b>TOTAL</b>	<b><u>\$244,999</u></b>	<b><u>+ 9,706</u></b>	<b><u>\$254,705</u></b>

and be it further

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

(4-0) Legislator Holt absent.

4. Item Page - 2001 (Int. 5-12)

**FISHER, MARINELLI & PEOPLES**

WHEREAS, many health insurance companies offer coverage that does not include procedures considered vital for women, and

WHEREAS, among such procedures are measurement of bone density, mammograms for women in certain age groups, contraceptive drugs and devices, cervical cytological screening, and other obstetrical and gynecological services, and

WHEREAS, simple diagnostic procedures such as these cited can be vital to maintaining good health and very often save lives, and

WHEREAS, some health insurance companies provide medical coverage for many procedures deemed important to the health and safety of men, such as prostate cancer screenings, and also offer prescription coverage for some medications for men, such as Viagra, yet limit coverage for the aforementioned procedures and medications for women, and

WHEREAS, legislators in both houses of the New York State Legislature have filed and adopted separate pieces of legislation seeking to address these deficiencies, and

WHEREAS, the respective pieces of legislation are similar but for two significant provisions, and

WHEREAS, the version adopted by the Senate includes the co-payments and other deductible requirements for certain procedures, and

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WHEREAS, while some statistics indicate that such co-payments and deductible requirements will affect only a small percentage of New York's population, statistics indicate that it could affect hundreds of thousands of New York women, and

WHEREAS, the Senate version also includes a "conscience clause," which would allow religiously affiliated employers and other employers claiming connection to a religious entity to make a determination as to whether or not their female employees receive contraceptive coverage, and

WHEREAS, the inconsistencies between the bills are cause for great concern among New Yorkers, and

WHEREAS, Assembly bill A.2006 was overwhelmingly adopted by the Assembly on January 29, 2001 in a vote of 133-8, accomplishes said objectives without inclusion of a "conscience clause," and

WHEREAS, the Erie County Legislature unanimously endorsed legislation identical to A.2006 in resolution introduction number 10-3 (1999) on May 20, 1999, and

WHEREAS, the Erie County Legislature may wish to once again endorse state legislation that offers full and equitable health coverage for women, and must call upon state legislators to work cooperatively to craft identical legislation that meets the aforementioned objectives,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby endorse action on the state level to mandate enhanced health insurance coverage for women in the State of New York, and be it further

RESOLVED, that this Honorable Body does hereby endorse legislation that mandates similarly effective and substantial health coverage to women and men alike, including but not limited to requiring health insurance policies to cover measurement of bone density, extended mammograms for women in certain age groups, contraceptive drugs and devices, cervical cytological screening, and other obstetrical and gynecological services, and the removal of co-payments and deductibles for such services, and be it further

RESOLVED, that inasmuch as that A. 2006 accomplishes said objectives without inclusion of a "conscience clause," and considering the fact that this Honorable Body endorsed identical state legislation in a previous session of the state legislature, this Honorable Body does hereby call upon the Senate to consider and adopt legislation identical to A.2006, and does further urge the Governor to sign such legislation into law, and be it further

RESOLVED, that certified copies of this resolution be sent to the Governor, the Speaker of the Assembly, the Majority Leader of the Senate, and to the members of Western New York's delegation to the Assembly and Senate.

(4-0) Legislator Holt absent.

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**ERIE COUNTY LEGISLATURE**

**JUDITH P. FISHER**  
**CHAIRPERSON**

MRS. FISHER moved to separate item #4 and send it back to committee and moved the approval of the balance of the report. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 24 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

February 22, 2001

PUBLIC SAFETY  
 COMMITTEE  
 REPORT NO. 4

ALL MEMBERS PRESENT.

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

Item Page -2000 (Int. 10-10)  
 a. **CHASE, GREENAN, RANZENHOFER, MARSHALL & LARSON:** Support for Amending the Definitions of Physical Injury & Serious Physical Injury.  
 (5-0)

Item Page -2001 (Comm. 1M-8)  
 b. **ERIE COUNTY SHERIFF'S PBA:** Copy of Letter to Legislator Dusza Re: Proposed Reorganization Within Sheriff's Department.  
 (5-0)

2. Item Page -2001 (Comm. 5E-30)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County has been awarded funding by the New York State Division of Criminal Justice Services under the Edward Byrne Memorial program,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$125,000, with the New York State Division of Criminal Justice Services, and be it further

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

Grant Fund 281- Department 650  
 Central Police Services Forensic Laboratory  
 "DNA Cold Search Initiative" grant  
 11/01/00 to 09/30/01

<u>Revenue</u>	<u>Increase</u>
Acct. 627 -State Aid Criminal Justice Program	<u>\$125,000</u>
Total Revenue	<u>\$125,000</u>
<u>Appropriation</u>	<u>Increase</u>
Acct. 801- Overtime	\$ 30,487
Acct. 805 - Fringe Benefits	7,010
Acct. 814 - Lab Supplies	37,018
Acct. 826 - Other	1,500
Acct. 933 - Lab & Tech Equipment	<u>48,985</u>
Total Appropriations	<u>\$125,000</u>

and be it further

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

3. Item Page -2001 (Comm. 5E-32)

**COUNTY EXECUTIVE**

WHEREAS, Erie County's Department of Central Police Services hosts critical public safety information systems and supports interdepartmental data transfer for Erie County police agencies, and

WHEREAS, these systems and services comprise complex police support services, and

WHEREAS, Erie County Central Police Services has a need to upgrade its record management services to provide a standardized Computer Aided Dispatch - Record Management System with interface capabilities to each of its user police agencies, and

WHEREAS, a request for proposal was issued following the provisions of Section 19.08 of the Administrative Code, and

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WHEREAS, EM Systems was found to have the preferred software design, experience and desired management support,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, through the Department of Central Police Services, shall be authorized to enter into an agreement with EM Systems for a county-wide Computer Aided Dispatch (CAD) - Record Management System (RMS), and be it further

RESOLVED, that the source of funding shall be from COPS MORE Grant money DAC 281 359650933 in the amount of \$407,000, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, the Commissioner of Central Police Services and the Director of Budget, Management and Finance  
 (5-0)

