

MEETING NO. 6
March 7, 2002

ERIE COUNTY LEGISLATURE

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The Legislature was called to order by Chairman DeBenedetti.

All Members Present except Legislator Fisher.

The invocation was led by Fr. William Bigelow, Pastor – Church of the Holy Family.

The Pledge of Allegiance was led by Mr. Dale.

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

MR. GREENAN moved the approval of the minutes of Meeting No. 20 of 2001. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 2 – MR. SCHROEDER presented a resolution Honoring Andrew Kelley, Kevin Kelley, Matthew Post & William Seychew on Attainment of the Rank of Eagle Scout. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 3 – MR. SCHROEDER presented a resolution Congratulating the Honorable Michael Fitzpatrick Upon His Being Grand Marshall of the “Old Neighborhood” St. Patrick’s Day Parade. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. GREENAN presented a resolution Honoring the West Seneca Christian School Girls Varsity Basketball Team for Winning the 2001-2002 Independent Athletic Conference Regular Season and Playoff Championships. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

Item 6 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #2) 2001 remain on the table.

Item 7 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #3) 2001 remain on the table.

Item 8 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 remain on the table.

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

Item 10 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 11 – CHAIRMAN DeBENEDETTI directed that Local Law No. 10 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 12 – CHAIRMAN DeBENEDETTI directed that Local Law No. 1 (Print #1) 2002 remain on the table.

Item 13 – CHAIRMAN DeBENEDETTI directed that Local Law No. 1 (Print #2) 2002 remain on the table.

Item 14 – CHAIRMAN DeBENEDETTI directed that Local Law No. 1 (Print #3) 2002 remain on the table.

Item 15 – CHAIRMAN DeBENEDETTI directed that Local Law No. 1 (Print #4) 2002 remain on the table.

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

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Item 16 – MR. SWANICK presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

Re: Calling on the Division of Budget, Management & Finance to Release Budget Monitoring Reports in a Timely Fashion. (Intro. 6-1)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK, KUWIK, SCHROEDER, HOLT, FISHER, DALE, PEOPLES, DUSZA & MARINELLI

WHEREAS, the Erie County Charter and applicable state statutes mandate Erie County to adopt and implement a balanced budget on an annual basis, and

WHEREAS, authority is vested in the County Executive to propose a budget, and authority is vested in the Legislature to adopt a budget, subject to certain guidelines, and

WHEREAS, as Chief Fiscal Officer for the County of Erie, the Erie County Comptroller reviews the County Executive's proposed budget each year and provides to the Legislature advice and suggestions toward the adoption and implementation of a balanced budget, and

WHEREAS, in late 2001, members of the Legislature's Democratic caucus requested that New York State Comptroller H. Carl McCall conduct a review of the county's finances, in the wake of the County Executive's announcement last fall that the county was facing a potential budget deficit, and

WHEREAS, the State Comptroller's review determined that the county had an appropriate fund balance level, but reported disagreement between the Office of the Comptroller and the Division of Budget, Management and Finance concerning the use of "designations" of fund balance, and similar issues, and

WHEREAS, on January 10, 2002, the County Comptroller, in a letter to the Erie County Legislature, again made public her concerns about the County's financial condition, and

WHEREAS, within this statement, the County Comptroller made several recommendations as to ways in which the Legislature and the taxpayers could be kept better informed of the County's financial condition, and

WHEREAS, perhaps most importantly, the County Comptroller correctly indicated that the most recent Budget Monitoring Report (BMR) was released by the Budget Division to cover the year 2001 period ending July 31, 2001, with said report having been released on September 18, 2001, and

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WHEREAS, her letter further correctly indicated the lack of a release of a comprehensive year-end forecast by the Budget Division, and

WHEREAS, BMRs previously issued by the Division of Budget, Management & Finance have not regularly included year-end forecasts, which are essential to budget deliberations, and

WHEREAS, the County Comptroller stated, "It is imperative that more complete, more timely, and more understandable financial information be prepared and made available to the legislature and the taxpayers," and

WHEREAS, the County Comptroller recommends that BMRs be released monthly within 30 days of the previous month's end, and that any reports released to cover periods following June 30 of a year should include comprehensive year-end forecasts which detail gains and losses projected for the fiscal year, and should speak to individual fund balance designations and reserve accounts, and