4. Item Page -2001 (Comm. 5E-33)

**COUNTY EXECUTIVE**

WHEREAS, sudden cardiac arrest claims 250,000 lives nationally, and

WHEREAS, early defibrillation is the only definitive treatment for many sudden cardiac arrest situations, and

WHEREAS, the Division of Emergency Medical Services has been offered a donation of a LifePAK 500 Automatic External Defibrillator (AED) and storage cabinet with a total value of \$3,500.00 from Angels Among Us: The Sandra L. Barber and Charles H. Clemons Foundation, and

WHEREAS, the AED will be installed in the lobby of the Fire Training Academy

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Emergency Medical Services is hereby authorized to accept a donation of a Life PAK 500 Automatic External Defibrillator (AED) and storage cabinet with a total value of \$3,500.00 from Angels Among Us: The Sandra L. Barber and Charles H. Clemons Foundation, and be it further

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

5. Item Page -2001 **AS AMENDED**

(Int. 5-7)



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**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

**LARSON, CHASE, GREENAN, WEINSTEIN, McCARVILLE, RANZENHOFER,  
DUSZA, KUWIK, MARINELLI & FISHER**

WHEREAS, volunteer firefighters who participate in a service award program under the State of New York receive a benefit based upon the performance of a service in the protection of life and property from fire and other emergency, and

WHEREAS, to qualify for a service award benefit, firefighters accumulate points for each service activity completed through out the calendar year, which is based on guidelines as defined under the New York State General Municipal Law, and

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

WHEREAS, fire prevention is an integral part of protecting the lives and property of New York State residents, and

WHEREAS, many volunteer firefighters have given of their time in presenting these classes to ensure that the general public is informed of the dangers of fire, and

WHEREAS, both houses of the New York State Legislature have introduced legislation that would amend the general municipal law to allow volunteer firefighters to earn up to five additional points for the teaching of fire prevention classes in the fire service award program, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby wish to recognize the efforts of volunteer firefighters in their pursuit to serve and protect the public and for their contribution in fire prevention initiatives, and be it further

RESOLVED, that the Erie County Legislature does memorialize the New York State Legislature to approve legislation (S.1422/A.2281) which would grant additional points in a services award program for volunteer firefighters who teach fire prevention classes, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Pataki, all of the Western New York delegation, the Erie County Fire Chiefs Mutual Aid Organization, the Fire Advisory Board, and the Erie County Fire District Officers Association.

(5-0)

**EDWARD J. KUWIK**  
**CHAIRMAN**

MR. KUWIK moved the approval of the resolution. MS. PEOPLES seconded.

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**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

Re: Opposition to Decision by  
 NYSDEC to Lower Lake Erie  
 Walleye Creel Limit. (Intro. 6-1)

**RESOLUTION SUBMITTED BY LEGISLATORS  
 GREENAN, RANZENHOFER, CHASE, WEINSTEIN, & McCARVILLE**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) recently decided to lower the New York State Lake Erie walleye creel limit from five to four as a gesture of good will to the other Lake Erie Stakeholders, and

WHEREAS, the NYSDEC admits that the reduction in walleye creel will in no way benefit the overall walleye population, and

WHEREAS, although New York State sport fisherman only harvest .05% of the total allowable catch allocated for Lake Erie, the State currently has the lowest creel limit of all the American stakeholders even prior to this new limitation, and

WHEREAS, the Southtowns Walleye Association is opposed to the NYSDEC's decision as it proves to have no positive effect on the walleye population, and no other environmental benefits as well.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its opposition to the decision by the NYSDEC to lower the New York State Lake Erie walleye creel limit, and be it further

RESOLVED, that the Erie County Legislature requests that the NYSDEC's to maintain the current walleye creel limits of five instead of the proposed lower limit of four, and be it further

RESOLVED, that certified copies of this legislation be sent to the New York State Department of Environmental Conservation and The Southtowns Walleye Association.

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MR. GREENAN moved to amend the resolution to include et al sponsorship. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

Re: Removal of Government or Deed  
 Restriction – Proposed West Seneca  
 Industrial Park. (Intro. 6-2)

MR. GREENAN moved to amend the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

*Delete in its entirety and replace with the following:*

**Whereas**, The Town of West Seneca has been involved in the planning of a proposed commercial development adjacent to Harlem Road, just south of Indian Church Road, on an area of approximately 10 +/- acres of land acquired from the County, by quitclaim deed, on or about August 14, 1969, and

**Whereas**, the quitclaim deed to the property contains a deed restriction that “The above land so conveyed shall be used for Municipal purposes only”, and

**Whereas**, the Town of West Seneca, through the West Seneca Development Corporation, is seeking to utilize this property for commercial development and has secured the intent of a property developer to advance said proposal for economic development in the Town of West Seneca, and

**Whereas**, the West Seneca Development Corporation has requested removal of the above deed restriction so as to facilitate the advancement of the aforementioned commercial development, and

**Now, therefore, be it**

**Resolved**, that the Erie County Legislature does hereby direct the County Attorney to prepare the appropriate documents to facilitate the removal of the deed restriction limiting the use of the 10 +/- acre parcel of land known as 441 Indian Church Road and further described on Assessor’s Maps as SBL # 134.05-2-5, and be it further

**Resolved**, that certified copies of this resolution be forwarded to West Seneca Supervisor Paul T. Clark, Assistant County Attorney Brian D. White, Deputy Commissioner of Real Property Joseph Maciejewski and David W. Lawrence, West Seneca Development Corporation, 950A Union Road, Suite 12, West Seneca, New York, 14224.

Fiscal Impact: None to county

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

CARRIED UNANIMOUSLY.