WHEREAS, the County Comptroller finally states, "The best way to avoid financial problems is aggressive reporting and monitoring," and

WHEREAS, the Legislature is prepared to mandate such steps to ensure financial responsibility and accountability,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the financial health and well being of county government, in the interests of protecting taxpayers in the County of Erie, and be it further

RESOLVED, that this Honorable Body does hereby endorse the recommendations of the County Comptroller in her letter dated January 10, 2002, specifically:

- That Budget Monitoring Reports be filed with this Honorable Body monthly, and within 30 days of the previous months end;
- That all BMRs filed after June 30 of each fiscal year include a comprehensive year-end forecast revealing projected gains and losses for the fiscal year;
- That aforementioned year-end forecasts clearly reveal projected ending balances for each specific fund balance reserve or fund balance designation, as well as forecasted undesignated fund balance figures.

and be it further

RESOLVED, that this Honorable Body does hereby request that the County Comptroller and the director of Budget attend the next scheduled meeting of the Legislature's Finance and Management Committee to discuss these recommendations in greater detail, and be it further

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RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Comptroller and the Budget Director.

Fiscal Impact: Impact of Recommendations is Very Positive For County Taxpayers.

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

CARRIED UNANIMOUSLY.

AN AMENDMENT SUBMITTED BY LEGISLATORS DeBENEDETTI, GREENAN, LARSON, RANZENHOFER, CHASE, CUSACK, WEINSTEIN & McCARVILLE

Delete the entire resolution and replace with the following:

WHEREAS, on January 10, 2002, Erie County Comptroller Nancy Naples, in a letter to the Erie County Legislature, made several recommendations as to ways in which the Legislature and taxpayers could be better informed of the County's financial condition, and

WHEREAS, the recommendations to improve the openness and accountability of the County's budgeting process included:

- That Budget Monitoring Reports (BMR) be filed with the Erie County Legislature monthly, and within 30 days of the previous months end;
- That all BMRs filed after June 30 of each year include a comprehensive year-end forecast revealing projected gains and losses for the fiscal year;
- That aforementioned year-end forecasts clearly reveal projected ending balances for each specific fund balance reserve or fund balance designation, as well as forecasted undesignated fund balance figures

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature reaffirms its commitment to openness and accountability in all levels of government, and be it further

RESOLVED, that the Erie County Legislature does hereby support in principle the recommendations of the Erie County Comptroller for greater budget accountability, and be it further

RESOLVED, certified copies of this resolution be forwarded to Erie County Comptroller Nancy Naples, County Executive Joel Giambra and Budget Director Joseph Passafiume.

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

CARRIED UNANIMOUSLY.

Item 17 – MR. SWANICK presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

Re: Support for State Legislation Authorizing
 Tax Credit for Volunteer Firefighters,
 Ambulance Workers and Emergency Medical
 Personnel. (Intro. 6-2)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK, KUWIK, DUSZA,
 DALE, MARINELLI, HOLT, PEOPLES, SCHROEDER & FISHER

WHEREAS, the safety and welfare of the general public is of paramount importance, and

WHEREAS, in communities throughout Western New York, men and women risk their lives every day as firefighters, emergency medical workers and in other roles designed to protect and safeguard the health and safety of local residents, and

WHEREAS, State legislation has been introduced which would provide for a tax credit to volunteer firefighters, volunteers ambulance workers and volunteer emergency medical personnel for years of qualifying service, and

WHEREAS, recruitment and retention of volunteers for this type of service is one of the greatest difficulties confronting volunteer emergency services organizations across the State, and

WHEREAS, this credit would be toward New York State income tax, and would be provided based upon years of continuous volunteer service, and

WHEREAS, the credit amounts to a one hundred dollar per year of service credit, up to a maximum of a one thousand dollar credit for ten years of active continuous service, and

WHEREAS, any incentive that can be provided to recruit and retain these volunteers is invaluable, and a state tax credit is but one small manner by which government may repay the brave men and women who serve our communities so effectively,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby recognize the men and women who serve as firefighters, both volunteer and paid, ambulance workers and emergency medical personnel, and the significant contribution made by those persons to the health, safety and welfare of the people in our communities, and be it further

RESOLVED, that this Honorable Body does further recognize the importance of aiding volunteer emergency services organizations in recruiting and retaining personnel, and be it further

RESOLVED, that this Honorable Body does hereby memorialize the New York State Legislature to pass and the Governor to sign into law A.7156 and S.4288, thereby enacting state income tax credit for persons who serve in these capacities, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George E. Pataki, the members of the Western New York State Delegation to the state Legislature, and to Erie County Emergency Services Commissioner Michael Walters.

Fiscal Impact: None for Resolution.

MR. GREENAN moved to amend the resolution to include ET AL sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 18 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 6-3 From LEGISLATORS DALE, SWANICK & HOLT Re: Support for One Regional Industrial Development Agency for Erie County.

Item 19 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 6-4 From LEGISLATOR GREENAN Re: Funding for Community Organizations.

Item 20 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

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GRANTED.

Intro. 6-5 From LEGISLATORS GREENAN, CHASE & McCARVILLE Re: Funding for Community Organizations.

Item 21 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 6-6 From LEGISLATORS MARINELLI & FISHER Re: Funding for a Cultural Organization.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

Re: Waiver of Fees for Rural Transit Service Annual Picnic. (Intro. 6-7)

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

WHEREAS, the Rural Transit Service provides a vital means of transportation for the elderly, handicapped and low income persons in rural areas of the county, and

WHEREAS, the Rural Transit Service provides more than 20,000 trips per year for persons wishing to attend senior or other community functions and for others needing medical care, grocery shopping, and other necessities of life, and

WHEREAS, the vehicles in this program are manned by a corps of more than 150 volunteers who give unselfishly of their time without any monetary reimbursement, and

WHEREAS on June 22, 2002, these volunteers will be honored at a recognition picnic at the Edward J. Martin Lodge at Chestnut Ridge Park, and

WHEREAS, the Erie County Department of Park, Recreation and Forestry has notified the Rural Transit Service that the fee for rental of this facility is \$90 (ninety dollars), and

WHEREAS, the Erie County Legislature must approve a resolution to effect a waiver of said fee,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby direct the Commission of the Erie County Department of Parks, Recreation and Forestry to waive the fees for the Rural Transit Service's recognition picnic for its volunteers to be held on June 22, 2002, And be it further

RESOLVED that a certified copy of this resolution be forwarded to County Executive Joel Giambra, Budget Director Joseph Passafiume, Commissioner of Parks, Recreation and Forestry Larry Jasinski and to Elizabeth Fadale, Rural Transit Service, P.O. Box 212, Brant, New York 14027.

Fiscal Impact: Minimal

MR. RANZENHOFER moved to amend the resolution to include ET AL sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 23 – MR. GREENAN moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 3E-27. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

Re: Open Item – Erie County Energy.

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

CARRIED UNANIMOUSLY.

Add the following:

WHEREAS, in an earlier resolution dated February 4, 1999, Comm. No. 2D-11, your Honorable Body authorized the County Executive to enter into a contract with LepCorp to provide electric procurement and management services, and

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WHEREAS, in earlier resolutions dated October 21, 1999 and July 5, 2001, your Honorable Body authorized entering into change orders with LepCorp to provide natural gas procurement management services, hourly price management related to electricity procurement and management services and heating fuel oil procurement and management services, and

WHEREAS, through a Request for Qualifications process implemented by the Department of Public Works, qualifications were received from prospective firms to provide Erie County Energy Technical Services, and

WHEREAS, after thorough review of the qualification statements submitted and then an interview, the Commissioner of Public Works deemed LepCorp as the best firm to supply Erie County with energy services it requires,

NOW, THEREFORE, BE IT,

RESOLVED, that your Honorable Body authorizes the County Executive to enter into a contract with LepCorp to provide Energy Technical Services, and be it further,

RESOLVED, that the new contract will include rates identical to those rates charged in the existing agreement and its change orders, those being \$0.07 per MCF for gas, \$0.0004 per Kilowatt hour for electric and \$0.005 per gallon for heating fuel oil, and be it further

RESOLVED, that the Department of Public Works will inform, for informational purposes only, twice per year, the Erie County Legislature of the fees paid to LepCorp for that period differentiated by the various services provided, and be it further

RESOLVED, that the new contract will include all those services presently being executed by LepCorp through the existing agreement and its change orders, 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 Budget Management & Finance; and one copy to the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