Item 27 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

Re: Enhancement of Technology  
 Training in Buffalo and Erie County  
 Public Library System. (Intro. 6-3)

RESOLUTION SUBMITTED BY LEGISLATORS

SWANICK, PEOPLES, FITZPATRICK, MARINELLI, KUWIK, HOLT, FISHER, DUSZA & PAULY

WHEREAS, quality education, and access to high quality educational services are of critical importance to our youth, and

WHEREAS, continued enhancement and positive development of the county's library system plays a critical role in the delivery of quality services to children and families throughout Erie County, and

WHEREAS, the Erie County Legislature has demonstrated its clear commitment to the enhancement of the Buffalo and Erie County Public Library system through the Year 2000 Educational Technology Initiative, and

WHEREAS, in 2000, the Legislature and the Library developed a constructive and responsive partnership to enhance technology and improve the infrastructure of every public library in the County, and

WHEREAS, each of the following components is in various stages of Development and implementation:

- a. Youth Resource Centers
  - Electronic workstations for students of public, parochial and private schools;
  - Target Grades: 4-8

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- Specialized databases and applications for assignments and individual study;
  - Information and assistance with challenging New York State curriculum.
- b. Cyber Train
- Traveling classrooms for hands-on technology training in libraries with no formal training lab;
  - Consists of 8 laptop computers, a hub/switch and projector;
  - Equal access to free technology training;
  - Valuable skills to improve employability in local economy;
  - Successful test run completed in December 2000.
- c. Technology and Facility Improvements
- Computers, equipment, furniture or minor infrastructure upgrades;
  - Allocations involve matching funds component to multiply the benefits and a formula based on Federal telecommunications discount (E-rate), which targets communities in greatest need
  - Network support and telecommunications upgrades provide faster, better service;
  - Children, students, seniors and working-age benefit.

And

WHEREAS, for 2001, the Library's budget request included a limited number of part-time senior page positions dedicated to providing assistance in technology training, both as a daily public service function and as part of instructional programs for the public, and

WHEREAS, as a result, a "Summer Cyber Train Camp" will be launched in branch libraries throughout Erie County, and

WHEREAS, these Camps will consist of computer skills instruction during the months of July and August, and are targeted for kids in grades 4-7, and

WHEREAS, these additional funds will be well utilized toward comprehensive implementation of the enhancements adopted with the Legislature's 2000 initiative,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$100,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) to General Fund, Interfund Transfers, Interfund-Library (DAC 1109253208864200), and be it further

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RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following accounts: Interfund-Subsidy revenue (DAC 8209734206863200) \$100,000, and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following accounts: Personal Services (part-time and seasonal) (DAC: 820973420800) \$88,880; Fringes (DAC: 820973420805) \$11,120, and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Director of the Buffalo & Erie County Public Library, 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 Joseph Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah Bochenek and one copy to Diane Chrisman, Director, Buffalo & Erie County Public Library.

Fiscal Impact: Expenditure of 2001-budgeted Funds.

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

CARRIED UNANIMOUSLY.

Item 28 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

Re: Supporting Prompt Resolution  
of Tax Abatement Issues Affecting  
Continued Operation of CSX  
Transportation Rail Network. (Intro.  
6-4)

A RESOLUTION SUBMITTED BY LEGISLATORS  
SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER,  
DUSZA, MARINELLI, & PAULY

WHEREAS, CSX Transportation was one of two freight rail transportation companies to purchase the former Conrail Freight Rail Transportation system in New York State, and

WHEREAS, availability of freight rail transportation is an important factor in corporate investment decisions and the economic viability of employers across this region and the state, and

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WHEREAS, tax abatements and other easement issues have expired or are about to expire, threatening the financial stability of sections of the CSX Transportation Network, and

WHEREAS, CSX Transportation has indicated that sections of its rail network may have to be terminated if a solution to these issues is not achieved, and

WHEREAS, negotiations have commenced with CSX Transportation in an effort to achieve a comprehensive solution to freight rail transportation in the state, and

WHEREAS, in light of our area's ongoing marketing and economic development initiatives, it is critical that freight transportation not be curtailed in any way,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the crucial importance of freight rail transportation to the creation and retention of jobs and the overall economic development of Erie County and New York State, and be it further

RESOLVED, that this Honorable Body does hereby memorialize New York State Governor George Pataki and the New York State Legislature to work quickly to satisfactorily achieve an overall solution to the problems confronting rail transportation in New York State while protecting the interests of counties and local taxpayers, and be it further

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

**Fiscal Impact:** None for resolution.

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

CARRIED UNANIMOUSLY.

Item 29 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

Re: Repairing County Roads and  
 Bridges. (Intro. 6-5)

A RESOLUTION SUBMITTED BY LEGISLATORS  
 SWANICK, MARINELLI, DUSZA & KUWIK

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WHEREAS, heavy traffic volume compounded by harsh winter weather conditions annually yields a significant deterioration of hundreds of local and county bridges and roadways, and

WHEREAS, ensuring that Erie County residents have access to safe travel conditions has long been a priority of this Legislature, and

WHEREAS, in the past, it has been the practice of the Erie County Department of Public Works to provide the Legislature with a list of roads and bridges that have been targeted for repair, and

WHEREAS, such a list has allowed Legislators to designate an appropriate and sufficient monetary amount for repair and upkeep of the county's roads and bridges that are most in need, and

WHEREAS, during the 2000 Legislative budget hearings, this same request to provide the Legislature with a list of roads and bridges slated for repairs was made to the Erie County Department of Public Works and the Erie County Executive, and

WHEREAS, to date, no such list has been received by the Erie County Legislature, and

WHEREAS, in years past, the Department of Public Works has maintained a 5 year road and bridge repair plan, and

WHEREAS, despite repeated requests for this information, the Department of Public Works has also not provided this information to the Legislature, and

WHEREAS, failure to provide this Body with said list would prevent members from allocating an appropriate level of funding for road and bridge repair and, consequently, from serving the constituents that elected them to the best of their ability and with full knowledge of the projects that taxpayer monies will be used to fund,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its concern for the safety and welfare of the residents of the County of Erie who must traverse roads and bridges in our county that are in need of repair or replacement, and be it further

RESOLVED, that the Erie County Legislature reiterates its request made in November of 2000 that the Erie County Department of Public Works provide a list of roads and bridges scheduled for repair; and be it further

RESOLVED, that the Commissioner of Public Works is hereby requested to submit the county's list of planned road and bridge projects for 2001 to the Clerk of the Erie County Legislature no later than March 15, 2001; and be it further



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RESOLVED, that the Commissioner is further requested to file with the Clerk of the Legislature a copy of the Department's long-term road repair projection schedule no later than April 1, 2001; and be it further

RESOLVED, that following the filing of said information, the Commissioner of Public Works is hereby requested to attend a future meeting of the Legislature's Economic Development Committee to review this information and address members' concerns about the safety of the county's roads and bridges; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Maria C. Lehman, Erie County Public Works Commissioner, Charles Sickler, Director of Engineering for Erie County Department of Public Works, and Erie County Executive Joel A. Giambra.

Fiscal Impact: Positive for Erie County residents

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded. LEGISLATORS CHASE, GREENAN, McCARVILLE, RANZENHOFER, & WEINSTEIN voted in the negative.

CARRIED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102

Re: Support for a Community  
 Organization. (Intro. 6-6)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR FITZPATRICK

WHEREAS, the Legislature set aside funds in the 2001 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

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RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) 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>OLD</u> <u>AMOUNT</u>	<u>+/-</u>	<u>NEW</u> <u>AMOUNT</u>
South Buffalo Community Association	830/1052	\$84,000	\$2,000	\$86,000
<b>TOTAL</b>			<b>\$2,000</b>	

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Kristine M. Parisi, Executive Director, South Buffalo Community Association, (2219 South Park Avenue, Buffalo, NY 14220.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

MRS. FISHER moved to amend the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

**INSERT the following after the first RESOLVE:**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$40,000 from the Extraordinary County Aid to Local Governments - Regionalism / , Economic Development Fund (DAC: 110904303830) 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>
Buffalo Olmsted Parks Conservancy - Rose Garden Restoration & Scajaquada Parkway Project	830/1168	\$25,000
Parkside Community Association	830/0643	\$10,000

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<b>West Side Play Area Youth Services, Inc.</b>	<b>830/0618</b>	<b>\$5,000</b>
<b>TOTAL</b>		<b>\$40,000</b>

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, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Kristine M. Parisi, Executive Director, South Buffalo Community Association, (2219 South Park Avenue, Buffalo, NY 14220,) Deborah Trimble, Executive Director, Buffalo Olmsted Parks Conservancy, (84 Parkside Avenue, Buffalo, NY 14214,) Kathleen Peterson, Executive Director, Parkside Community Association, (2318 Main Street, Buffalo, NY 14214,) and to Tovi Asarese, Director, West Side Play Area Youth Services, Inc., (351 Grant Street, Buffalo, NY 14213.)

MS. PEOPLES moved the approval of the resolution as amended. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

Re: Support for Weed & Seed Anti-Crime Initiative. (Intro. 6-7)

A RESOLUTION SUBMITTED BY  
 LEGISLATORS HOLT, PEOPLES, SWANICK, KUWIK, FITZPATRICK, FISHER, DUSZA,  
 MARINELLI & PAULY

WHEREAS, the Legislature set aside funds in the 2001 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,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$150,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) 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>
<b>National Inner Cities Youth Opportunities, Inc.</b>	<b>830/916</b>	<b>\$150,000</b>
<b>TOTAL</b>		<b>\$150,000</b>

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Joyce Wilson Nixon, Executive Director, CEO, National Inner Cities Youth Opportunities, Inc., (Best and Humboldt Parkway, Buffalo, NY 14211 .)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

MS. PEOPLES moved to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

***INSERT the following after the first RESOLVE:***

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$20,000 from the Legislative Contractual (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>
<b>Center for Great Lakes Environmental Education</b>	<b>830/</b>	<b>\$20,000</b>

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**TOTAL**

**\$20,000**

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 M. Bochenek, Jennifer Anger, Administrative Assistant Erie County Legislature, Joyce Wilson Nixon, Executive Director, CEO, National Inner Cities Youth Opportunities, Inc., (Best and Humboldt Parkway, Buffalo, NY 14211,) and to Natalie Bulera, Executive Director, Center for Great Lakes Environmental Education, (PO Box 56, Buffalo NY 14205.)

MS. PEOPLES moved the approval of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

Re: Support for a Local Law  
 Enforcement Agency. (Intro. 6-8)

A RESOLUTION SUBMITTED BY  
 LEGISLATORS MARINELLI & SWANICK

WHEREAS, the Legislature set aside funds in the 2001 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 \$10,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

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<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
<b>Village of Kenmore Police Department</b>	<b>830/0732</b>	<b>\$10,000</b>
<b>TOTAL</b>		<b>\$10,000</b>

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Carl J. LaCorte, Assistant Chief, Village of Kenmore Police Department, (2385 Elmwood Avenue, Kenmore, NY 14217.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 33 – MS. CHASE presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 105

Re: Funding for Community  
Organizations. (Intro. 6-9)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

WHEREAS, the Legislature set aside funds in the 2001 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 \$3,000 from the County-wide Accounts – Budget - County Contingency (DAC: 110923310893) 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>
<b>American Legion Hamburg Post #527</b>	<b>830/</b>	<b>\$2,000</b>
<b>Village of Angola</b>	<b>830/0436</b>	<b>\$1,000</b>
<b>TOTAL</b>		<b>\$3,000</b>

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, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, William G. Hofner, American Legion Hamburg Post #527, (1 Memorial Drive, Hamburg, NY 14075,) and to William G. Houston, Trustee, Village of Angola, (41 Commercial Street, Angola, NY 14006.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 34 - CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

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GRANTED.

Intro. 6-10 From LEGISLATORS CHASE, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. Re: Support for Clarifying the Definitions of Physical Injury (A.4403\S.0095).

Item 35 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 106

Re: Transfer of Funding for an  
 Environmental Group. (Intro. 6-11)

A RESOLUTION SUBMITTED BY LEGISLATOR PEOPLES

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services – Environmental Management Council (DAC: 110921301830216) to Department of Environment & Planning - Environmental Management Council (DAC: 1109456208300216) 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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to David Hahn-Baker, Environmental Management Council (95 Franklin St, Buffalo, NY 14202.)

**Fiscal Impact:** Transfer of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

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



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CARRIED UNANIMOUSLY

RESOLUTION NO. 107

Re: Funding for 2001 All-Pro Hoops  
 Camp. (Intro. 6-12)

A RESOLUTION SUBMITTED BY LEGISLATORS

HOLT, SWANICK, PEOPLES, KUWIK, FITZPATRICK, FISHER, DUSZA, MARINELLI & PAULY

WHEREAS, the Legislature set aside funds in the 2001 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 \$51,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) 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>
Town Boys & Girls Club, Inc.	830/1055	\$51,000
<b>TOTAL</b>		<b>\$51,000</b>

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Gary J. Krasinski, President, Town Boys & Girls Club, Inc., (54 Riverdale Avenue, Buffalo, NY 14207 .)

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**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 36 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

Re: Support for Community  
 Activities. (Intro. 6-13)

A RESOLUTION SUBMITTED BY LEGISLATOR SWANICK

WHEREAS, the Legislature set aside funds in the 2001 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 \$10,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) 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>
Chamber of Commerce of the Tonawanda's	830/	\$5,000
American Legion Tonawanda Post #264, Inc.	830/283	\$5,000
<b>TOTAL</b>		<b>\$10,000</b>

and be it further

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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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Kurt Alverson, Executive Director, Chamber of Commerce of the Tonawanda's, (15 Webster Street, Tonawanda, NY 14120,) and to Dennis Smilinich, American Legion Tonawanda Post #264, (PO Box 66, Tonawanda, NY 14150-0066.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 37 - CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 6-14 From LEGISLATOR WEINSTEIN. Re: Funding for a Local Networking Initiative.

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

CARRIED UNANIMOUSLY

RESOLUTION NO. 109

Re: Funding for a Law Enforcement Agency. (Intro. 6-15)

A RESOLUTION SUBMITTED BY LEGISLATOR DUSZA

WHEREAS, the Legislature set aside funds in the 2001 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 \$3,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) 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>
Village of Depew Justice Court	830/0649	\$3,000
<b>TOTAL</b>		<b>\$3,000</b>

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Hon. Gordon Willis, Village Justice, Village of Depew, (85 Manitou, Depew, NY 14043.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

MR. DUSZA moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 39 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 110

Re: Funding for a Community  
 Group & a Veterans Memorial.  
 (Intro. 6-16)

**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

A RESOLUTION SUBMITTED BY LEGISLATOR PEOPLES

WHEREAS, the Legislature set aside funds in the 2001 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 \$1,520 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<b>NAME</b>	<b>LINE</b>	<b>AMOUNT</b>
<b>YMCA of Greater Buffalo – Humboldt Family Branch</b>	<b>830/</b>	<b>\$1,000</b>
<b>Vietnam Veterans of America, Inc. – WNY Chapter 77</b>	<b>830/</b>	<b>\$520</b>
<b>TOTAL</b>		<b>\$1,520</b>

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, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Irma Cole, Executive Director, YMCA of Greater Buffalo – Humboldt Family Branch, (347 East Ferry Street, Buffalo, NY 14208,) and to Al Brusetti, President, Chapter 77 of the Vietnam Veterans of America, Inc., PO Box 311, Grand Island, NY 14072.)

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**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 40 - CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 6-17 From LEGISLATORS GREENAN, CHASE, McCARVILLE, WEINSTEIN & RANZENHOFER. Re: Legislature Location in Courts Master Plan Implementation.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 41 – MS. MARINELLI moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration from Comm. 4E-36. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

Re: Appointment of Trustee:  
 Buffalo & Erie County Public  
 Library Board of Trustees.

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Evelyn Pizarro of 18 East Depew Avenue Buffalo, New York, 14214 as a member of the Buffalo & Erie County Public Library Board of Trustees. Her term will expire December 31, 2005.

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

CARRIED UNANIMOUSLY.

Item 42 – MS. MARINELLI moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration from Comm. 5E-16. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

Re: Appointment to the Buffalo &  
 Erie County Public Library Board of  
 Trustees.

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RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Abdul H. Raoof, Ph.D. of 188 Claremont Avenue Buffalo, New York, 14222 as a member of the Buffalo & Erie County Public Library Board of Trustees. His term will expire December 31, 2005.

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

CARRIED UNANIMOUSLY.

Item 43 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration from Comm. 4M-9. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Comm. 4M-9 From CORNELL UNIVERSITY Re: Employment, Workplace Practices & Labor Management Relations in WNY.

RESOLUTION NO. 113

Re: Recommendations Concerning  
 Subsequent Agreements for  
 Adelpia Inner Harbor Project.

MS. PEOPLES moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

DELETE the communication in its entirety and replace with the following:

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, DUSZA, MARINELLI & PAULY

WHEREAS, Erie County desires to promote development and job creation within the City of Buffalo and the County of Erie, and

WHEREAS, the Adelpia Development project provides an opportunity to create jobs, provide additional assurances of the Sabres remaining in the city of Buffalo, and will lead to the construction of a significant new office tower in Buffalo's Inner Harbor area, and

WHEREAS, Erie County, Adelpia Communications, Empire State Development Corporation, the City of Buffalo, the Erie County Industrial Development Agency, and the City of Buffalo Urban Renewal Agency desire to enter into a Memorandum of Understanding (MOU) outlining the obligations of each entity to allow for the implementation of the Adelpia project, and

WHEREAS, inasmuch as the Commissioner of the Department of Environment and Planning served as the county's principal representative in negotiations concerning this project, members of the Legislature have only very recently become fully aware of the details of this proposal, and

WHEREAS, the MOU commits the county to, among other things, a significant financial contribution to infrastructure adjacent to the proposed office tower, and

WHEREAS, other details of the proposal that concern legislators involve the lack of a job retention guarantee, the lack of inclusion of language concerning the future operation of the Buffalo Sabres, the lack of any language concerning the labor or minority and women business enterprise participation goals, and

WHEREAS, an additional concern involving job training could be addressed through supporting a partnership with ECC's neighboring city campus, and

WHEREAS, a final concern involves the inclusion of language on page 12 of the MOU suggesting that the county and city jointly support a request to the town of Tonawanda that any non-hazardous contaminated soil removed from the project be deposited in the Tonawanda landfill, and

WHEREAS, as was stated previously, inasmuch as the Legislature was not a principal at the negotiating table during this process, it is altogether fitting and proper that the Legislature move forward with approval of the MOU while making a series of recommendations for changes that could be subsequently incorporated that address the several concerns that members have about the details of the proposal,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its support for the Memorandum of Understanding (MOU) as written concerning the Adelphia project, and be it further

RESOLVED, that this Honorable Body does hereby make the following recommendations to the aforementioned entities for potential adjustment of the final documents to approve the project, as follows:

1. That county, city and state leaders continue to pursue the inclusion of contractual language guaranteeing the existence of the jobs that Adelphia is prepared to create in Buffalo, Erie County, Western New York and New York State for a specific period of time;
2. That an affirmative statement be made within subsequent documents suggesting that the Buffalo Sabres will remain in Buffalo and Western New York;
3. That officials involved with the construction of the office tower and parking ramp consider the following:
  - a. That, in light of the tremendous success realized in other areas, particularly the county's own Family Courthouse Project, implementation of a Project Labor Agreement (PLA) or similar labor accord which will offer equal opportunity to all segments of the construction industry, be considered;
  - b. That construction management for the office tower and parking ramp consider establishment of goals and objectives concerning minority and women-owned business enterprise and labor involvement, and that they further consider the model employed with the county's Family Courthouse Project, which currently enjoys the highest level of minority and women-owned business enterprise involvement in the history of this county.
4. That in light of Adelphia's need for job training resources associated with the creation of additional jobs in downtown Buffalo, that Adelphia seriously consider a partnership with Erie Community College for these purposes, with ECC's City Campus as a logical choice, given its proximity to the proposed Adelphia location;
5. That language concerning the county's role in seeking disposal of non-hazardous contaminated soil in the town of Tonawanda be eliminated.

And be it further



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RESOLVED, that certified copies of this resolution be sent to the Budget Director, the Commissioner of Environment and Planning, the County Comptroller and the County Attorney.

MS. PEOPLES moved the approval of the resolution as amended. MS. MARINELLI seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

**SUSPENSION OF THE RULES**

Item 44 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN SWANICK directed that Comm. 6E-39 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Comm. 6E-39 From LEGISLATOR HOLT Re: Letter to Erie Community College President.

Item 45 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN SWANICK directed that Comm. 6D-9 be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 6D-9 From BUDGET DIRECTOR Re: Letter to Legislator Marinelli.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 46 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 114

Re: Adelphia Project – Memorandum  
of Understanding. (Comm. 6E-1)

WHEREAS, Erie County desires to promote development and job creation within the City of Buffalo; and

WHEREAS, the Adelphia Development project provides an opportunity to create jobs, provide additional assurances of the Sabres staying in Buffalo and lead to the construction of a significant new office tower in the inner harbor area; and

WHEREAS, Erie County, Adelphia Communications, Empire State Development Corporation, the City of Buffalo, the Erie County Industrial Development Agency and the City of Buffalo Urban Renewal Agency desire to enter a memorandum of understanding outlining the obligations of each entity to allow for the implementation of the Adelphia Project; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter in the memorandum of understanding with Adelphia Communications, Empire State Development Corporation, the City of Buffalo, the Erie County Industrial Development Agency and the City of Buffalo Urban Renewal Agency, outlining the responsibilities as required to implement the Adelphia Project, and be it further

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

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES & SWANICK. NOES: DeBENEDETTI. AYES – 6, NOES – 1.

CARRIED.

FROM LEGISLATOR MARINELLI

Item 47 – (Comm. 6E-2) Copy of Memo to Parks Commissioner Re: Master Plan.

Item 48 – (Comm. 6E-3) Copy of Memo to Legislators Swanick, Peoples & Greenan Re: Public Benefit Funding & Processing.

Item 49 – (Comm. 6E-4) Memo to Clerk Re: Who Does What? Commission Items to Community Enrichment.

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The above three items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 50 – Copy of Letter to Budget Director Re: State of County Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE SHERIFF**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

Re: Lease Agreement – The V  
 Associates Ltd. (Comm. 6E-6)

WHEREAS, it is deemed necessary to provide a secure facility and landing area for the Erie County Sheriff's Office's helicopters, and

WHEREAS, such a facility and landing area is available, and

WHEREAS, there will be no impact of County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a three year agreement with The V. Associates Ltd. to provide such necessities for the Erie County Sheriff's Office's helicopter, and further be it

RESOLVED, that funding for this agreement, in the total amount of \$54,500 for three years shall be obtained from the available balances in the Sheriff's Office, Account 822, Rental Charges, and be it further

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

MR. LARSON moved to amend the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

**DELETE:** the 3<sup>rd</sup> Whereas clause.

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**ERIE COUNTY LEGISLATURE**

MS. PEOPLES moved the approval of the resolution as amended. MR. KUWIK seconded.  
 CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 52 – (Comm. 6E-7) Copy of Letter to Chairman Re: Task Force on PINS Issues.  
 Received and filed.

FROM CHAIRMAN SWANICK

Item 53 – (Comm. 6E-8) Legislative Appointment to Task Force on PINS Issue.  
 Received and filed.

FROM THE COMPTROLLER

Item 54 – (Comm. 6E-9) Sales Tax Receipts for Fiscal Year 2000.

Item 55 – (Comm. 6E-10) NYS Authorization to Arrange for Underwriting & Private Sale of Bond or Notes Through Negotiated Agreement.

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

FROM THE COUNTY EXECUTIVE

Item 56 – (Comm. 6E-11) Letter to Legislator Pauly Re: Who Does What? Commission Report on Snowplowing.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 57 – (Comm. 6E-12) Mental Health – Authorization to Accept HUD Grant.

Received and referred to the HEALTH COMMITTEE.

Item 58 – (Comm. 6E-13) Sale of County Owned Inventory – 254 Mill Street, Town of Amherst.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 59 – (Comm. 6E-14) Contract with Lackawanna Community Development Corporation.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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**ERIE COUNTY LEGISLATURE**

Item 60 – (Comm. 6E-15) Consultant Agreement – EC Alternative Fuel Vehicle Consortium Project.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 61 – (Comm. 6E-16) Health – Personnel Adjustment.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 62 – (Comm. 6E-17) Probation & CPS – JAIBG Grant Funding.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 63 – (Comm. 6E-18) Sale of County Owned Inventory – 4800 Millersport Highway.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 64 – (Comm. 6E-19) Affordable Housing Agreement – Federal Home Loan Bank of NY & HSBC Bank USA.

Item 65 – (Comm. 6E-20) ECSD No. 3 – Contract Close-Out – Paul J Gallo Contracting Inc.

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

Item 66 – (Comm. 6E-21) DEP – Variable Minimums.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 67 – (Comm. 6E-22) EC Southtowns Sewage Treatment Agency/ Steuben Foods – NYS Environmental Facilities Corporation Grant Application.

Item 68 – (Comm. 6E-23) Year 2001 Emergency Shelter Grant Program Contracts.

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

Item 69 – (Comm. 6E-24) Youth Services – Early Intervention – Administration Grant Increase.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 70 – (Comm. 6E-25) Health – Lease Agreement for Perry Valley Clinic Site.

Item 71 – (Comm. 6E-26) Health – Women’s Health Services 4/1/00 – 3/31/00.

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**ERIE COUNTY LEGISLATURE**

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

Item 72 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

Re: Joint Bidding of Natural Gas,  
 Fuel Oil, Electricity, as Well as  
 Other Commodities Services  
 (Comm. 6E-27)

WHEREAS, in earlier resolutions dated April 29, 1999, Communication No. 7D-29, and February 1, 2001, Communication No. 4E-13, your Honorable Body authorized the County Executive to enter into energy aggregation agreements with Municipal Corporations - Cities, Towns and Villages, Districts and Public Authorities in the County of Erie, Niagara County and the City of Niagara Falls for the joint purchase of natural gas, fuel oil, electricity, as well as other commodities and services, and

WHEREAS, some municipal corporations desire to jointly bid their purchase of natural gas, fuel oil, electricity, as well as other commodities and services without becoming a part of the County's aggregation, and

WHEREAS, it is in the best interest of the County to expand the magnitude of their contract bid to include municipal corporation's utilities purchases, as well as other commodities and services,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is authorized to enter into agreements with Municipal Corporations - Cities, Towns and Villages, Districts and Public Authorities within Erie County, Niagara County and the City of Niagara Falls for the purpose of joint bidding of natural gas, fuel oil, electricity, as well as other commodities and services without becoming a member of the County's aggregation, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 73 – (Comm. 6E-28) Municipal Agreement – Erie County & Town of Tonawanda.

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Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 74 – (Comm. 6E-29) Appropriation for South Buffalo Economic & Community Development Corporation.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 75 – (Comm. 6E-30) Appointments to Disaster Preparedness Advisory Board.

Received, filed and printed.

February 27, 2001

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

Re: Appointments to Disaster Preparedness Advisory Board

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby appoint the following individuals to the Disaster Preparedness Advisory Board for the term expiring December 31, 2002.

Chief Bob Statio  
Buffalo Fire Department  
Room 321 City Hall  
Buffalo, NY 14202

Captain James LaMacchia  
Buffalo Fire Department  
108 Leroy Avenue  
Buffalo, NY 14214

Michael L. Muscarella  
Deputy Commissioner of Public Works  
County of Erie  
95 Franklin Street  
Buffalo, NY 14202

Respectfully submitted,

JOEL A. GIAMBRA  
ERIE COUNTY EXECUTIVE

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JAG:bmc  
 cc: Appointees  
 Commissioner Michael V. Walters, Emergency Services  
 Deputy Commissioner Dean Messing, Emergency Services

Item 76 – (Comm. 6E-31) ECMC Lease of 280 Main Street Downtown Alcohol Clinic Site.

Received and referred to the HEALTH COMMITTEE.

Item 77 – (Comm. 6E-32) DISS – Personnel Adjustments.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 78 – (Comm. 6E-33) Senior Services – Authorization to Amend ORT, NYSRSVP & HIICAP Grant Budgets & Contract with Lackawanna to Operate Van.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 79 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

Re: Utility Enterprise Fund Budget  
 Revision. (Comm. 6E-34)

WHEREAS, the price of natural gas at the end of the 2000 year far exceeded that which could reasonably have been expected, and

WHEREAS, the actual expenditure for utilities within the Utility Enterprise Fund have exceeded the budget set for the year 2000 by \$350,000.00, and

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

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

NOW, THEREFORE, BE IT,

RESOLVED, that the budget for the Utility Enterprise Fund shall be increased from \$19,349,773.00 to \$19,699,773.00 with the appropriations in Account 820, Utility Expense, and the revenues in Account 487, Other General



**MEETING NO. 6****March 1, 2001****ERIE COUNTY LEGISLATURE**

Services - Other Governments, each being increased by \$350,000.00, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 80 – (Comm. 6E-35) Housing Rehabilitation – Dispute Resolution Services – Better Business Bureau Foundation of WNY Inc.

Item 81 – (Comm. 6E-36) EC Sport Fishery Promotion Program – 2000 Annual Report.

Item 82 – (Comm. 6E-37) Contract Amendment – Rural Van Transportation Service Expansion & New Van Purchase.

Item 83 – (Comm. 6E-38) Lackawanna Housing Development Corporation & Episcopal Community Housing Development Organization.

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

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM DPW**

Item 84 – (Comm. 6D-1) SEQR Negative Declaration – Building / Plaza Rehab for 95 Franklin Street.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 85 – (Comm. 6D-2) Notice of County Executive Approval of Int. 2-3 (2001)

Received, filed and printed.

February 20, 2001

VIA HAND DELIVERY

Ms. Laurie A. Manzella. Clerk

**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

Erie County Legislature  
 25 Delaware Avenue, 7<sup>th</sup> Floor  
 Buffalo, New York 14202

Re: Resolution Int. No. 2-3, as amended

Dear Laurie:

Enclosed for filing in your office please find a certified copy of the above-referenced Resolution.

Thank you for your assistance with this matter.

Very truly yours,

FREDERICK A. WOLF  
 Erie County Attorney

By: Susannah M. Bochenek  
 1<sup>st</sup> Assistant County Attorney

SMB:cc  
 encl.

cc: Brian D. White, Assistant County Attorney  
 Jennifer D. Anger, Erie County Legislature  
 (both w/out enc.)

A Public Hearing was held on the foregoing Resolution Int. No. 2-3 on Thursday, February 8, 2001, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 8th day of February, 2001.

\_\_\_\_\_  
 JOEL A. GIAMBRA

FROM PROBATION

Item 86 – (Comm. 6D-3) Annual Status Report.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM HEALTH

Item 87 – (Comm. 6D-4) Letter to Chairman Swanick Re: Funding for Buffalo Public School Nurses.

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Received and referred to the HEALTH COMMITTEE.

FROM ECC

Item 88 - (Comm. 6D-5) Master Plan – Nutter & Associates 1993 & Draft Copy of Middle States Report.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DPW

Item 89 – (Comm. 6D-6) SEQR Lead Agency Status Erie County Secure Youth Detention Facility, 810 East Ferry Street.

Item 90 – (Comm. 6D-7) SEQR Negative Declaration – Reconstruction of Glen Avenue Bridges, Village of Williamsville.

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

FROM YOUTH SERVICES

Item 91 – (Comm. 6D-8) 2001 Prime Time Program Information.

Received and referred to the SOCIAL SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM JOEL SHAPIRO

Item 92 – (Comm. 6M-1) Letter to Clerk Re: Rules of Erie County Legislature.

Received and filed.

FROM THE ALLEGANY COUNTY BOARD OF LEGISLATORS

Item 93 – (Comm. 6M-2) Letter to Chairman Swanick Re: Copy of Resolution Concerning NYS Assumption of County Share of Medicaid.

Received and referred to the HEALTH COMMITTEE.

FROM ASSEMBLYMAN TOKASZ

Item 94 – (Comm. 6M-3) Letter to Legislator Dusza Re: Support of Assembly Bill A.1404.

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Received and filed.

**FROM SENATOR VOLKER**

Item 95 – (Comm. 6M-4) Letter to Legislator Dusza Re: Support of Senate Bill S.747.

Received and filed.

**FROM PETER D SALINS**

Item 96 – (Comm. 6M-5) Letter to Legislator Marinelli Re: Support for ECC's Institutional Assessment Proposal.

Received and filed.

**FROM MOLLY BETHEL**

Item 97 – (Comm. 6M-6) Locust Street Neighborhood Art Classes 2000 Final Report for Use of County Cultural Funds.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM WILLIAM H McGAHAY**

Item 98 – (Comm. 6M-7) Letter to Clerk Re: Receipt of Resolution.

Received and filed.

**FROM NYSDEC**

Item 99 – (Comm. 6M-8) Notice of Meeting Held 2/27/01.

Received and filed.

**FROM THE TIOGA COUNTY LEGISLATURE**

Item 100 – (Comm. 6M-9) Copy of Resolution Requesting NYS Examine Funding of Evolving Healthcare Systems & to Assume County Share of Medicaid.

Received and referred to the HEALTH COMMITTEE.

Item 101 – (Comm. 6M-10) Copy of Resolution Requesting NYS Assume All Costs Associated with Raising Age Limit of P.I.N.S.

**MEETING NO. 6**  
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Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 102 – (Comm. 6M-11) Copy of Resolution Requesting NYS Assume 100% of All Costs as a Result of Changes in Medical Assistance Program Since 1996.

Received and referred to the HEALTH COMMITTEE.

FROM THE NFTA

Item 103 – (Comm. 6M-12) Letter to Legislator Peoples Re: Sales Tax Receipts.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 104 – (Comm. 6M-13) List of Certified 2000 State Equalization Rates.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM VIETNAM VETERANS OF AMERICA WNY CHAPTER 77

Item 105 – (Comm. 6M-14) Letter to County Executive Re: Inner Harbor Project & Role of Naval & Servicemen's Park.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CONGRESSMAN QUINN

Item 106 – (Comm. 6M-15) Copy of Letter to President Bush Re: Increase in Funding.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM OTB

Item 107 – (Comm. 6M-16) WNY Harness Racing Initiative.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BUILDING & CONSTRUCTION TRADES COUNCIL OF BUFFALO, NY & VICINITY

Item 108 – (Comm. 6M-17) Merlau Road Bridge Reconstruction Project Awarded to Donald Braasch Construction.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**MEETING NO. 6**  
**March 1, 2001**

**ERIE COUNTY LEGISLATURE**

**FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS**

Item 109 – (Comm. 6M-18) Certification that Agricultural District No. 7 is Eligible for Redistricting.

Item 110 – (Comm. 6M-19) Certification that Agricultural District No. 16 is Eligible for Redistricting.

The above two items were received and filed.

**FROM SOUTHTOWNS WALLEYE ASSOCIATION OF WNY**

Item 111 – (Comm. 6M-20) Copy of Letter to Legislator Greenan Re: Walleye Creel Reduction.

Received and filed.

**MEMORIAL RESOLUTIONS**

Item 112 – Chairman Swanick requested that when this legislature adjourns, it do so in memory of the Amherst Auto Victims.

Item 113 – Legislator Olma requested that when this legislature adjourns, it do so in memory of Walter Procovial and Ronald Brennan.

Item 114 - Legislator Larson requested that when this legislature adjourns, it do so in memory of Andrew Sojka.

**ADJOURNMENT**

Item 115 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. PEOPLES moved that the Legislature adjourn until **2:00 p.m. Thursday, March 15, 2001**. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, March 15, 2001 at 2 p.m. Eastern Standard Time**.

**LAURIE MANZELLA**  
**CLERK**