Add the following:

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

WHEREAS, the price of natural gas at the end of the 2000 year and beginning of the 2001 year far exceeded that which could reasonably have been expected, and

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WHEREAS, the actual expenditure for utilities within the Utility Enterprise Fund have exceeded the budget set for the year 2001 by \$8.4 million, and

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

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

NOW, THEREFORE, BE IT,

RESOLVED, that the budget for the Utility Enterprise Fund shall be increased from \$18,953,995 to \$27,353,995 with the appropriations in Account 820, Utility Expense, and the revenues in Account 487, Other General Services - Other Governments and Account 685, Interfund Revenue each being increased by \$8.4 million, and be it further,

RESOLVED, that the Department of Public Works will inform, for informational purposes only and on an annual basis, the Erie County Legislature of the savings yielded through the purchase of energy through the deregulated marketplace, 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.

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

CARRIED UNANIMOUSLY.

Add the following:

WHEREAS, through PON 565-00, Institutional Energy Services Performance Contracting Program, NYSEDA has awarded Erie County with a \$50,000 grant to aid in establishing and implementing a Performance Contracting Program, and

WHEREAS, in Communication No. 12E-20 [c] dated July 5, 2001, authorization was received to enter into contracts with two Performance Contracting firms, and

WHEREAS, the first project to be undertaken through the Performance Contracting Program is the Reconstruction of the Existing Court House Buildings, and

WHEREAS, the Department of Public Works wishes to hire C.J. Brown, Energy, P.C. to assist in establishing and implementing the Performance Contract on this reconstruction project,

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NOW, THEREFORE, BE IT,

RESOLVED, that unanticipated revenue from PON 565-00, Institutional Energy Services Performance Contracting Program is hereby appropriated in the Department of Public Works as follows:

Account 975 Consultant Contracts	\$50,000
Total Appropriations	\$50,000
State-Aid-NYSERDA	\$50,000
Total Revenues	\$50,000

and be it further,

RESOLVED, that Fund 410, Project 810 will be increased by \$50,000, and be it further,

RESOLVED, that Erie County Legislature authorizes a change order be made to C.J. Brown, Energy, P.C. for \$21,500 for their work in establishing and implementing a Performance Contract on the Reconstruction of the Existing Court House Buildings, and

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

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

CARRIED UNANIMOUSLY.

Item 24 – MR. SWANICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 5-9. MR. DALE seconded.

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 7.513 – 8.502)

Item 25 – MR. SWANICK moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Intro. 5-20. MR. DALE seconded.

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CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 7.513 – 8.502)

SUSPENSION OF THE RULES

Item 26 – MS. CHASE moved for a suspension of the rules to include an item not on the agenda. MR. GREENAN seconded.

GRANTED.

RESOLUTION NO. 112

Re: Supporting Graycliff Conservancy's
 Application for Federal Funds. (Intro. 6-8)

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

WHEREAS, the Graycliff Estate, located on the shores of Lake Erie in the town of Evans, is the Frank Lloyd Wright-designed property which was the summer home of Isabelle R. Martin and her family, and

WHEREAS, Graycliff's architectural significance and the history of the relationship between the Frank Lloyd Wright and the Darwin D. Martin Family make this site a compelling heritage and tourism destination, and

WHEREAS, the Graycliff Conservancy's efforts to restore Graycliff affords the public the opportunity to learn about this significant chapter in our community's development and to enjoy the spectacular lakeside setting that continues to be such an important center of activity in the Buffalo Niagara Region, and

WHEREAS, the Graycliff Conservancy was formed in 1997 as a grassroots, community organization in response to Graycliff's uncertain future and the Conservancy has successfully transferred Graycliff from private ownership to a public treasure, with a resulting positive economic impact for the Buffalo Niagara Region, and

WHEREAS, the impact of completing Graycliff's restoration will compliment New York State's priority of public access to lakefront property, support current plans to promote the Lake Erie waterfront as a natural resource for public enjoyment and tourism, and increase the number of

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attractions that the Buffalo Niagara Convention and Visitors Bureau can market to attract and extend regional tourism in Western New York, and

WHEREAS, Erie County has provided the Graycliff Conservancy with \$548,000 in restoration funds for the project, and

WHEREAS, the Graycliff Conservancy has recently requested federal funds to complete Graycliff's restoration in a timely manner,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the preservation of our county's historic architecture and to the further development of cultural and architectural tourism in the region, and be it further

RESOLVED, that this Honorable Body does hereby strongly urge the United States Congress to approve the Graycliff Conservancy's request for federal funds, especially in light of the fact that this historic complex is a New York State Landmark, is listed on the National Register of Historic Places and is a sponsored project of the federal Save America's Treasures program, and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation of the United States Congress, and to Carol Bronnenkant of the Graycliff Conservancy (PO Box 207, Amherst, NY 14226).

Fiscal Impact: None for resolution.

MR. SWANICK moved to amend the resolution to include ET AL sponsorship. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 27 – MR. DUSZA moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

GRANTED.

CHAIRMAN DeBENEDETTI directed that the following item be referred to the HUMAN SERVICES COMMITTEE.

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Comm. 6E-21 From LEGISLATOR DUSZA Re: The FDA's Approval of the Sale of a Generic Version of Glucophage.

Item 28 – MR. SWANICK moved for a suspension of the rules to include an item not on the agenda. MS. PEOPLES seconded.

GRANTED.

CHAIRMAN DeBENEDETTI directed that the following item be received and filed.

Comm. 6E-22 From LEGISLATOR FISHER Re: Notice of Absence.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 29 – (Comm. 6E-1) Apportionment & Distribution of 4% Sales Tax Revenue Received from NYS for February.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 30 – (Comm. 6E-2) Certificate of Determination by Comptroller Relative to Terms, Form, & Details of Sale & Issuance of \$1,426,282 EFC Sewer System Bonds.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 31 – (Comm. 6E-3) State of the County Message.

Received and filed.

FROM THE COMPTROLLER

Item 32 – (Comm. 6E-4) 2001 Investment Earnings.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIRMAN DeBENEDETTI

Item 33 – (Comm. 6E-5) Letter to Chairman of the Board of Kaleida Health System Re: Urging Release of Hunter Group Report Concerning Children's Hospital.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 34 – (Comm. 6E-6) Health – Personnel Adjustments.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 35 – (Comm. 6E-7) Compressed Natural Gas Fueling Station at ECMC.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

Re: DISS – Upgrade of Oracle Software
 Licenses through Financing Agreement.
 (Comm. 6E-8)

WHEREAS, the County has the need to further enhance its ability to share technology resources and handle information via the Internet, and

WHEREAS, the Division of Information and Support Services has been considering possible solutions to address these needs, and

WHEREAS, the Division of Information and Support Services has committed to using Oracle Software to accomplish these goals, and

WHEREAS, Oracle Software and Licenses can be purchased by Erie County from the New York State Contract, and

WHEREAS, this purchase will include an upgrade of the current software, a more flexible licensing structure to include cities, towns and villages located within Erie County to share applications, and

WHEREAS, the Oracle Corporation has agreed to finance the purchase of upgraded licenses interest free over the next six years, and

WHEREAS, the Division of Information and Support Services has the funding available in the current operating budget to make the 2002 payment.

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NOW, THEREFORE, BE IT

RESOLVED, the County Executive is hereby authorized to enter into a financing agreement with the Oracle Credit Corporation to purchase upgraded Oracle Licensing in the amount of \$576,867 to be paid over six years, and be it further

RESOLVED, that the source of the first installment in the amount of \$82,754 shall be from available balances in Account 823, Repairs and Maintenance (DAC 110-027-510-823) in the 2002 adopted budget of the Division of Information and Support Services, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of Information and Support Services, the County Comptroller, and the Director of Budget, Finance and Management.

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

CARRIED UNANIMOUSLY.

Item 37 – (Comm. 6E-9) Funding for City of Tonawanda Water System Upgrades & Repairs.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 38 – (Comm. 6E-10) Erie County & Niagara County Niagara Power Project Relicensing Consensus Initiative.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 39 – (Comm. 6E-11) County & Grant Funded Internships Within DEP.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 40 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

Re: Appointment to EC Environmental
Management Council. (Comm. 6E-12)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Rosa A. Gonzalez of 8 Lakewood Drive, Orchard Park, New York 14127 to the Erie County Environmental Management Council for a term to expire May 31, 2003.

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

CARRIED UNANIMOUSLY.

Item 41 – (Comm. 6E-13) Reappointment to EC Board of Health.

RECEIVED, FILED & PRINTED.

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

Re: Reappointment to Erie County Board of Health

Dear Members:

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

NAME AND ADDRESS	TERM EXPIRATION
Daniel C. Kozera, M.D. 240 South Shore Boulevard Lackawanna, NY 14218	December 31, 2007

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG:bmc

cc: Appointee

Commissioner Anthony Billittier, Health Department
Hon. John J. Kuryak, Mayor, City of Lackawanna

Item 42 – (Comm. 6E-14) Adjustment of State Grant – Downtown Auto Bureau.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 43 – (Comm. 6E-15) Ralph Wilson Stadium – 2002 Capital Rehabilitation Project.

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Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 44 – (Comm. 6E-16) Revision to NYSDOT Snow & Ice Agreements.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 45 – (Comm. 6E-17) ECSD No. 2 – 18 Mile Creek & Sweetland Road Pumping Station Modifications – Contract No. 37EV “B” Electrical Change Order No. B-2 – Tunney Elect.

Item 46 – (Comm. 6E-18) ECSD No. 2 – Increase & Improvement of Facilities (2001) – EC Sewer Agency Report.

Item 47 – (Comm. 6E-19) ECSD Nos. 1, 4 & 5 – Transfer of Funds.

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

FROM CHAIRMAN DeBENEDETTI

Item 48 – (Comm. 6E-20) Letter to Clerk of Legislature Re: Notice of Legislator Greenan’s Appointment as Majority’s Appointment to Deferred Compensation Plan Comm.

RECEIVED, FILED & PRINTED.

March 5, 2002

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

Dear Madam Clerk:

Please be advised that I am naming Legislator John W. Greenan as the Majority’s appointment to the Deferred Compensation Plan Committee.

Very truly yours,

ALBERT DeBENEDETTI
Chairman
Erie County Legislature

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CC: Legislator John Greenan
County Executive Joel Giambra

COMMUNICATIONS FROM THE DEPARTMENTS

FROM DEP

Item 49 – (Comm. 6D-1) SEQR – Negative Declaration – Notice of Determination of Non-Significance.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECC

Item 50 – (Comm. 6D-2) Minutes of Board Meeting Held 1/30/02.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 51 – (Comm. 6D-3) Notice of County Executive's Public Hearing for Local Law Int No. 2 – 2002.

RECEIVED, FILED & PRINTED.

March 2, 2002

VIA HAND DELIVERY

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

RE: Notice of Public Hearing
Local Law Intro. No. 2-2002

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Eire County Legislature on February 28, 2002.

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

Very truly yours,
 FREDERICK A. WOLF
 Erie County attorney

By: Susannah M. Bochenek
 1st Assistant County Attorney

SMB/fr
 encl.

cc: Frederick A. Wolf, Erie County Attorney
 Andrew B. Isenberg, 2nd Assistant County Attorney
 Thomas P. DeMartino, Esq., Senior Executive Assistant
 (all w/o attachment)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, Wednesday, March 13, from 7 p.m. until 9 p.m., concerning:

A LOCAL LAW amending Local Law No.1 -1959, constituting the Erie County Charter, as amended, in relation to the composition of the county legislative districts.

The hearing will be held in the Main Auditorium at the E.C.C. City Campus, 121 Ellicott Street, in the City of Buffalo.

On February 28, 2002, the Erie County Legislature adopted Erie County Local Law Intro. No. 2 of 2002. Copies of the proposed Local Law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th floor of 25 Delaware Avenue, in the City of Buffalo, New York.

 JOEL A. GIAMBRA

ERIE COUNTY EXECUTIVE

FROM THE CLERK OF THE LEGISLATURE

Item 52 – (Comm. 6D-4) Copy of Letter to Honorable John Elfvin, County Executive Giambra & County Attorney Wolf Re: Reapportionment Intro. 5-22 (2002).

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Received and filed.

FROM ECC

Item 53 – (Comm. 6D-5) Notice of Board of Trustees Committee Meetings to be Held 3/11/02 & Board of Trustees Meetings to be Held 3/20/02.

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

Letter to Chairman DeBenedetti Re:
 Notification that Vacancy in Office of Water
 Authority Commissioner Will Occur on 4/27/02.
 (Comm. 6D-6)

MR. GREENAN moved to amend the resolution. MR. RANZENHOFER seconded. MR. SCHROEDER voted in the negative.

CARRIED. (WEIGHTED VOTE: 15.102 – 0.913)

Upon the nomination in writing signed by a majority of the members of the Republican Party of the Erie County Legislature, the Erie County Legislature does hereby confirm as a member of the Erie County Water Authority **Robert J. Lichtenthal Jr., 12234 Hunts Corners Road, Akron, New York 14001**, for a three-year term commencing April 28, 2002 and expiring April 27, 2005.

February 28, 2002

We, the undersigned, representing a majority of the members of the Republican Party in the Erie County Legislature, do hereby nominate for appointment as a member of the Erie County Water Authority ROBERT LICHTENTHAL, 12234 Hunts Corners Road, Akron, New York 14001, to fill a three-year term expiring April 27, 2005.

John W. Greenan
 9th District

Jeanne Z. Chase
 12th District

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Steven P. McCarville
 13th District

Elise M. Cusack
 14th District

Barry A. Weinstein, M.D.
 15th District

Michael H. Ranzenhofer
 16th District

Dale W. Larson
 17th District

MR. GREENAN moved the approval of the resolution as amended. MR. SWANICK seconded. MR. SCHROEDER voted in the negative.

CARRIED. (WEIGHTED VOTE: 15.102 – 0.913)

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NYSDEC

Item 55 – (Comm. 6M-1) Fact Sheet – Hanna Furnace – Voluntary Cleanup Agreement.

Received and filed.

FROM THE TOWN OF CHEEKTOWAGA

Item 56 – (Comm. 6M-2) Certified Resolution Re: Reapportionment Plan.

Received and filed.

FROM GOVERNOR PATAKI

Item 57 – (Comm. 6M-3) Receipt of Resolution.

Item 58 – (Comm. 6M-4) Receipt of Resolutions.

Item 59 – (Comm. 6M-5) Receipt of Resolutions.

The above three items were received and filed.

FROM THE NFTA

Item 60 – (Comm. 6M-6) Board Minutes from Meeting Held 1/22/02.

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Received and filed.

FROM THE EVANS CENTER VOLUNTEER FIRE COMPANY

Item 61 – (Comm. 6M-7) Letter to All Legislators Re: Support for 800 MHz Radio System for Public Safety Providers.

Received and filed.

FROM THE EC BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY

Item 62 – (Comm. 6M-8) Letter to Legislator Weinstein Re: Electronic Court Appearances.

Received and referred to REGIONALISM AD HOC COMMITTEE.

FROM THE TOWN OF AMHERST

Item 63 – (Comm. 6M-9) Certified Resolution in Support of Majority Reapportionment Plan.

Received and filed.

MEMORIAL RESOLUTIONS

Item 64 – Legislator Swanick requested that when this legislature adjourns, it do so in memory of Legislator Fisher's mother.

Item 65 – Legislator Swanick requested that when this legislature adjourns, it do so in memory of the soldiers serving in the battlefield.

Item 66 – Legislator Swanick requested that when this legislature adjourns, it do so in memory of the soldiers who died.

Item 67 – Legislator Chase requested that when this legislature adjourns, it do so in memory of Ray Hazard.

Item 68 – Legislator Chase requested that when this legislature adjourns, it do so in memory of Brandon DiMartino.

Item 69 – Legislator Greenan requested that when this legislature adjourns, it do so in memory of Bill Hegedus.

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Item 70 – Legislator Holt requested that when this legislature adjourns, it do so in memory of City Court Judge Sam Houston.

Item 71 – Legislator Holt requested that when this legislature adjourns, it do so in memory of Mr. Stenhouse.

Item 72 – Legislator Schroeder requested that when this legislature adjourns, it do so in memory of Tom Blake.

Item 73 – Legislator Dusza requested that when this legislature adjourns, it do so in memory of Edna (Jarosz) Lis.

Item 74 – Legislator Cusack requested that when this legislature adjourns, it do so in memory of Legislator Greenan’s daughter.

Item 75 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Robert Scott.

ADJOURNMENT

Item 76 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. GREENAN moved that the Legislature adjourn until 2 p.m. Thursday, March 21, 2002.
MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 21, 2002 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK