

**MEETING NO. 7**  
**April 3, 2003**

**ERIE COUNTY LEGISLATURE**

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**MEETING NO. 7**  
**April 3, 2003**

The Legislature was called to order by Chairman Swanick.

All Members Present.

The invocation was led by Linda Tatu President, Harvest House.

The Pledge of Allegiance was led by Ms. Marinelli.

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

Item 2 – MR. RANZENHOFER moved the approval of minutes for Meetings No. 3, 4 & 5 of 2003. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

**MISCELLANEOUS RESOLUTIONS**

Item 3 – MR. DUSZA, ET AL presented a resolution Honoring Fallen Lance Cpl Eric Orlowski US Marine Killed in Iraq. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. DeBENEDETTI presented a resolution Honoring Tony Williams for Receiving “The Unsung Hero Award” by New York State. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 5 – MS. MARINELLI, HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH & DUSZA presented a resolution Honoring Rich & Lori Newberg Upon Receiving the Carl Hoffman Award for Their Many Years of Service to the Community. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 6 – MS. MARINELLI presented a resolution Congratulating Joyce Steeg DeLong Upon Being Honored with the “Woman of the Year” Award from Buffalo Business & Professional Women. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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Item 7 – MR. DUSZA presented a resolution Honoring Robert Synder for 32 Years of Service to Depew Public Schools. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. DUSZA presented a resolution Honoring Essay & Poster Winners from the Sertoma Contest at Depew Middle School. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. WEINSTEIN & MS. CUSACK, ET AL presented a resolution Honoring Rich & Lori Newberg. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. RANZENHOFER presented a resolution Honoring Raymond Carlo Jr. for Being Named, by Akron Chamber of Commerce, Citizen of the Year. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. WEINSTEIN & MR. SCHROEDER presented a resolution Honoring the 10<sup>th</sup> Anniversary of the Harvest House. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 12 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 13 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

Item 14 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 15 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 16 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #1) 2003 remain on the table.

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Item 17 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 18 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 19 – CHAIRMAN SWANICK directed that Local Law No. 3 (Print #1) 2003 remain on the table.

Item 20 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMITTEE REPORTS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

March 27, 2003

ECONOMIC DEVELOPMENT  
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.

- |    |                          |   |       |               |
|----|--------------------------|---|-------|---------------|
|    | Item                     | Page  | -2003 | (Comm. 6D-8)  |
| a. | <b>DEP:</b>              | SEQR – Solicitation for Lead Agency Status – Unlisted Action – Kenmore Avenue\Sheridan Drive Intersection Improvements. |       |               |
|    |                          | (6-0) Chairman Swanick present as Ex-Officio Member.  |       |               |
|    | Item                     | Page  | -2003 | (Comm. 6E-20) |
| b. | <b>COUNTY EXECUTIVE:</b> | ECMC – Ambulatory Support Services Renovations.   |       |               |
|    |                          | (6-0) Chairman Swanick present as Ex-Officio Member.  |       |               |
|    | Item                     | Page  | -2003 | (Comm. 6M-7)  |
| c. | <b>CITY OF BUFFALO:</b>  | Copy of Resolution Re: County Reimbursement for Maintenance of City\County Roads.                                       |       |               |
|    |                          | (6-0) Chairman Swanick present as Ex-Officio Member.  |       |               |

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2. Item Page -2003 (Comm. 6E-21)

**COUNTY EXECUTIVE**

WHEREAS, design services are required for an ECCF & ECHC Update of Master Plan for Jail Management, Architect/Engineer Agreement, and

WHEREAS, the firm of Kideney Architects presently has a General Engineering contract with the County of Erie to provide design services, and

WHEREAS, the firm of Kideney Architects provided the Architectural/Engineering Services for Erie County Correctional Facility and Erie County Holding Center original master plan implementation in the year 1999,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to enter into a supplemental agreement with Kideney Architects, 200 John James Audubon Parkway, West Amherst, New York, with a maximum fee not-to-exceed \$130,000, including testing, reimbursables, and miscellaneous expenses relative to the design services required to update the Master Plan Jail Management and Phase 1 construction, and be it further,

RESOLVED, that the \$130,000 fee allocation be taken from the 2003 Bond authorization specific to the project, and be it further,

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

(6-0) Chairman Swanick present Ex-Officio Member.

**MICHAEL H. RANZENHOFER  
CHAIRMAN**

MR. RANZENHOFER moved to separate item #1.c. and moved the approval of the balance of the report. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to send item #1.c. back to the ECONOMIC DEVELOPMENT COMMITTEE. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 107

March 27, 2003

FINANCE & MANAGEMENT  
COMMITTEE  
REPORT NO. 4ALL MEMBERS PRESENT EXCEPT LEGISLATOR DeBENEDETTI. CHAIRMAN SWANICK  
PRESENT AS EX-OFFICIO MEMBER.

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

Item Page -2002 (Comm. 25E-6)  
a. **COMPTROLLER:** Review of Collection Procedures for Erie County Hotel Occupancy Tax  
for Period 1/1/00 – 6/30/02.  
(4-0) Legislator DeBenedetti absent.

Item Page -2002 (Intro. 25-11)  
b. **DALE, PEOPLES & FISHER: AS AMENDED:** Reviewing the Terms of the County's  
Commitment Concerning the Buffalo Sabres.  
(4-0) Legislator DeBenedetti absent.

Item Page -2003 (Comm. 1E-7)  
c. **DeBENEDETTI:** copy of Letter to Thomas Golisano Re: Request for Information  
Concerning Bid to Purchase Buffalo Sabres.  
(4-0) Legislator DeBenedetti absent.

Item Page -2003 (Comm. 1E-14)  
d. **COMPTROLLER:** Copy of Letter to County Executive Re: Request for Full Involvement  
in Sabres Negotiations.  
(4-0) Legislator DeBenedetti absent.

Item Page -2003 (Intro. 3-2)  
e. **DALE, MINORITY CAUCUS:** Seeking Information on County Executive's Decision to  
Retain Taxpayer-Funded Legal Counsel for Sabres Deal.  
(4-0) Legislator DeBenedetti absent.

Item Page -2003 (Comm. 4E-6)  
f. **COMPTROLLER:** Copy of Letter to Budget Director Re: Review of Collection Procedures  
for EC Hotel Occupancy tax for Period 7/1/00 – 6/30/02.  
(4-0) Legislator DeBenedetti absent.

Item Page -2003 (Comm. 4E-15)

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- g. **COUNTY EXECUTIVE:** Budget, Management & Finance – Response to Review of Collection Procedures for EC Hotel Occupancy Tax.  
(4-0) Legislator DeBenedetti absent.

Item	Page	-2003	(Comm. 5D-2)
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- h. **COUNTY ATTORNEY:** Special Counsel – Sabres Bankruptcy.  
(4-0) Legislator DeBenedetti absent.

Item	Page	-2003	(Comm. 5E-4)
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- i. **COMPTROLLER:** Apportionment & Distribution of 4% Sales Tax for 2/03.  
(4-0) Legislator DeBenedetti absent.

Item	Page	-2003	(Comm. 5M-4)
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- j. **NYS COMPTROLLER HEVESI:** Economic Impact Statement Re: Buffalo Sabres.  
(4-0) Legislator DeBenedetti absent.

Item	Page	-2003	(Intro. 5-22)
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- k. **HOLT, MINORITY CAUCUS:** Joining Comptroller's Call for Completed 12/02 BMR & for Compliance with Erie County Legislature Resolution Intro 6-1 (2002), as Amended.  
(4-0) Legislator DeBenedetti absent.

Item	Page	-2003	(Comm. 6D-11)
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- l. **BUDGET, MANAGEMENT & FINANCE:** Budget Monitoring Report for Period Ending 12/31/02.  
(4-0) Legislator DeBenedetti absent.

Item	Page	-2003	(Comm. 6E-1)
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- m. **COMPTROLLER:** Distribution of Sales Tax Revenue Remitted to Erie County for Fiscal Year Ended 12/31/02.  
(4-0) Legislator DeBenedetti absent.

2. Item Page -2003 (Comm. 2D-13)

**BUDGET, MANAGEMENT & FINANCE**

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

RESOLVED, that petitions numbered 203183 through 203202 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services

and be charged back to the applicable towns and / or cities.

**FISCAL YEAR 2003**

Petition No.

**203183**

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**ASSESSOR                      **Refund**                      \$55.70**S-B-L 26.15-8-1/12E    142289 AMHERST**

Acct. No. 112    \$23.25      County

Acct. No. 132    \$23.25      Town/SpecialDist/School

22026 AMHERST # 9 FIRE PROTECTION                      \$4.82

**Charge To :    142289 AMHERST    \$28.07**

REFUND - CLERICAL ERROR, THE CONCO EXEMPTION IN THE AMOUNT OF 16,000 SHOULD BE IN THE AMOUNT OF 11,000. RPTL 550(2)B  
 CHECK FOR: EDYTHE A ALDRIDGE

**FISCAL YEAR 2003    Petition No.    203184**ASSESSOR                      **Cancel**                      \$66.08**S-B-L 211.00-4-16    142600 BOSTON**

Acct. No. 112    \$0.00      County

Acct. No. 132    \$66.08      Town/SpecialDist/School

**Charge To :    142600 BOSTON    \$66.08**

CANCEL - CLERICAL ERROR, THE WATER DISTRICT #3 WAS CHARGED IN ERROR ON THIS PARCEL . RPTL 550(2)E

**FISCAL YEAR 2003    Petition No.    203185**ASSESSOR                      **Cancel**                      \$37.83**S-B-L 211.00-4-17    142600 BOSTON**

Acct. No. 112    \$0.00      County

Acct. No. 132    \$37.83      Town/SpecialDist/School

**Charge To :    142600 BOSTON    \$37.83**

CANCEL - CLERICAL ERROR, THIS PARCEL IS CHARGED IN ERROR FOR WATER 3

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April 3, 2003ERIE COUNTY LEGISLATURE

ADVAL. RPTL 550(2)E

<b>FISCAL YEAR</b> 2002	Petition No.	<b>203186</b>
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ASSESSOR	<b>Refund</b>	\$111.15
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<b>S-B-L</b> 241.00-2-15.12	<b>142600 BOSTON</b>
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Acct. No. 112	\$0.00	County
Acct. No. 132	\$111.15	Town/SpecialDist/School

<b><u>Charge To :</u></b>	<b>142600 BOSTON</b>	<b>\$111.15</b>
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REFUND - CLERICAL ERROR, THE WRONG WATER DISTRICT WAS APPLIED TO THIS PARCEL . RPTL 550(2)E  
CHECK FOR: THOMAS & BERNADETTE SMITH

<b>FISCAL YEAR</b> 2003	Petition No.	<b>203187</b>
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ASSESSOR	<b>Cancel</b>	\$108.02
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<b>S-B-L</b> 241.00-2-15.12	<b>142600 BOSTON</b>
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Acct. No. 112	\$0.00	County
Acct. No. 132	\$108.02	Town/SpecialDist/School

<b><u>Charge To :</u></b>	<b>142600 BOSTON</b>	<b>\$108.02</b>
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CANCEL - CLERICAL ERROR, THIS PARCEL WAS CHARGED IN ERROR ON THE TAX ROLL FOR WATER DISTRICT #2. RPTL 550(2)E

<b>FISCAL YEAR</b> 2003	Petition No.	<b>203188</b>
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ASSESSOR	<b>Cancel</b>	\$11.08
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<b>S-B-L</b> 332.00-3-4.12	<b>143601 COLLINS</b>
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	Acct. No. 112	\$6.87	County
	Acct. No. 132	\$4.21	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>143601 GOWANDA</b>	<b>\$4.21</b>	

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 1,124 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2003**                      Petition No.                      **203189**

ASSESSOR                      **Cancel**                      \$68.70

**S-B-L 342.05-2-21.1**                      **143601 COLLINS**

	Acct. No. 112	\$42.58	County
	Acct. No. 132	\$26.12	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>143601 GOWANDA</b>	<b>\$26.12</b>	

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 6,960 (15%) WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2003**                      Petition No.                      **203190**

ASSESSOR                      **Cancel**                      \$66.97

**S-B-L 343.00-3-12**                      **143601 COLLINS**

	Acct. No. 112	\$41.50	County
	Acct. No. 132	\$25.47	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>143601 GOWANDA</b>	<b>\$25.47</b>	

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUN OF 6,795 (15%) WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

<b>FISCAL YEAR</b> 2003	Petition No.	<b>203191</b>
ASSESSOR	<b>Cancel</b>	\$4,589.55
<b>S-B-L</b> 666.00-13-2	<b>143889 CONCORD</b>	
Acct. No. 112	\$2,536.45	County
Acct. No. 132	\$2,053.10	Town/SpecialDist/School
38019 CONCORD FIRE PROTECT	\$770.04	
<b>Charge To :</b>	<b>143889 CONCORD</b>	<b>\$1,283.06</b>

CANCEL - UNLAWFUL ENTRY , THE STATE BOARD OF EQUALIZATION SET THE ASSESSED VALUE AT 1,173,400. THE ASSESSMENT USED ON THE TAX ROLL WAS 1,503,200. RPTL 550(7)E

<b>FISCAL YEAR</b> 2003	Petition No.	<b>203192</b>
ASSESSOR	<b>Cancel</b>	\$389.68
<b>S-B-L</b> 224.00-3-9	<b>144000 EDEN</b>	
Acct. No. 112	\$191.91	County
Acct. No. 132	\$197.77	Town/SpecialDist/School
40019 FIRE PROTECTION	\$25.05	
40500 EC#3 BOSTON VALLEY	\$6.00	
<b>Charge To :</b>	<b>144000 EDEN</b>	<b>\$166.72</b>

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 261,900 AND SHOULD BE 226,900. RPTL 550(2)A

<b>FISCAL YEAR</b> 2003	Petition No.	<b>203193</b>
ASSESSOR	<b>Cancel</b>	\$282.59
<b>S-B-L</b> 225.00-1-9.1	<b>144000 EDEN</b>	
Acct. No. 112	\$0.00	County
Acct. No. 132	\$282.59	Town/SpecialDist/School

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40500 EC#3 BOSTON VALLEY	\$3.84	
40501 EC#3 BOSTON VALLEY	\$278.75	
<b>Charge To :</b>	<b>144000 EDEN</b>	<b>\$0.00</b>

CANCEL - CLERICAL ERROR, PARCEL IS OWNED BY ERIE COUNTY WATER AUTHORITY AND IS EXEMPT FROM TAXES. RPTL 550(2)E

**FISCAL YEAR 2002**                      Petition No.                      **203194**

ASSESSOR                      **Refund**                      \$290.40

**S-B-L** 151.46-4-6.1                      **144801 BLASDELL**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$290.40	Town/SpecialDist/School

**Charge To :**                      **144801 BLASDELL**                      **\$290.40**

**Relevy Village**                      \$290.40                      Village of BLASDELL

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 48,000 AND SHOULD BE 24,000. RPTL5502A CHECK FOR: EMILY HESSLINK

**FISCAL YEAR 2003**                      Petition No.                      **203195**

ASSESSOR                      **Cancel**                      \$311.04

**S-B-L** 46.00-4-31.111                      **145689 NEWSTEAD**

Acct. No. 112	\$183.30	County
Acct. No. 132	\$127.74	Town/SpecialDist/School
56019 NEWSTEAD FIRE PROTECT	\$47.04	

**Charge To :**                      **145689 NEWSTEAD**                      **\$80.70**

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE ENTRY. RPTL 550(2)F

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April 3, 2003ERIE COUNTY LEGISLATUREFISCAL YEAR 2003                      Petition No.                      **203196**ASSESSOR                      **Cancel**                      \$267.42**S-B-L** 285.04-1-5                      **145889 NORTH COLLINS**Acct. No. 112                      \$267.42                      County  
Acct. No. 132                      \$0.00                      Town/SpecialDist/School**Charge To :**                      **145889 NORTH COLLINS**                      **\$0.00**

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 56,700 (50%) WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2003                      Petition No.                      **203197**ASSESSOR                      **Cancel**                      \$118.59**S-B-L** 271.00-2-24                      **145889 NORTH COLLINS**Acct. No. 112                      \$0.00                      County  
Acct. No. 132                      \$118.59                      Town/SpecialDist/School**Charge To :**                      **145889 NORTH COLLINS**                      **\$118.59**

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD NOT BE CHARGED FOR REFUSE TAX . RPTL 550(2)E

FISCAL YEAR 2003                      Petition No.                      **203198**ASSESSOR                      **Cancel**                      \$64.74**S-B-L** 304.00-3-2.11                      **145889 NORTH COLLINS**Acct. No. 112                      \$31.68                      County  
Acct. No. 132                      \$33.06                      Town/SpecialDist/School**Charge To :**                      **145889 NORTH COLLINS**                      **\$33.06**

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CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 6,719 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2003                      Petition No.                      203199**

ASSESSOR                      **Cancel**                      \$292.18

**S-B-L 318.00-2-12    145889 NORTH COLLINS**

Acct. No. 112                                      \$126.39      County  
Acct. No. 132                                      \$165.79      Town/SpecialDist/School

58019 NO COLLINS FIRE DIST                      \$44.12

**Charge To :                                      145889 NORTH COLLINS                                      \$121.67**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 116,400 AND SHOULD BE 89,600. RPTL 550(2)A

**FISCAL YEAR 2002                      Petition No.                      203200**

ASSESSOR                      **Refund**                      \$430.80

**S-B-L 66.27-1-24    146489 TONAWANDA**

Acct. No. 112                                      \$0.00      County  
Acct. No. 132                                      \$430.80      Town/SpecialDist/School

**Charge To :                                      146489 TONAWANDA                                      \$430.80**  
**Relevy School                                      \$430.80      146401 KEN-TON UNION FREE**

REFUND - CLERICAL ERROR, PARCEL RECEIVED THE BASIC STAR IN THE AMOUNT OF 21,130. SHOULD BE ENHANCED STAR FOR 35,210. RPTL 550(2)B  
CHECK FOR: MARGARET KLINCK

**FISCAL YEAR 2003                      Petition No.                      203201**



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WHEREAS, final year-end transactions and accrual entries cannot be processed in the accounting system by the Comptroller for accounts with budget deficiencies until said deficiencies are eliminated through budget amendments.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget, Management and Finance is hereby authorized to amend the budgets of General Fund Departments, Grants, the Road Fund, the Utility Fund, and the Department of Social Services as specified in the following schedule, and be it further

RESOLVED, that the following designations of fund balance listed on the following schedule are hereby established at December 31, 2002, and be it further

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

**2002 YEAR-END BUDGET BALANCING  
BUDGET AMENDMENTS**

**GENERAL FUND**

<b>Account/DAC Code: Amount</b>	<b>Description:</b>	<b>Debit (Credit) Amount</b>
110 905 0100 800	Personal Services (Legislature)	(309,293)
110 905 0100 805	Fringes (Legislature)	96,239
110 906 0110 810	Office Supplies (County Executive)	14,726
110 906 0110 821	Dues & Fees (County Executive)	12,511
110 906 0110 825	Out of Area Travel (County Executive)	69,934
110 908 0210 805	Fringes (Bud-Mgmt-Fin)	99,147
110 909 0600 800	Personal Services (Law)	11,295
110 909 0600 805	Fringes (Law)	34,921
110 910 0610 800	Personal Services (Personnel)	97,247
110 910 0610 805	Fringes (Personnel)	87,011
110 912 0221 800	Personal Services (DPW-Bldgs & Grounds)	(1,870,385)
110 912 0221 805	Fringes (DPW-Bldgs & Grounds)	392,391
110 913 0222 801	Overtime (DPW-Wts & Measures)	7,696
110 913 0222 805	Fringes (DPW-Wts & Measures)	62,731
110 914 0120 805	Fringes (Comptroller)	57,715
110 915 0130 800	Personal Services (County Clerk - Registrar)	26,488
110 915 0130 801	Overtime (County Clerk - Registrar)	67,258

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110 915 0130 805	Fringes (County Clerk - Registrar)	209,805
110 915 0130 343	Recording Fees (County Clerk - Registrar)	(596,843)
110 916 0131 800	Personal Services (County Clerk - Auto)	(180,338)
110 916 0131 801	Overtime (County Clerk - Auto)	8,789
110 916 0131 805	Fringes (County Clerk - Auto)	12,102
110 917 0140 824	Travel & Mileage (District Attorney)	687
110 918 0500 800	Personal Services (Board of Elections)	16,527
110 918 0500 801	Overtime (Board of Elections)	124,388
110 918 0500 805	Fringes (Board of Elections)	93,977
110 919 0550 805	Fringes (Equal Employment Opp.)	18,736
110 921 0301 830 0351	Convention & Tourism-Chamber of Commerce	363,475
110 922 0302 830 1502	City of Buffalo-Zoo Loan	350,000
110 923 0310 830 0404	Net Increase in Deferred Revenue	2,369,911
110 923 0310 805 0109	Fringe Benefits-Retirement	521,341
110 924 0311 874	Interest-RAN'S	307,570
110 925 0320 886 3300	Interfund-Debt Service	2,267,371
110 927 0510 800	Personal Services (DISS)	(128,017)
110 927 0510 801	Overtime (DISS)	1,216
110 927 0510 805	Fringes (DISS)	66,618
110 928 0511 800	Personal Services (Bureau of Purchase)	29,641
110 928 0511 801	Overtime (Bureau of Purchase)	389
110 928 0511 805	Fringes (Bureau of Purchase)	17,327
110 929 0430 830 0109	Contractual (ECC)	274,978
110 930 0650 800	Personal Services (Central Police Services)	(99,228)
110 930 0650 801	Overtime (Central Police Services)	83,102
110 930 0650 805	Fringes (Central Police Services)	40,398
110 930 0650 822	Rental Charges (Central Police Services)	23,575
110 931 0150 800	Personal Services (Sheriff)	(305,624)
110 931 0150 801	Overtime (Sheriff)	523,915
110 931 0150 805	Fringe Benefits (Sheriff)	1,295,202
110 931 0150 813	Auto Supplies (Sheriff)	8,273
110 931 0150 821	Dues & Fees (Sheriff)	3,953
110 931 0150 822	Rental Charges (Sheriff)	1,123
110 931 0150 823	Repairs & Maintenance (Sheriff)	14,589
110 931 0150 824	Travel & Mileage (Sheriff)	1,380
110 931 0150 890	Contractual Salary Reserve (Sheriff)	(710,625)
110 932 0151 800	Personal Services (Holding Center)	(763,294)
110 932 0151 801	Overtime (Holding Center)	3,172,905
110 932 0151 805	Fringe Benefits (Holding Center)	585,603
110 932 0151 812	Food Supplies (Holding Center)	10,838
110 932 0151 821	Dues & Fees (Holding Center)	19,639



**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

110 933 0660 800	Personal Services (Correctional Facility)	(629,575)
110 933 0660 801	Overtime (Correctional Facility)	803,581
110 933 0660 805	Fringes (Correctional Facility)	507,798
110 933 0660 810	Office Supplies (Correctional Facility)	460
110 933 0660 812	Food & Kitchen Supplies (Correctional Facility)	62,275
110 933 0660 814	Medical Supplies (Correctional Facility)	3,434
110 933 0660 821	Dues & Fees (Correctional Facility)	6,135
110 933 0660 880 4100	Interfund-Erie County Home (Correctional Facility)	28,317
110 933 0660 882 2720	Interdept-Public Health Lab (Correctional Facility)	1,167
110 934 0260 800	Personal Services (Probation)	(187,042)
110 934 0260 801	Overtime (Probation)	14,550
110 934 0260 805	Fringes (Probation)	217,647
110 935 0670 805	Fringes (Emergency Services)	38,230
110 936 0240 800	Personal Services (Mental Health-Admin)	3,223
110 936 0240 805	Fringes (Mental Health-Admin.)	3,211
110 937 0241 805	Fringes (Mental Health-Forensic)	16,528
110 938 0530 800	Personal Services (Veteran's Services)	3,356
110 939 0630 800	Personal Services (Senior Services)	535
110 939 0630 805	Fringes (Senior Services)	54,147
110 940 0631 801	Overtime (Senior Services - Transportation)	485
110 940 0631 805	Fringes (Senior Services - Transportation)	44,611
110 942 0640 801	Overtime (Parks)	25,229
110 942 0640 805	Fringes (Parks)	333,422
110 944 0642 801	Overtime (Forestry)	1,921
110 944 0642 805	Fringes (Forestry)	13,726
110 945 0620 805	Fringes (Environment & Planning)	161,854
110 946 0250 805	Fringes (Youth Bureau)	40,790
110 947 0251 800	Personal Services (Youth Detention)	2,929
110 947 0251 801	Overtime (Youth Detention)	142,869
110 947 0251 805	Fringes (Youth Detention)	248,718
110 947 0251 810	Office Supplies (Youth Detention)	307
110 947 0251 882 2700	Interdept-Health (Youth Detention)	2,348
110 948 0252 800	Personal Services (Youth Services - Hncp. Child)	7,391
110 949 0270 800	Personal Services (Health)	(864,198)
110 949 0270 805	Fringes (Health)	815,670
110 949 0270 821	Dues & Fees (Health)	482,895
110 949 0270 883 2510	Interdept-Youth Detention (Health)	(2,348)
110 950 0271 801	Overtime (Emerg. Med. Services)	22,692
110 950 0271 805	Fringes (Emerg. Med. Services)	49,060
110 951 0272 800	Personal Services (Public Health Lab)	(54,597)
110 951 0272 801	Overtime (Public Health Lab)	1,084
110 951 0272 805	Fringes (Public Health Lab)	54,276
110 951 0272 883 6600	Interdept-Correctional Facility (Public Health Lab)	(1,167)

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

110 962 0602 805 0104	Risk Retention - Worker's Comp	1,399,909
110 962 0602 805 0112	Risk Retention - Worker's Comp-Other Funds	(1,399,909)
110 963 0512 800	Personal Services (Fleet Services)	6,033
110 963 0512 805	Fringes (Fleet Services)	592
110 963 0512 830	Contractual (Fleet Services)	60,000
110 986 0273 800	Personal Services (Medical Examiner)	(129,472)
110 986 0273 801	Overtime (Medical Examiner)	69,867
110 986 0273 805	Fringes (Medical Examiner)	57,224
110 923 0310 305	Interest & Penalty-Property Taxes(Countywide-Budget)	(2,780,000)
110 923 0310 310	Sales Tax	(3,400,000)
110 923 0310 311	1% Sales Tax	(2,405,194)
110 923 0310 528 0100	Tobacco Settlement Proceeds	<u>(2,970,000)</u>
<b>Subtotal General Fund</b>		<b>0</b>

**2002 YEAR-END BUDGET BALANCING  
BUDGET AMENDMENTS**

**GENERAL FUND-DISS INTERDEPT BILLINGS**

<b>Account/DAC Code:</b>	<b>Description:</b>	<b>Debit (Credit) Amount</b>
110 905 0100 881	ID Pay Expense-DISS (Leg)	60,826
110 906 0110 881	ID Pay Expense-DISS (County Executive)	54,905
110 907 0520 881	ID Pay Expense-DISS (Labor Relations)	1,755
110 908 0210 881	ID Pay Expense-DISS (Budget,Management & Finance)	111,595
110 909 0600 881	ID Pay Expense-DISS (Law)	12,348
110 911 0220 881	ID Pay Expense-DISS (DPW-Commissioner)	38,340
110 912 0221 881	ID Pay Expense-DISS (DPW-Bldgs & Grounds)	(471,816)
110 913 0222 881	ID Pay Expense-DISS (DPW-Wts & Measures)	3,783
110 914 0120 881	ID Pay Expense-DISS (Comptroller)	14,805
110 915 0130 881	ID Pay Expense-DISS (County Clerk-Registrar)	12,048
110 916 0131 881	ID Pay Expense-DISS (County Clerk-Auto)	14,834
110 917 0140 881	ID Pay Expense-DISS (District Attorney)	53,112
110 919 0550 881	ID Pay Expense-DISS (EEO)	5,045
110 926 0540 881	ID Pay Expense-DISS (Comm on the Status of Women)	1,631
110 927 0510 881	ID Pay Expense-DISS (DISS)	9,085
110 931 0150 881	ID Pay Expense-DISS (Sheriff)	

**MEETING NO. 7**  
**April 3, 2003**

**ERIE COUNTY LEGISLATURE**

		(89,591)
110 932 0151 881	ID Pay Expense-DISS (Holding Center)	33,798
110 933 0660 881	ID Pay Expense-DISS (Correctional Facility)	6,159
110 935 0670 881	ID Pay Expense-DISS (Emergency Services)	2,518
110 938 0530 881	ID Pay Expense-DISS (Veterans' Services)	3,116
110 939 0630 881	ID Pay Expense-DISS (Senior Services-Administration)	16,555
110 940 0631 881	ID Pay Expense-DISS (Senior Services-Trans)	9,707
110 943 0641 881	ID Pay Expense-DISS (Recreation)	3,617
110 944 0642 881	ID Pay Expense-DISS (Forestry)	3,046
110 945 0620 881	ID Pay Expense-DISS (Environment & Planning)	14,942
110 946 0250 881	ID Pay Expense-DISS (Youth Bureau)	2,545
110 947 0251 881	ID Pay Expense-DISS (Youth-Detention)	45,736
110 987 0274 881	ID Pay Expense-DISS (Health-Persons/Special Needs)	9,653
110 949 0270 881	ID Pay Expense-DISS (Health)	15,190
110 950 0271 881	ID Pay Expense-DISS (Emerg. Med. Services)	711
110 963 0512 881	ID Pay Expense-DISS (Fleet Service)	<u>2</u>
	<b>Subtotal DISS ID Billings</b>	<b>0</b>

**2002 YEAR-END BUDGET BALANCING  
 BUDGET AMENDMENTS**

**UTILITY FUND**

<b>Account/DAC Code:</b>	<b>Description:</b>	<b>Debit (Credit) Amount</b>
140 820 221 800	Personal Services	177
140 820 221 805	Fringe Benefits	2,254
140 820 221 820	Utility Charges	248,107
140 820 221 487	Other Gen-Svcs For Other Govt	<u>(250,538)</u>
	<b>Subtotal Utility Fund</b>	<b>0</b>

**ROAD FUND**

<b>Account/DAC Code:</b>	<b>Description:</b>	<b>Debit (Credit) Amount</b>
210 801	Overtime	1,894,132

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

210	800	Personal Services	(2,103,603)
210	810	Office Supplies	69
210	811	Clothing Supplies	174
210	813	Auto Supplies	5,078
210	816	Maintenance Supplies	472
210	817	Highway Supplies	151,630
210	823	Repairs & Maintenance	13,016
210	830 0276	Town/Village Snow Contract	<u>39,032</u>

**Subtotal Road Fund** 0

**2002 YEAR-END BUDGET BALANCING  
BUDGET AMENDMENTS**

**SOCIAL SERVICES SUBFUND:**

<b>Account/DAC Code:</b>	<b>Description</b>	<b>Debit (Credit) Amount</b>
120	800 Personal Services	(343,390)
120	805 Fringe Benefits	343,390
120	822 Rental Charges	39,775
120	830 0244 Baker Victory Services (Preventive)	49,650
120	830 0427 Catholic Charities (Preventive)	3,025
120	830 1002 Catholic Charities Parenting Skills	450
120	830 1286 Buffalo Urban League (Preventive)	450
120	840 MMIS - Local Share	4,891,330
120	841 MA - Gross Local Payments	(363,250)
120	842 Family Assistance (FA)	(2,100,000)
120	843 Child Welfare Services (CWS)	1,457,085
120	845 Safety Net Assistance (SNA)	3,850,470
120	846 Emergency Assistance to Adults (EAA)	(131,000)
120	848 Handicapped Child - Local District Maintenance	(419,400)
120	850 Child Care - DSS Only	532,140
120	856 State Training School (STS)	220,590
120 953 0200 880 2009	Interfund Expense - Social Services Grants Fed/State	2,674,957
120 953 0200 880 2510	Interfund Expense - Division of Detention	22,690
120 953 0200 880 5100	Interfund Expense - DISS	1,080,853
120 953 0200 880 6300	Interfund Expense - Senior Services	8,378

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**April 3, 2003**

**ERIE COUNTY LEGISLATURE**

120			511		Refund Prior Year Expense	(4,766,277)
120			529		Unanticipated Prior Year Revenue	(1,369,135)
120			598		State Aid - Child Welfare Services	(754,340)
120			602		State Aid - Safety Net Assistance	(1,421,180)
120	953	0200	656	1000	Federal Aid - TANF Foster Care	(1,931,150)
120			681		Federal Aid - Safety Net TANF Cases	(741,670)
120	953	0200	685	2009	Interfund Revenue - Social Services Grants Fed/State	(834,441)

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**Subtotal Social Services Subfund** **0**

**2002 YEAR-END BUDGET BALANCING**  
**BUDGET AMENDMENTS**

**SOCIAL SERVICES GRANTS:**

<b>Account/DAC Code:</b>					<b>Description</b>	<b>Debit (Credit) Amount</b>
281	350	0200	800		Personal Services (HEAP)	292,026
281	350	0200	805		Fringe Benefits (HEAP)	34,655
281	350	0200	653		Federal Aid (HEAP)	(326,681)
281	462	0200	800		Personal Services (TANF Svcs Block Grant)	(11,205)
281	462	0200	805		Fringe Benefits (TANF Svcs Block Grant)	11,205
281	464	0200	801		Overtime (Child Care Block Grant)	335
281	464	0200	805		Fringe Benefits (Child Care Block Grant)	40,830
281	464	0200	850		Child Care	(181,330)
281	464	0200	880	2006	Interfund-DSS Alloc Indirect Costs (Child Care Block Grant)	140,165
281	467	0200	880	3110	Interfund-Countywide Compr (New York Works)	(2,405)
281	467	0200	882	2009	Interdept-Master Grant Salary & Fringe (New York Works)	(536,500)
281	467	0200	642		Federal Aid (New York Works)	538,905
281	470	0200	880	2006	Interfund-DSS Alloc Indirect Costs (Day Care Registration)	174,835
281	470	0200	685	2001	Interfund Rev-St/Fed Pass Through (Day Care Registration)	(174,835)
281	471	0200	805		Fringe Benefits (Legal Asst Disabled)	41,545
281	471	0200	822		Rental Expense (Legal Asst Disabled)	(41,545)

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

281	474	0200	810		Office Supplies (Food Stamp Empl & Training)	(2,405)
281	474	0200	811		Clothing Supplies (Food Stamp Empl & Training)	(300)
281	474	0200	822		Rental Expense (Food Stamp Empl & Training)	300
281	474	0200	880	3110	Interfund-Countywide Comptr (Food Stamp Empl & Training)	2,405
281	577	0200	800		Personal Services (Family Resolutions Grant)	(5,000)
281	577	0200	805		Fringe Benefits (Family Resolutions Grant)	(1,250)
281	577	0200	880	2006	Interfund-DSS Alloc Indirect Costs (Family Resolutions Grant)	6,250
281	592	0200	800		Personal Services (TANF Svcs Block Grant)	(51,240)
281	592	0200	801		Overtime (TANF Svcs Block Grant)	40
281	592	0200	805		Fringe Benefits (TANF Svcs Block Grant)	63,870
281	592	0200	822		Rental Expense (TANF Svcs Block Grant)	(12,670)
281	592	0200	880	2006	Interfund-DSS Alloc Indirect Costs (TANF Svcs Block Grant)	368,436
281	592	0200	649		Federal Aid (TANF Svcs Block Grant)	(368,436)
281	593	0200	800		Personal Services (TANF Drug & Alc Assmt)	12,090
281	593	0200	805		Fringe Benefits (TANF Drug & Alc Assmt)	6,385
281	593	0200	880	2006	Interfund-DSS Alloc Indirect Costs (TANF Drug & Alc Assmt)	99,880
281	593	0200	882	2009	Interdept-Master Grant Salary & Fringe (TANF Drug & Alc )	(118,355)
281	597	0200	880	2006	Interfund-DSS Alloc Indirect Costs (New York Works)	5,445
281	597	0200	882	2009	Interdept-Master Grant Salary & Fringe (New York Works)	(990,275)
281	597	0200	657		Federal Aid (New York Works)	984,830
281	598	0200	800		Personal Services (Outstationed Medicaid Elig)	9,920
281	598	0200	801		Overtime (Outstationed Medicaid Elig)	105
281	598	0200	805		Fringe Benefits (Outstationed Medicaid Elig)	34,030
281	598	0200	880	2006	Interfund-DSS Alloc Indirect Costs (Outstationed Medicaid)	6,860
281	598	0200	686	2000	Interfund Rev - Social Services (Outstationed Medicaid Elig)	(50,915)
281	603	0200	880	4004	Interfund - ECMC Drug & Alc Assmts (Food Stamp Empl)	8,666
281	603	0200	882	2009	Interdept-Master Grant Salary & Fringe (Food Stamp Empl)	(713,569)
281	603	0200	597		State Aid (Food Stamp Empl)	217,996
281	603	0200	652		Federal Aid (Food Stamp Empl)	435,992
281	603	0200	686	2000	Interfund Rev - Social Services (Food Stamp Empl)	50,915
281	604	0200	882	2009	Interdept-Master Grant Salary & Fringe (Family Asst Empl)	2,500,122
281	604	0200	685	2009	Interfund Rev-St/Fed Pass Through (Family Asst Empl)	(2,500,122)

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

281	605	0200	880	2006	Interfund-DSS Alloc Indirect Costs (Family Asst Empl)	5,580
281	605	0200	882	2009	Interdept-Master Grant Salary & Fringe (Family Asst Empl)	(141,423)
281	605	0200	551		State Aid (Family Asst Empl)	72,272
281	605	0200	605		Federal Aid (Family Asst Empl)	63,571
281	607	0200	800		Personal Services (Transitional Svcs Pgm)	(50,680)
281	607	0200	801		Overtime (Transitional Svcs Pgm)	20
281	607	0200	805		Fringe Benefits (Transitional Svcs Pgm)	50,380
281	607	0200	826		Other Expenses (Transitional Svcs Pgm)	(26,710)
281	607	0200	880	2006	Interfund-DSS Alloc Indirect Costs (Transitional Svcs Pgm)	26,990
281	681	0200	800		Personal Services (Comprehensive Employment Pgms)	(508,925)
281	681	0200	805		Fringe Benefits (Comprehensive Employment Pgms)	508,925
281	682	0200	800		Personal Services (Medicaid Facilitated Enrollment)	(17,345)
281	682	0200	801		Overtime (Medicaid Facilitated Enrollment)	75
281	682	0200	805		Fringe Benefits (Medicaid Facilitated Enrollment)	17,270
						0
<b>Subtotal Social Services Grants</b>						<b>0</b>

**2002 Designations of Fund Balance****General Fund**

AID TO LOCALITIES	\$ 6,193,290
GRANT PROGRAMS	5,694,596
STRUCTURAL BUDGET REPAIR	750,975
LOMBARDI AID ADVANCES	11,053,409
ECMC	24,800,000
BUFFALO SCHOOLS	206,114
COUNTY VEHICLE FLEET	66,591
CITY OF BUFFALO-ZOO LOAN	86,058
JUDGEMENTS & CLAIMS	2,773,525
REGIONAL ASSET FUND	<u>2,970,000</u>

\$ 54,594,558

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE****2003 ADOPTED BUDGET RESOLUTIONS R-1**

AID TO LOCALITIES	\$ 7,482,581	
CONTINGENCIES	<u>2,385,066</u>	
		<u>9,867,647</u>
 TOTAL GENERAL FUND		 <u>\$ 64,462,205</u>

(4-0) Legislator DeBenedetti absent.

**DALE W. LARSON  
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

March 27, 2003

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 4

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

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

a. Item Page -2002 (Comm. 13E-3)  
**PEOPLES:** Written Materials Submitted at Public Meeting in Rel to Local Law Int No. 5.  
(6-0) Chairman Swanick present as Ex-Officio Member.

b. Item Page -2002 (Comm. 13M-3)  
**NY COALITION FOR ALTS TO PESTICIDES:** Testimony of Pamela Hadad Hurst to  
Erie County Legislature 6/11/02.



**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

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

- c. Item Page -2002 (Comm. 13M-6)  
**KIRSTEN SHELLY:** Letter to Legislature Re: Pesticide Notification.  
 (6-0) Chairman Swanick present as Ex-Officio Member.

- d. Item Page -2003 (Comm. 17D-6)  
**COUNTY ATTORNEY:** Letter to Legislator Peoples Re: Pesticide Notification.  
 (6-0) Chairman Swanick present as Ex-Officio Member.

- e. Item Page -2003 (Comm. 24M-6)  
**NYPIRG:** Copy of Letter to Legislator Holt Re: Pesticide Neighbor Notification.  
 (6-0) Chairman Swanick present as Ex-Officio Member.

- f. Item Page -2003 (Comm. 5M-3)  
**ERIE-NIAGARA TOBACCO-FREE COALITION:** Copy of Letter to Chairman Swanick  
 Re: Clean Indoor Air Law.  
 (6-0) Chairman Swanick present as Ex-Officio Member.

- g. Item Page -2003 (Comm. 6D-3)  
**DEP:** SEQR – Solicitation for Lead Agency Status – Type I Action – Bethlehem Park  
 Rehab\Replacement.  
 (6-0) Chairman Swanick present as Ex-Officio Member.

- h. Item Page -2003 (Comm. 6E-2)  
**SWANICK:** Copy of Letter to Chairman of Energy & Environment Committee Re: Request  
 of Acea Mosey-Pawlowski for Reappointment to ECWA.  
 (6-0) Chairman Swanick present as Ex-Officio Member.

- i. Item Page -2003 (Comm. 6E-3)  
**LARSON:** Copy of Letter to Acea Mosey-Pawlowski Re: Meeting of Energy &  
 Environment Committee to Interview as Candidate for Reappointment to ECWA.  
 (6-0) Chairman Swanick present as Ex-Officio Member.

- j. Item Page -2003 (Comm. 6M-9)  
**ACEA MOSEY-PAWLOWSKI TREASURER ECWA:** Requesting Consideration for  
 Reappointment to Board for Commissioners of ECWA.  
 (6-0) Chairman Swanick present as Ex-Officio Member.

- k. Item Page -2003 (Intro. 6-14)  
**MINORITY CAUCUS:** Supporting Legislation to Require All Gas & Electric Corporations  
 to Respond to Customer Calls Involving Safety & Reliability Issues.  
 (6-0) Chairman Swanick present as Ex-Officio Member.

2. Item Page -2002 **AS AMENDED**  
 (Comm. 14E-27)

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE****COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management solicited proposals for replacement of the Oxygen Generation System at the Erie County Southtowns Advanced Wastewater Treatment Facility, through an Energy Performance Contract process, in accordance with New York State Energy Law Article 9 and the procedures outlined by the New York State Energy Research and Development Authority (NYSERDA); and

WHEREAS, Praxair, Inc. (Praxair), 175 East Park Drive, Tonawanda, New York 14151, has provided an acceptable proposal and has agreed to a negotiated fee in an amount not-to-exceed \$1,050,000; and

WHEREAS, Praxair has secured NYSERDA grant funding under Program Opportunity Notice 624-01, on behalf of the Erie County Southtowns Sewage Treatment Agency, and has reduced their contract proposal offer by the amount of the anticipated award (\$100,000); and

WHEREAS, Praxair will assume all risk and responsibility associated with securing and collecting the grant award and agrees that the not-to-exceed contract amount shall be full compensation for all labor, materials, supplies and services in connection with the Agreement regardless of Praxair's success in securing and collecting the grant monies; and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work.

NOW, THEREFORE, BE IT

RESOLVED, that the Southtowns Advanced Wastewater Treatment Facility, Oxygen Generation System Replacement Contract, be awarded to Praxair, Inc., 175 East Park Drive, Tonawanda, New York 14151 in an amount not-to-exceed \$1,050,000; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned corporation subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$1,050,000 in funds from Sewer District Capital Account 430-915 for the payment of obligations under this Agreement; 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 each to Nancy Naples, Erie County Comptroller, John S. Rizzo, Deputy Comptroller and Gregory Dudek, Assistant County Attorney.

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

**COUNTY EXECUTIVE**

WHEREAS, County of Erie/Erie County Sewer District No. 3 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Village of Blasdell Connection to the Southtowns Wastewater Treatment Facilities and Rush Creek Interceptor and identified as CWSRF Project No. 6649-07, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the CWSRF Act), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project

Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.
5. This Resolution shall take effect immediately.

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

4. Item Page -2003 (Comm. 6E-29)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need to retain an Engineer to complete detailed engineering and economic evaluations for studying long-term sewer service options for the Village of East Aurora; and

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has recommended the firm of URS Corporation, 282 Delaware Avenue, Buffalo, New York 14202; and

WHEREAS, the ECSSTA has agreed to fund the study if the results of the detailed evaluation indicate that a merge of sewer services between the Village and the County is the most economically feasible option; and

WHEREAS, the County agrees to pay for the study if the study results do not indicate that a merge of sewer services between the County and the Village is an economically feasible option.

NOW, THEREFORE, BE IT

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the engineering firm of URS Corporation, be retained at a cost not-to-exceed \$48,449.69; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of URS Corporation, 282 Delaware Avenue, Buffalo, New York 14202, to provide the needed services, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED that the Director of Budget, Management and Finance be directed to allocate funds accordingly, as follows:

ECSD No. 3/Southtowns 220 853 831 698 105 \$48,449.69 use of Fund Balance and 220 853 830 830 Contractual Services;

and be it further,

RESOLVED that ECSD No. 3/Southtowns shall be reimbursed from the County's General Fund, from an account to be determined by the Director of Budget, Management & Finance, in an amount equal to \$48,449.69 plus any adjustments to the cost made by change order or modification, should the study results not indicate that a merge of sewer services between the County and the Village of East Aurora is an economically feasible option; and be it further

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

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

5. Item Page -2003 (Comm. 6E-30)

**COUNTY EXECUTIVE**

WHEREAS, the Buffalo Sewer Authority (BSA) has requested Erie County Sewer District No. 6 (ECSD NO. 6) provide sanitary sewer service to the Union Ship Canal properties; and

WHEREAS, it is cost effective for both the BSA and ECSD No. 6 to provide sanitary sewer service to the Union Ship Canal properties by connection to ECSD No. 6's sewerage system; and

WHEREAS, by providing sanitary sewer service to the Union Ship Canal properties there will be significant cost savings to both BSA and ECSD No. 6.

NOW, THEREFORE, BE IT

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that an agreement between the County, on behalf of Erie County Sewer District No. 6, and Buffalo Sewer Authority for the purpose of providing sanitary sewer service to the Union Ship Canal properties 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 Clerk of the Legislature be directed to send two (2) certified copies of this 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; Joseph Passafiume, Director of Budget and Management; Peter Cammarata, ECIDA; and Anthony Hazen, Chairman, Buffalo Sewer Authority.  
(6-0) Chairman Swanick present as Ex-Officio Member.

6. Item Page -2003 (Comm. 6E-31)

**COUNTY EXECUTIVE**

WHEREAS, County of Erie/Erie County Sewer District No. 2 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Big Sister Creek Wastewater Treatment Plant Disinfection System identified as CWSRF Project No. 6646-12, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the CWSRF Act), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.

5. This Resolution shall take effect immediately.

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

7. Item Page -2003 (Comm. 6E-32)  
**COUNTY EXECUTIVE**

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the County of Erie has secured the services of URS Consultants, Inc. to design a waste paper pulp facility and related engineering services for the Southtowns Sewerage Treatment Agency.

WHEREAS, the Erie County Division of Sewerage Management recommended the formal close-out of the A/E Agreement dated November 1, 1995 with URS Consultants, Inc. in the amount of \$479,136.56.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated November 1, 1995 between the County of Erie/Erie County Southtowns Sewage Treatment Agency and URS Consultants, Inc. be formally closed-out in the final contract amount of \$479,136.56; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out the contract encumbrances in Sewer Capital Bond Account 430, Project 514 relating to the A/E Agreement dated November 1, 1995, between the County of Erie/Erie County Southtowns Sewage Treatment Agency and URS Consultants, Inc. and cancel any remaining balance; 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 copy each to Nancy Naples, Erie County Comptroller and Assistant County Attorney Gregory Dudek. (6-0) Chairman Swanick present as Ex-Officio Member.

8. Item Page -2003 (Comm. 6E-33)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning and the Buffalo Sewer Authority have been exploring the potential to merge certain wastewater services; and

WHEREAS, the Erie County Department of Environment and Planning and the Buffalo Sewer Authority recommend the phased merger of industrial pretreatment programs; and

WHEREAS, the recommended first phase of the industrial pretreatment merger is for the Buffalo Sewer Authority to provide industrial pretreatment sampling services to the Erie County Sewer Districts and the Southtowns Sewage Treatment Agency; and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits and cost savings to merging the County's industrial pretreatment program with the Buffalo Sewer Authority; and

WHEREAS, the Sewer Districts have adequate fund balance to fund the project.

NOW, THEREFORE, BE IT



**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that an agreement with the Buffalo Sewer Authority for the Phase 1 (sampling services by the Buffalo Sewer Authority) implementation of the merger of industrial pretreatment programs is hereby approved; and be it further

RESOLVED, that the cost for the Phase 1 implementation will be paid from Sewer Districts operating fund balances, not to exceed a total of \$32,750.00; and be it further

RESOLVED, that the Director of Budget, Management and Finance be directed to allocate the funds from the Sewer Districts Fund Balances as follows:

ECSD No. 5

Use of Fund Balance, 220 851 810 698 105 - \$ 2,424

Contractual Services, 220 851 810 830

ECSD No. 2

Use of Fund Balance, 220 852 820 698 105 - \$ 8,679

Contractual Services 220 852 820 830

ECSD No. 3/Southtowns

Use of Fund Balance, 220 853 830 698 105 - \$15,392

Contractual Services 220 853 830 830

ECSD No. 6

Use of Fund Balance 220 854 840 698 105 - \$ 6,255

Contractual Services 220 854 840 830

and be it further

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

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

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

**DALE W. LARSON**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

March 27, 2003

PUBLIC SAFETY  
COMMITTEE  
REPORT NO. 2

ALL MEMBERS PRESENT.

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

	Item	Page	-2003	(Comm. 2E-22)
a.	<b>COUNTY EXECUTIVE:</b>	Emergency Services – Revision to Local Law No. 4 (1986) Re: Erie County Fire Advisory Board Membership. (5-0)		

	Item	Page	-2003	(Comm. 6M-1)
b.	<b>TOWN OF TONAWANDA:</b>	Resolution in Favor of 33% Wireless Surcharge Being Permanently Returned to Local Governments. (5-0)		

2.	Item	Page	-2003	(Comm. 4E-41)
	<b>COUNTY EXECUTIVE:</b>			

WHEREAS, in the 2003 Adopted Erie County Budget, Department of Central Police Services, there is a position of Director of Information Services, Job Group XVI, Step III, and

WHEREAS, this is a position responsible for providing Information Services and Communication Services to all the police agencies in Erie County, and

WHEREAS, after an extensive search and interview process, Mark R. Winters was identified as the top ranked candidate for the position of Director of Information Services, and

WHEREAS, in order to hire the most qualified candidate for this essential position, it is recommended that a variable minimum of Job Group XVI, Step III be established, and

WHEREAS, sufficient funds are available in the Department's salary account and no additional funds are necessary,

NOW, THEREFORE, BE IT

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that effective January 13, 2003, a variable minimum hiring rate of Job Group XVI, Step III, \$ 77,432, be established for the Director of Information Systems, and be it further

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

(5-0)

3.     Item            Page                           -2003            (Comm. 6E-19)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids for the Fire Training Academy Addition & Renovations, on June 7, 2002, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidders in the amount of \$1,211,706.00, and

WHEREAS, during excavation for the new work, several leaks in the existing waterline were discovered requiring replacement of the waterline, and

WHEREAS, the additional sprinkler system code compliant work required additional mechanical and electrical commissioning services, and

WHEREAS, additional A/E design and inspection services were required for additional sprinkler system and waterline code compliant work requested by Fire Training Academy personnel,

NOW, THEREFORE, BE IT,

RESOLVED, that the sum of \$40,000 be allocated for additional A/E design and inspection services necessary to complete the project, and additional mechanical and electrical commissioned services in the amount of \$10,000.00, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from FTA Waterline Replacement, Project 669, Fund 410 in the amount of \$35,000 and Code Compliance Project 804, Fund 410 in the amount of \$15,000.00, 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 Office of Budget Management & Finance; and one copy to the Office of the Comptroller.

(5-0)

4.     Item            Page                           -2003            (Comm. 6E-26)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Emergency Services needs additional qualified instructors to conduct the PSICM courses in Erie County as the result of resignations of instructors and facilitators.

NOW THEREFORE BE IT,

RESOLVED, that the following names should be added to the list of Instructors and Facilitators who have been certified by the New York State Emergency Management Office and are hereby approved as required pursuant to Erie County Administrative Code (Sec 19.08):

James T. Glass                      Gregg Blosat                      Daniel Dyatchkowskyj

and be it further

RESOLVED, that the Department of Emergency Services is hereby authorized to enter into Fee for Service contracts with above named New York State Emergency Management Office Certified Instructors and Facilitators to conduct PSCIM Courses throughout the towns and villages of Erie County, and be it further

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

(5-0)

5.     Item                      Page                                      -2003                                      (Comm. 6E-27)

**COUNTY EXECUTIVE**

**WHEREAS**, the District Attorney through the Internet Crimes Against Children Program Grant provides needed services to the residents of Erie County, and

**WHEREAS**, the Erie County Legislature has already approved the District Attorney’s Grant Budgets in Book B for 2002, as well as a previous resolution submitted to adjust budget levels to actual authorized & amended funding levels, and

**WHEREAS**, the contract received from the New York State has subsequently been amended once again,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Internet Crimes Against Children Grant to match final state authorized funding levels, to be adjusted as follows:

INTERNET CRIMES AGAINST CHILDREN GRANT – Project 615  
January 1, 2002 – March 31, 2003

AS  
PREVIOUSLY  
AMENDED                      CHANGE                      FINAL

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**Revenue

Acct. 627 State Aid	\$ 60,000.00	\$ - 0 -	\$ 60,000.00
Total Revenue	<u>\$ 60,000.00</u>	<u>\$ - 0 -</u>	<u>\$ 60,000.00</u>

Appropriation

Acct. 800 Personal Services	\$ 32,779.00	\$ 2,727.43	\$ 35,506.43
Acct. 805 Fringe Benefits	12,182.00	- 0 -	12,182.00
Acct. 810 Office Supplies	3,367.00	- 0 -	3,367.00
Acct. 824 Local Travel	- 0 -	- 0 -	- 0 -
Acct. 825 Out of Area Travel	4,072.57	- 0 -	4,072.57
Acct. 826 Other Expenses	4,727.43	(2,727.43)	2,000.00
Acct. 933 Lab & Tech Equip.	<u>2,872.00</u>	<u>- 0 -</u>	<u>2,872.00</u>
Total Appropriations	<u>\$ 60,000.00</u>	<u>\$ - 0 -</u>	<u>\$ 60,000.00</u>

and be it further

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

**JEANNE Z. CHASE  
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

March 27, 2003

COMMUNITY ENRICHMENT  
COMMITTEE  
REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

1. **RESOLVED**, that the following item was received, filed & referred to the HUMAN SERVICES COMMITTEE.

- a. **FISHER:** Recommending Formation of Olmstead Compliance Committee.
- Item            Page            -2003            (Intro. 6-15)

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

(4-0) Legislator Fisher absent.

2. Item Page -2003 (Comm. 6E-23)

**COUNTY EXECUTIVE**

WHEREAS, Erie Community College (“ECC”) Workforce Development Department (“WFD”), offers environmental, safety, and health training in conjunction with local businesses and industries, and

WHEREAS, the program requires Safety Trainers to train, coordinate, and manage the program, and

WHEREAS, ECC determined that existing staff could not provide the required environmental, safety, and health expertise to local employers, and

WHEREAS, ECC determined that the fees required to obtain these services would exceed ten thousand dollars (\$10,000), and

WHEREAS, Section 19.08 of the Erie County Administrative Code requires the request for proposal (“RFP”) process be followed for professional, technical or other consultant service contracts having a gross value of ten thousand dollars (\$10,000) or more, and

WHEREAS, ECC followed the RFP process as described in Section 19.08 of the Erie County Administrative Code, and documents relative to this process are available during regular business hours, and

WHEREAS, the three person panel determined that *The Safety and Health Training Center* had all of the required experience and qualifications for the Safety Trainers, and

WHEREAS, the ECC Board of Trustees at its January 29, 2003 meeting passed a resolution authorizing ECC to contract with *The Safety and Health Training Center* to provide the services required at the agreed upon rate of payment, pending County Legislature approval, and

WHEREAS, contracts in excess of ten thousand dollars (\$10,000) must be approved by the County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that ECC and the County of Erie are authorized to contract with *The Safety and Health Training Center* for purposes of providing training and management oversight services in conjunction funding available through local corporations at the agreed upon rates of reimbursement, and be it further

RESOLVED, that ECC and the County of Erie are authorized to contract with *The Safety and Health Training Center* to accept revenues from local businesses and industries; and be it further

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

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

(4-0) Legislator Fisher absent.

3. Item Page -2003 (Comm. 6E-24)  
**COUNTY EXECUTIVE**

WHEREAS, Erie Community College ("ECC") through its Workforce Development Department ("WFD"), offers education and training programs/services in conjunction with local educational institutions, businesses and industries, and

WHEREAS, quality program delivery and services require leadership and professional expertise relative to program design, management and assessment of student outcomes, and

WHEREAS, ECC determined that existing staff currently could not provide the expertise required under State Education Department, SUNY and Middle States Accreditation standards to serve local students, businesses and industries, and

WHEREAS, ECC determined that the fees required to obtain these services would exceed ten thousand dollars (\$10,000), and

WHEREAS, Section 19.08 of the Erie County Administrative Code requires the request for proposal ("RFP") process be followed for professional, technical or other consultant service contracts having a gross value of ten thousand dollars (\$10,000) or more, and

WHEREAS, ECC followed the RFP process as described in Section 19.08 of the Erie County Administrative Code, and documents relative to this process are available during regular business hours, and

WHEREAS, the three person panel determined that *Cambridge Strafford Ltd.* possesses all of the required professional experience and qualifications to provide leadership expertise regarding program design, management and assessment of student outcomes, and

WHEREAS, the ECC Board of Trustees at its January 29, 2003 meeting passed a resolution authorizing ECC to contract with *Cambridge Strafford Ltd.* to provide the educational leadership necessary to maintain institutional and program accreditation standards at the agreed upon rate of payment, pending County Legislature approval, and

WHEREAS, contracts in excess of ten thousand dollars (\$10,000) must be approved by the County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that ECC and the County of Erie are authorized to contract with *Cambridge Strafford Ltd.* for purposes of providing educational leadership, management, outcomes assessment and

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

oversight professional consultant services in accordance with the State Education Department, SUNY and Middle States Accreditation standards required to serve local students, educational institutions, businesses and industries at the agreed upon rates of reimbursement, and be it further

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

(4-0) Legislator Fisher absent.

**ELISE M. CUSACK  
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

March 27, 2003

GOVERNMENT AFFAIRS  
COMMITTEE  
REPORT NO. 3

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

1. RESOLVED, that the following item was received and filed.

Item Page -2003 (Comm. 4E-14)  
a. **COUNTY EXECUTIVE:** Lumsden & McCormick CGR – Reengineering County Government.  
(5-0) Legislator DeBenedetti absent. Chairman Swanick present as Ex-Officio Member.

2. Item Page -2003 (Comm. 4E-17)  
**COUNTY EXECUTIVE**

WHEREAS, the U. S. Department of Health and Human Services has issued new minimum national standards for protection of the privacy of individually identifiable health information, known as the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”); and



**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the County of Erie, to the extent that it provides health care for individuals of Erie County, must monitor and oversee the County's HIPAA compliance program; and

WHEREAS, the Erie County Executive has designated a HIPAA Task Force, made up of representatives from each of the departments affected by HIPAA, to ensure that the County consistently complies with applicable federal and state laws and regulations relating to the use, maintenance and disclosure of protected health information ("PHI"); and

WHEREAS, the County Executive desires to designate the County of Erie as a "hybrid entity," as defined under HIPAA, to establish further guidelines as to the composition, duties and responsibilities of the HIPAA Task Force.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Executive to establish a HIPAA Task Force. The HIPAA Task Force will meet on the call of the Task Force's Chair as necessary to ensure compliance with HIPAA deadlines.

RESOLVED, that the County Executive hereby authorizes and requests that the HIPAA Task Force undertake the following tasks:

1. Acquire an understanding of applicable federal and state privacy and security laws and regulations, including HIPAA, and accreditation standards, and facilitate management's understanding of same;
2. Designate those County Departments that are "covered entities" as defined under HIPAA;
3. Conduct or facilitate a risk assessment ("gap analysis") to determine areas of HIPAA non-compliance;
4. Develop a work plan and budget to achieve HIPAA compliance;
5. Implement and/or facilitate implementation of the work plan, including reviewing and revising forms, policies and procedures;
6. Ensure that employees, volunteers and independent contractors receive necessary HIPAA training; and
7. Facilitate on-going education of staff and monitoring of HIPAA compliance.

RESOLVED, that the Chair of the HIPAA Task Force is hereby authorized and directed to take such actions as may be reasonably necessary to facilitate the completion of the above tasks, in accordance with this Resolution.

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED, that the County of Erie shall be designated a 'hybrid entity' in accordance with the requirement of HIPAA.

RESOLVED, that the County Executive shall authorize the Chair of the HIPAA Task Force to adopt such policies and procedures as necessary and proper for the County to ensure compliance with its obligations under HIPAA and applicable New York laws.

RESOLVED, that to the extent any of the above actions have been undertaken prior to the date of this resolution, all such actions taken by various County departments toward HIPAA compliance are hereby ratified, adopted and approved.

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Attorney, and the County Comptroller as well as to the heads of all affected departments, including but not limited to the Coordinating Council on Children & Families, the Department of Emergency Services, the Department of Health, the Division of Information & Support Services, the Division of Labor Relations, the Department of Mental Health, the Sheriff's Department and the Department of Social Services.

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

3. Item Page -2003 (Comm. 6E-9)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Environmental Management Council uses two to three student interns annually to assist them in accomplishing their duties and responsibilities as outlined in the Erie County Charter and with other environmental projects; and

WHEREAS, student internships provide college students with valuable work experience to compliment their academic studies; and

WHEREAS, the County Attorney has determined that student interns receiving compensation from the County for services performed and working under the supervision of County staff should be formally hired as County employees; and

WHEREAS, the Environmental Management Council has requested the use of funding in the amount of \$5,075 currently available within the specific 2003 DEP budget line for the Environmental Management Council to support three part-time intern positions;

NOW, THEREFORE BE IT

RESOLVED, that three Intern-Environment/Planning (part-time JG-1) positions will be created in the Department of Environment and Planning to assist with Environmental Management Council project work, and be it further

RESOLVED, that the following Budget transfer is hereby approved:

FROM: Erie County Environmental Management Council

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	(DAC 110 945620830216)	(\$5,075.00)
TO:	Salaries (DAC 110 945620800)	\$4,560.00
	Fringe Benefits (DAC 110945620805)	<u>\$ 515.00</u>
	<b>Total</b>	<b>\$5,075.00</b>

and be it further

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

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

4. Item Page -2003 (Comm. 6E-13)

**COUNTY EXECUTIVE**

**WHEREAS**, Erie County has undertaken a Village Center Reinvestment Program through the federally funded Community Development Block Grant; and

**WHEREAS**, the Program provides targeted financial and technical assistance in the area of housing, economic development, and general planning to the Villages of Angola, Gowanda, Springville, and Town of Holland; and

**WHEREAS**, in order to successfully carry out the Program professional planning services are required on a regular basis to said communities; and

**WHEREAS**, the professional planning services include grant writing, project management, housing program marketing, development of a commercial loan façade program, and other technical activities; and

**WHEREAS**, Stuart I. Brown Associates, Inc. has been serving as the Circuit Rider for the Village Center Program since February 2002; and

**WHEREAS**, the four municipalities have indicated their desire to continue utilizing Stuart I. Brown Associates, Inc. through December 2004,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Executive is hereby authorized to execute a first amendatory agreement with Stuart I. Brown Associates, Inc. for circuit rider planning services that serves to increase the authorized contract amount from \$55,000 to \$110,000; and be it further

**RESOLVED**, that the Clerk of the Erie County Legislature be directed to forward certified copies of this resolution to the County Executive, the Commissioner of the Department of

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Environment and Planning, the Director of the Division of Budget, Management, and Finance, the County Attorney, and the Erie County Comptroller.

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

5. Item Page -2003 (Comm. 6E-25)

**COUNTY EXECUTIVE**

WHEREAS, the County Clerk's Office responsibilities include a variety of central service functions such as purchasing, equipment management, personnel, and so forth, and

WHEREAS, such duties are currently performed with a laborer title, and

WHEREAS, a reallocation of said position would more properly reflect responsibilities of the Office, and

WHEREAS, funds are available in the 2003 Budget of the Registrar Section personnel line for the expense involved in this reallocation,

NOW, THEREFORE, BE IT

RESOLVED, that the position of laborer in the Registrar Section of the County Clerk's Office is reallocated to the title of Special Assistant to the County Clerk (grade 10), effective March 10, 2003, and be it further

RESOLVED, that a variable minimum of Grade 10, Step 3, is hereby approved for the filling of the position of Special Assistant to the County Clerk, and be it further

RESOLVED, that the source of funds (\$9,404) for this reallocation shall be the Personnel line of the Registrar Section (DAC 110915130800), and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, the Director of Budget, Management and Finance, and the Commissioner of Personnel.

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

**STEVEN P. McCARVILLE**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

**MEETING NO. 7**

**April 3, 2003**

**ERIE COUNTY LEGISLATURE**

Item 27 – MR. FALKNER presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

Re: Consideration for Public Benefit Funding.  
(Intro. 7-1)

A RESOLUTION SUBMITTED BY  
LEGISLATOR FALKNER

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

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

**NOW, THEREFORE, BE IT**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
West Seneca Veteran's Park Improvement Fund	\$5,000	FALKNER
TOTAL	\$5,000	

And be it further

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

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Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

- DELETE the First Resolved clause in its entirety and REPLACE with:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSORS</u>
Boys & Girls Club of EMW	\$4,400	FALKNER
Empire State Games	\$2,000	FALKNER
W. Seneca Veteran's Park Improvement Fund	\$5,000	FALKNER
	\$11,400	

MR. FALKNER moved to further amend the resolution to add MR. LARSON as a co-sponsor. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

Re: Consideration for Public Benefit Funding.  
(Intro. 7-2)

A RESOLUTION SUBMITTED BY  
LEGISLATOR WEINSTEIN

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

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

**NOW, THEREFORE, BE IT**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Amherst Saxophone Society	\$1,000	WEINSTEIN
Empire State Games	\$5,000	WEINSTEIN
Meals on Wheels of Buffalo & EC	\$1,500	WEINSTEIN
Safe Homes	\$3,000	WEINSTEIN
Sweet Home Central School District	\$2,100	WEINSTEIN
<b>TOTAL</b>	<b>\$12,600</b>	

And be it further

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 29 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

Re: Consideration for Public Benefit Funding.

**MEETING NO. 7**  
**April 3, 2003**

**ERIE COUNTY LEGISLATURE**

(Intro. 7-3)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR DUSZA

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

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

**NOW, THEREFORE, BE IT**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Kids Voting WNY	\$350	DUSZA
Monsignor James Healy Scholarship Foundation	\$1,500	DUSZA
Town of Lancaster	\$15,000	DUSZA
	\$16,850	

And be it further

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly Wahl—First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

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



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CARRIED UNANIMOUSLY.

- DELETE the First Resolved clause in its entirety and REPLACE with:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSORS</u>
Kids Voting WNY	\$350	DUSZA
Monsignor James Healy Scholarship Foundation	\$1,500	DUSZA
Town of Lancaster	\$15,000	DUSZA
American Legion Post 1041 Niagara Frontier	\$5,000	DEBENEDETTI
New Refuge House, Inc./ Puerto Rico Day Parade	\$5,000	DEBENEDETTI
<b>TOTAL</b>	<b>\$26,850</b>	

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

Re: Transfer of Funds to Public Benefit Agencies. (Intro. 7-4)

A RESOLUTION SUBMITTED BY  
LEGISLATOR SWANICK

**WHEREAS**, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

**WHEREAS**, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

**WHEREAS**, the Legislature must now pass a resolution to effect the transfer of funds,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$15,000 from the Extraordinary County Aid to Local Governments – Regionalism/Economic Development

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Fund (1109043038301299) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>AGENCY</u>	<u>DAC</u>	<u>AMOUNT</u>
Boys & Girls Club of the Northtowns	830/1495	\$10,000
City of Tonawanda	830/0467	\$5,000
<b>TOTAL</b>		<b>\$15,000</b>

And be it further

**RESOLVED**, that the Erie 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; Kelly Wahl – First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

**Fiscal Impact: Allocation of 2003 budgeted funds.**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

Re: Transfer of Funds and Consideration for Public Benefit Funding. (Intro. 7-5)

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

**WHEREAS**, from time to time certain budgetary transfers are necessary in order to properly allocate funds, and

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

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby authorize the transfer of the following funds into the 2001 reappropriations and 2002 reappropriations in Account 830-1295 Adelphia Parking in the amounts indicated from the following accounts:

<u>NAME</u>	<u>DAC</u>	<u>AMOUNT</u>
<b>Kids Voting New York</b>	<b>1109213018300900</b>	<b>\$15,000</b>
<b>Excalibur Leisure Skills Center</b>	<b>1109213018300691</b>	<b>\$18,000</b>
<b>Niagara Frontier Radio Reading Service</b>	<b>1109213018300343</b>	<b>\$15,000</b>
<b>SPCA – Neutering Program</b>	<b>110921301830</b>	<b>\$12,000</b>
<b>Health – Home Nurse Visitation Training</b>	<b>110949270830</b>	<b>\$10,000</b>
<b>V-Fire 2</b>	<b>110935670830</b>	<b>\$50,000</b>
<b>TOTAL</b>		<b>\$120,000</b>

and be it further,

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
<b>Kids Voting New York</b>	<b>\$15,000</b>	<b>MAJORITY</b>

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

<b>Excalibur Leisure Skills Center</b>	<b>\$18,000</b>	<b>MAJORITY</b>
<b>Niagara Frontier Radio Reading Service</b>	<b>\$15,000</b>	<b>MAJORITY</b>
<b>SPCA – Neutering Program</b>	<b>\$12,000</b>	<b>MAJORITY</b>
<b>TOTAL</b>	<b>\$60,000</b>	

and be it further,

**RESOLVED**, that the Erie County Legislature authorizes \$10,000 to be allocated from the Legislature Contractual DAC: 110905100830 to the Health Department for Home Nurse Visitation Training DAC: 110949270830; and be it further

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$50,000 from the Legislature Contractual DAC: 110905100830 to Fund 110, Project 935, Department 670, (DAC: 1109356708804300) Interfund Exp Non-Sub Erie Community College; and be it further

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

**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

**Fiscal Impact:** Transfer of funds and allocation of funds from Legislature’s Contractual Account.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

Re: Consideration for Public Benefit Funding.  
(Intro. 7-6)

A RESOLUTION SUBMITTED BY LEGISLATORS  
SWANICK, CHASE & CUSACK

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

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

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

**NOW, THEREFORE, BE IT**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Canal Fest Performance	\$3,000	SWANICK
City of Tonawanda ERT Startup	\$5,000	SWANICK
Ken-Ton Merchants Association	\$2,500	SWANICK
Ken-Ton Merchants Association	\$2,500	CUSACK
Town of Tonawanda Police Department	\$7,500	SWANICK
Town of Tonawanda Police Department	\$7,500	CUSACK
Hope Chest Dragon Boat Team	\$1,000	CHASE
Hope Chest Dragon Boat Team	\$1,000	CUSACK
Empire State Games	\$10,000	CUSACK
Grover Cleveland Golf Course	\$5,000	CUSACK
Amherst Senior Citizens Foundation	\$1,000	CUSACK
<b>TOTAL</b>	<b>\$46,000</b>	

And be it further

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$7,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 920, Department 300 Agency Payments – Cultural, Buffalo Philharmonic Orchestra (DAC: 1109203008300180); and be it further

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

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**RESOLVED**, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly Wahl– First Administrative Assistant Erie County Legislature; Assistant County Attorney Greg Dudek; and to Carol Timberman-Yore, Buffalo Philharmonic Orchestra Society (11 Symphony Circle, Buffalo, NY 14201).

Fiscal Impact: Appropriation of 2003 budgeted funds.

MS. CHASE moved to amend the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

- DELETE the First Resolved clause in its entirety and REPLACE with:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSORS</u>
Canal Fest Performance	\$3,000	SWANICK
City of Tonawanda ERT Startup	\$5,000	SWANICK
Ken-Ton Merchants Association	\$2,500	SWANICK
Ken-Ton Merchants Association	\$2,500	CUSACK
Town of Tonawanda Police Department	\$7,500	SWANICK
Town of Tonawanda Police Department	\$7,500	CUSACK
Hope Chest Dragon Boat Team	\$1,000	CHASE
Hope Chest Dragon Boat Team	\$1,000	CUSACK
Empire State Games	\$10,000	CUSACK
Amherst Senior Citizens Foundation	\$1,000	CUSACK
Swormville Fire Company	\$3,675	RANZENHOFER
Empire State Games	\$5,000	RANZENHOFER
<b>TOTAL</b>	<b>\$49,675</b>	

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$1,010 from the Legislature – Contractual Expense (DAC: 110905100830) to General Fund, Interfund Transfers, Interfund-Library (DAC 1109253208864200), and be it further

**RESOLVED**, that the Erie County Library Budget is hereby amended, to increase the following account: Interfund-Subsidy revenue (DAC 8209734206863200) \$1,010, and be it further

**RESOLVED**, that the Erie County Library Budget is hereby amended, to increase the following account by \$1,010 Newstead Public Library (Denio Memorial Akron) (8209734208300154), and be it further

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**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the Legislature – Contractual Expense (DAC: 110905100830) to Erie County Department of Parks, Recreation and Forestry (DAC: 110942640911931) for Grover Cleveland Golf Course, and be it further

- In the Last RESOLVED clause ADD the following contact:  
Ken Stone, Buffalo & Erie County Public Library.

MS. CHASE moved the approval of the resolution as amended. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 33 – CHAIRMAN SWANICK directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 7-7 From LEGISLATOR SCHROEDER Re: Commending Residents and Agencies Fighting NYC Garbage in a Buffalo Neighborhood.

Item 34 – MR. SMITH presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

Re: Support for Reinstatement of State Funding for the Buffalo Summer Youth Employment Program. (Intro. 7-8)

A RESOLUTION SUBMITTED BY  
LEGISLATOR SMITH, HOLT, KUWIK, SCHROEDER, FISHER,  
DALE, DEBENEDETTI, DUSZA & MARINELLI

WHEREAS, the 2003 proposed New York State budget eliminates \$1.2 million in funding to the City of Buffalo for the Buffalo Summer Youth Employment Program, and

WHEREAS, this program, also known as the Mayor's Summer Youth Program, provides summer employment to well over one thousand young people between the ages of 14 and 21, and

WHEREAS, of the 1,300 youth involved in the program last year, 75% were African American, 10% were Hispanic and 13% were European, and

WHEREAS, summer jobs provided through the program teach youth skills in several fields of work including: clerical and computer related jobs, health services, senior care and community service, and

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WHEREAS, in addition to educating children with hands-on work training, the Summer Youth Program teaches young people skills, such as professionalism, organization, timeliness, and responsibility, which they will carry with them throughout their lives, and

WHEREAS, without this program many children will end up spending their summer on the streets, and

WHEREAS, the loss of this program will also negatively impact the Erie County financially by taking away money which would be put back into the local economy, and

WHEREAS, over 150 not-for-profit organizations who traditionally rely on youth in the summer youth program to assist with summer programs will also be impacted by the elimination of the Summer Youth Program, and

WHEREAS, in 2001 the New York State Senate and Assembly sponsored legislation (A.8372/S.5254 – 2001) which would have established the Summer Youth Employment Program as a stand alone budget allocation, thereby instituting the program as a regular line item in the budget rather than a year-to-year budget addition,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the important role the Summer Youth Employment Program plays in the local economy, local community, and most importantly the lives of area youth, and be it further

RESOLVED, that this Honorable Body hereby calls upon the New York State Senate and Assembly to restore funding to this essential program in the State budget, and be it further

RESOLVED, that this Honorable Body further urges the Western New York Delegation of State Representatives to support legislation, similar to that introduced in 2001, which would establish the Summer Youth Employment Program as a reoccurring line item in the State's annual budget, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki, the Western New York Delegation of State Representatives, the Mayor of the City of Buffalo and to members of Buffalo's Common Council.

**Fiscal Impact:           Positive for City of Buffalo youth.**

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

CARRIED UNANIMOUSLY.

DELETE the 3<sup>rd</sup> WHEREAS clause in its entirety and REPLACE it with the following:



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WHEREAS, over 1,300 youth were involved in the program last year, 75% were African Americans, 10% were of Hispanic and the remaining 15% were of other ethnic backgrounds, and

MR. SMITH moved the approval of the resolution as amended. MR. HOLT seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

Item 35 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

CHALLENGE THE CHAIR.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Intro. 7-9 From LEGISLATORS HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH, DUSZA & MARINELLI Re: Calling for an Early Release of the County Executive's Proposed 2004 Erie County Budget.

Item 36 – MR. DALE moved to reconsider Intro. 7-5. MS. MARINELLI seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Item 37 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 119

Re: Support for Renewal of Union Occupational Health Center's Application for Contract with the NYS Department of Health. (Intro. 7-10)

## A RESOLUTION SUBMITTED BY LEGISLATORS

DUSZA, HOLT, KUWIK, SCHROEDER, FISHER, DALE, DEBENEDETTI,  
SMITH, MARINELLI, SWANICK, WEINSTEIN & CHASE

WHEREAS, Union Occupational Health Center, serving Western New York since 1987, is a part of a network of eight clinics throughout New York State dedicated to the diagnosis and prevention of occupational health related problems, and

WHEREAS, in addition to providing prevention services, educational programs and technical assistance on health related issues, the clinic is also actively involved in training 3<sup>rd</sup> and 4<sup>th</sup> year medical students as well as community physicians about problems related to occupational and environmental exposures, and

WHEREAS, Union Occupational Health Center and the network of clinics throughout the State provide a valuable service to the working men and women in Erie County and assist employers in helping with the prevention of occupational illness, and

WHEREAS, since its establishment, Union Occupational Health Center has conducted over 22,000 patient visits, and

WHEREAS, the Erie County HAZMAT Organization (ECHO) is just one of several agencies that benefit from the service Union Occupational Health Center provides, and

WHEREAS, the New York State Department of Health is currently soliciting applications for contracts from clinics seeking to participate in the statewide occupational health clinic network, and

WHEREAS, Union Occupational Health Center would like to continue their contract with the New York State Department of Health and is seeking support from community leaders for their efforts, and

WHEREAS, all communications of support must be submitted to Union Occupational Health Center by April 10, 2003 to be included with their application,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the important services Union Occupational Health Center provides working families and local businesses in Western New York, and be it further

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RESOLVED, that this Honorable Body does hereby express our support for the renewal of the contract between Union Occupational Health Center and the New York State Department of Health, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Raymond Struzik, Executive Director of Union Health Center, the New York State Department of Health and the Western New York State Delegation.

**Fiscal Impact: None for resolution.**

MR. WEINSTEIN moved to amend the resolution to include Et Al Sponsorship. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 38 – CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 7-11 From LEGISLATOR SMITH Re: Request for a Progress Report on Consolidation of Holding Center and Correctional Facility Services.

Item 39 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 7-12 From LEGISLATORS HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH, DUSZA & MARINELLI Re: Support for Federal Bill S.201, the State and Local Aid & Economic Stimulus Act of 2003.

Item 40 – CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

CHALLENGE THE CHAIR.

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

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FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Intro. 7-13 From LEGISLATORS HOLT, KUWIK, FISHER, DeBENEDETTI, SMITH & MARINELLI Re: Calling for a Discussion on the Buffalo Police Department Re-Engineering Project.

Item 41 – CHAIRMAN SWANICK directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

CHALLENGE THE CHAIR.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Intro. 7-14 From LEGISLATORS HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH, DUSZA & MARINELLI Re: Supporting Programs That Aid Small Business.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 42 – MR. RANZENHOFER moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 6E-17. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

Re: Sale of Buffalo Sabres.

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

CARRIED UNANIMOUSLY.

ADD the following resolution:

WHEREAS, Niagara Frontier Hockey, L.P. ("NFH") currently owns the Buffalo Sabres National Hockey League Team; and

WHEREAS, NFH has filed for bankruptcy protection and such case is pending before the United States Bankruptcy Court for the Western District of New York; and

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WHEREAS, B. Thomas Golisano, through a wholly owned New York limited liability company, Hockey Western New York LLC ("HWNY") has signed an Asset Purchase Agreement dated March 13, 2003 with NFH, Crossroads Arena LLC and Buffalo Sabres Concession LLC (collectively, the "Sabres Entities"); and

WHEREAS, the Asset Purchase Agreement provides for the purchase of substantially all the assets of the Sabres Entities and the assumption by HWNY of scheduled obligations, liabilities and agreements currently in effect between the Sabres Entities and others; and

WHEREAS, the Asset Purchase Agreement is subject to the approval of the U.S. Bankruptcy Court, and such Court shall hold a hearing on April 10, 2003 to authorize and approve the sale of the Assets to HWNY, assuming no other responsible higher bidder comes forward at that time; and

WHEREAS, it is necessary that the County of Erie approves of an agreement between all relevant parties, and any other related and ancillary agreements, because of the County's status as a sub-lessor and sub-lessee of HSBC Arena under the original Crossroads Arena closing documents that were approved by the Erie County Legislature in 1995; and

WHEREAS, in connection with the County's approval of an agreement between the relevant parties, the County has been asked by HWNY for certain commitments and/or concessions in order to facilitate HWNY's purchase of the Buffalo Sabres.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an agreement or agreements between the relevant parties to the Buffalo Sabres transaction, and such other related and ancillary agreements that will permit HWNY to purchase the Buffalo Sabres from the Sabres Entities; and be it further

RESOLVED, that in order to facilitate the sale of the Buffalo Sabres to HWNY, the County agrees to the following commitments:

1. The County shall waive any revenue sharing agreements with the Sabres Entities, including but not limited to, currently unpaid or future ticket surcharge revenues, operating fees or transmission fees imposed under the Operating Agreement dated May 10, 1995;
2. The County shall waive the requirement provided for in the Operating Agreement as to the maintenance of certain reserve accounts, which were required to be established in 1995 by the lenders to the Sabres Entities, and may also waive the requirement in the Operating Agreement regarding the delivery of financial statements and audits;
3. The County shall waive restrictions in the 1995 Operating Agreement and ancillary agreements regarding restrictions on the refinancing of mortgages on the HSBC Arena; however, HWNY shall provide that any such refinancing will not exceed the amount of debt in effect in 1995,

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to wit: \$67 million, and also that such proceeds will be used solely in the business of the Buffalo Sabres, including the HSBC Arena post-closing;

4. The County shall waive any right it may have to receive any portion of the purchase consideration or other consideration relative to the sale of the Buffalo Sabres and not to assert the County's rights, if any, against the purchase consideration or proceeds of any claims for payment of any amounts which might otherwise constitute pre-petition or post-petition bankruptcy claims or other amounts due;

5. The County shall reaffirm any existing agreements and/or leases to which the County is a party for the purpose of substituting HWNY in the place of NFH;

and be it further

RESOLVED, that in addition to the above-referenced commitments, the County Executive is hereby authorized to execute a Cooperation Agreement with the National Hockey League ("NHL") which includes terms substantially similar to those provided for in the 1995 Cooperation Agreement with the NHL; and be it further

RESOLVED, that for each and every agreement that shall be executed by the County Executive pertaining to the sale of the Buffalo Sabres to HWNY, and all related and ancillary agreements, the Commissioner of Environment & Planning shall review and approve of these agreements as to content, and the County Attorney shall review and approve of these agreements as to form, prior to the County Executive executing same; and be it further

RESOLVED, that except for the commitments as specifically set forth above, no agreement shall be executed by the County Executive relating to the sale of the Buffalo Sabres to HWNY which will have the effect of increasing the County's economic exposure and/or will require the County to contribute a sum of money towards facilitating the transaction; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 43 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 18E-28. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 8.585 – 8.415)

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

CHAIRMAN SWANICK directed a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 8.585 – 8.415)

RESOLUTION NO. 121

Re: Bond Resolution – Reconstruction of Existing Courthouse Buildings – Increase In Authorization.

RESOLUTION NO. 121-2003

BOND RESOLUTION DATED \_\_\_\_\_, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PARTIAL RECONSTRUCTION OF EXISTING COURTHOUSE BUILDINGS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$58,744,000, APPROPRIATING \$1,140,000 THEREFOR IN ADDITION TO \$57,604,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,140,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$57,604,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) \_\_\_\_\_, 2003

(Adopted) \_\_\_\_\_, 2003

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

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Section 1. The County of Erie, New York (herein called "County") is hereby authorized to continue existing capital project No. 410-164, consisting of the partial reconstruction of existing County Courthouse Buildings. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$58,744,000, and \$1,140,000 is hereby appropriated therefor, in addition to the \$57,604,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2003 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$1,140,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$12,981,000 bonds previously authorized therefor pursuant to Resolution No. 284-2002 adopted on June 20, 2002, in addition to the \$20,188,000 bonds previously authorized therefor pursuant to Resolution No. 280-2001 adopted on June 21, 2001 and the \$24,435,000 bonds previously authorized therefor pursuant to Resolution No. 135-2000 adopted on April 13, 2000, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the principal amount of \$1,140,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 3. The buildings to be reconstructed are of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$1,140,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.12 (a)(1) of the Law, is twenty (20) years.

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

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or



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

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

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

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

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

MR. DeBENEDETTI moved to send the item back to committee. MR. HOLT seconded.

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

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FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

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

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 12.421 – 4.579)

Item 44 – MS. CHASE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Intro. 6-11. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

Re: New York State Wireless Service  
Surcharge.

A RESOLUTION SUBMITTED BY LEGISLATOR WEINSTEIN

**WHEREAS**, the estimated revenue generated by the New York State Wireless Service Surcharge is projected to be approximately \$60 million in 2002, and

**WHEREAS**, \$20 million or 33% of the generated revenue from the New York State Wireless Service Surcharge will be distributed to local municipalities in the 2002-2003 budget year, and

**WHEREAS**, only \$10 million will be distributed to local municipalities in the 2003 – 04 and 2004 - 05, and

**WHEREAS**, authorization for the distribution of the New York State Wireless Service Surcharge only runs through 2005, and

**WHEREAS**, New York State raised the wireless service surcharge to \$1.20 on all wireless phones with an expressed intent to use the added revenue to improve public safety communications throughout New York State by upgrading, operating and maintaining wireless public safety answering points and dispatch of public safety providers in response to wireless 911 calls,

**NOW, THEREFORE, BE IT**

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**RESOLVED**, that this Honorable Body confirms an unwavering commitment to public safety, and

**RESOLVED**, that this Honorable Body urges New York State to permanently set the New York State Wireless Service Surcharge at 33%, an equitable distribution to local municipalities, and

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

**Fiscal Impact: POSITIVE**

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

CARRIED UNANIMOUSLY.

**DELETE the TITLE and all WHEREAS and RESOLVED clauses, and REPLACE with the following:**

**WHEREAS**, in 2002, the estimates of revenues generated by the New York State Wireless Service Surcharge was projected to be approximately \$60 million, and

**WHEREAS**, in 2002-03, New York State will distribute \$20 million from the New York State Wireless Service Surcharge, which is 33% of the total surcharge collected annually, and

**WHEREAS**, that amount will be reduced to \$10 million for the fiscal years 2003 – 04 and 2004 - 05, and

**WHEREAS**, the current legislation only authorizes distribution of these funds through 2005, and

**WHEREAS**, in 2002, New York State raised the wireless service surcharge to \$1.20 on all wireless phones with the intent of improving public safety communications throughout New York State, and

**WHEREAS**, this increase will result in a 70% increase in wireless surcharge revenues amounting to \$100 million annually,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Erie County, as one of the ten Western New York counties (Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans and Wyoming) that comprise the Western Region Public Safety Communications Alliance, and their cities, towns and

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villages include therein, call upon New York State and our representatives to support maintaining the 2002 distribution percentage of 33% on the total surcharge collected, and

**RESOLVED**, that Erie County, as a part of the Western Region Public Safety Communications Alliance, call on New York State and our representatives to make permanent the 33% of the wireless surcharge received being returned to local governments to offset the costs associated with upgrading, operating, and maintaining wireless public safety answering points and dispatching of public safety providers in response to wireless 911 calls, and

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

**Fiscal Impact:** None for Resolution

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 45 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. LARSON seconded.

GRANTED.

CHAIRMAN SWANICK directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Comm. 7E-21 From the COUNTY EXECUTIVE Re: NACo Indoor Air Quality Coalition and Model County Grant Program.

Item 46 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. LARSON seconded.

GRANTED.

CHAIRMAN SWANICK directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

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GRANTED.

Comm. 7E-22 From the COUNTY EXECUTIVE Re: Funding for Buffalo Niagara Cultural Tourism Initiative.

Item 47 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. LARSON seconded.

GRANTED.

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

GRANTED.

Comm. 7E-23 From the COUNTY EXECUTIVE Re: Authorization to Enter into a Contract with the City of Tonawanda for Snowplowing Services to the Riverwalk in Isle View Park.

Item 48 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. LARSON seconded.

GRANTED.

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

GRANTED.

Comm. 7E-24 From the COUNTY EXECUTIVE Re: Grant Programs – Authorization to Contract.

**COMMUNICATIONS FROM ELECTED OFFICIALS****FROM LEGISLATOR HOLT**

Item 49 – (Comm. 7E-1) Copy of Letter to Executive Director of NYSAC.

Received and filed.

**FROM LEGISLATORS RANZENHOFER & CHASE**

Item 50 – (Comm. 7E-2) Cancellation Notice of Meeting Scheduled 3/26/03.

Received and filed.

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FROM LEGISLATOR DALE

Item 51 – (Comm. 7E-3) Copy of Letter to Legislator Ranzenhofer Re: 2003 Legislature Rules of Order.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 52 – (Comm. 7E-4) Appointments to EC Mental Hygiene Community Services Board.

RECEIVED, FILED & PRINTED.

March 21, 2003

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

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

Honorable Members:

I, Joel A. Giambra, County Executive of the County of Erie, pursuant to the power vested in me by Section 11-8-03 of the Erie County Charter, and as provided in Revised Article 41 of the New York State Mental Hygiene Law, do hereby submit for your information appointments to the Erie County Mental Hygiene Community Services Board as represented in Attachment 1.

Very truly yours,

Joel A. Giambra  
Erie County Executive

JAG/MW/nj

## Attachment 1

<b>Mental Health Subcommittee</b>	<b>Type of Appointment</b>	<b>Term to Expire December 31</b>
Donald Le Ber 38 Hagen Street Buffalo, NY 14211	Appointment	2005
Simon L. Marcus 414 Porter Avenue Buffalo, NY 14201	Appointment	2005

<b>Alcoholism / Substance Abuse Subcommittee</b>	<b>Type of Appointment</b>	<b>Term to Expire December 31</b>
Joan M. Moslow 4825 Best Street Hamburg, NY 14075	Appointment	2005

FROM THE COMPTROLLER

Item 53 – (Comm. 7E-5) Apportionment & Distribution of 4% Sales Tax for 3/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK

Item 54 – (Comm. 7E-6) 2002 Annual Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

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

CARRIED UNANIMOUSLY.

Re: Bond Resolution – Chrymko v. County of Erie & June Vandewater - \$1,900,000 –

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Authorizing Payment of Settled Claim Against  
County. (Comm. 7E-7)

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

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

FAILED [WEIGHTED VOTE: 8.585 – 8.415 (FAILED TO REACH 11.339  
THRESHOLD)]

Received and filed.

**FROM THE SHERIFF**

Item 56 – MR. RANZENHOFER presented the following resolution and moved for  
immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

Re: “Buckle Up” New York. (Comm. 7E-8)

WHEREAS, the State of New York Governor’s Traffic Safety Committee has awarded  
\$10,329 to The Erie County Sheriff’s Office to participate in the statewide BUCKLE UP@ NEW  
YORK enforcement campaign and,

WHEREAS, these funds will be used to fund overtime dedicated to increasing seat belt usage  
in an effort to reduce serious injury or death from traffic accidents,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff’s Office is authorized to accept funding in the  
amount of \$10,329 from the State of New York Governor’s Traffic Safety Committee and be it  
further,

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

Department 931 – Sheriff’s Office

**REVENUE**

Acct. 639 - State Aid Miscellaneous

**Increase**

10,329



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TOTAL REVENUE	<u>10,329</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
Acct. 801 - Overtime	<u>10,329</u>
TOTAL APPROPRIATIONS	<u>10,329</u>

and it be further

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

Re: Asset Forfeiture Grant Appropriations  
Project No. 493. (Comm. 7E-9)

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that \$38,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Grant, Project #493, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

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

<u>REVENUE</u>		<u>Increase</u>
Acct. 502	Forfeiture Crime Proceeds	<u>38,000</u>
	Total Revenue	<u>38,000</u>

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

<u>APPROPRIATION</u>		<u>Increase</u>
Acct. 825	Out-of-Area Travel	20,000
Acct. 826	Miscellaneous Expense	<u>18,000</u>
	Total Appropriations	<u>38,000</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR HOLT

Item 58 – (Comm. 7E-10) Letter to Clerk Re: EC Legislature’s 2003 Rules of Order.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 59 – (Comm. 7E-11) Bond Resolution – Various Capital Projects - \$41,736,757.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 60 – (Comm. 7E-12) PILOT for Saint Mary’s Commons Apartments.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 61 – (Comm. 7E-13) EC 2003 Sport Fishery Promotion Program.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 62 – (Comm. 7E-14) Senior Services – Authorization to Amend the Administrative Division Budget.

Item 63 – (Comm. 7E-15) Senior Services – Authorization to Amend C-1 Nutrition Grant Budget.

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

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

Item 64 – (Comm. 7E-16) Roof Replacement, Main Axial Corridor at ECMC & Roof Repair, Convention Center, Contingency Fund Increase.

Item 65 – (Comm. 7E-17) Emery Park Waterline Installation – Phase II.

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

Item 66 – (Comm. 7E-18) ECSD No. 3 \ Southtowns Sewage Treatment Agency Proposed 2003 Amended Budget, Village of Blasdell.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 67 – (Comm. 7E-19) Amendment to Various 2003 Town & Special District Budgets.

Item 68 – (Comm. 7E-20) EC Division of Real Property Tax Services – Agreement with Town of Grand Island & Personal Services Agreements for Assessment Services.

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

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 69 – (Comm. 7D-1) Transmittal of New Claims Against Erie County.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM PERSONNEL**

Item 70 – (Comm. 7D-2) 2002 Unemployment Insurance Annual Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 71 – (Comm. 7D-3) Proposed Rule 2.03 – Use of Telephonic and/or Videoconferencing.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM DEP**

**MEETING NO. 7**

**April 3, 2003**

**ERIE COUNTY LEGISLATURE**

Item 72 – (Comm. 7D-4) SEQR – Solicitation for Lead Agency Status – Project No. C617-03-224.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 73 – (Comm. 7D-5) Notice of County Executive's Approval of Local Law No. 2 – 2003  
(Local Law Intro. No. 4 – 2003)

RECEIVED, FILED & PRINTED.

March 25, 2003

**VIA HAND DELIVERY**

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

RE: LOCAL LAW No. 2-2003

Dear Laurie:

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

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

BY: BRIAN D. WHITE  
Assistant County Attorney

BDW/fr

Encl.

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

A Public Hearing was held on the foregoing Local Law Intro. No. 4-2003 on Monday, March 24, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 24<sup>th</sup> day of March, 2003.

Joel A. Giambra

Item 74 – (Comm. 7D-6) Notice of County Executive’s Approval of Local Law No. 3 – 2003  
(Local Law Intro. No. 5 – 2003)

RECEIVED, FILED & PRINTED.

March 25, 2003

**VIA HAND DELIVERY**

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

RE: LOCAL LAW No. 3-2003

Dear Laurie:

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

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

BY: BRIAN D. WHITE  
Assistant County Attorney

BDW/fr

Encl.

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

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2003 on Monday, March 24, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 24<sup>th</sup> day of March, 2003.

Joel A. Giambra

Item 75 – (Comm. 7D-7) Notice of County Executive’s Approval of Local Law No. 4 – 2003  
(Local Law Intro. No. 6 – 2003).

RECEIVED, FILED & PRINTED.

March 25, 2003

**VIA HAND DELIVERY**

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

RE: LOCAL LAW No. 4-2003

Dear Laurie:

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

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

BY: BRIAN D. WHITE  
Assistant County Attorney

BDW/fr

Encl.

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

A Public Hearing was held on the foregoing Local Law Intro. No. 6-2003 on Monday, March 24, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County

**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 24<sup>th</sup> day of March, 2003.

Joel A. Giambra

Item 76 – (Comm. 7D-8) Notice of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM ECMC**

Item 77 – (Comm. 7D-9) Financial Statements & Minutes of Board Meeting.

Received and filed.

**FROM ECC**

Item 78 – (Comm. 7D-10) Minutes of Board Meeting.

Received and filed.

**FROM THE COUNTY ATTORNEY**

Item 79 – (Comm. 7D-11) Copy of Filing Receipt for Local Law No. 1 – 2003.

Received and filed.

**FROM ECC**

Item 80 – (Comm. 7D-12) Notice of Various Meetings to be Held.

Received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD**

Item 81 – (Comm. 7M-1) Region 9 Board Meeting Minutes.

Received and filed.

**MEETING NO. 7**

**April 3, 2003**

**ERIE COUNTY LEGISLATURE**

**FROM THE SENECA COUNTY BOARD OF SUPERVISORS**

Item 82 – (Comm. 7M-2) Memorialization of NYS Senate Bill 307 (2003).

Received and filed.

**FROM THE TOWN OF HOLLAND**

Item 83 – (Comm. 7M-3) Resolution in Favor of an Equitable & Dedicated Share of NYS Wireless Surcharge for Local Governments.

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM NYSAC**

Item 84 – (Comm. 7M-4) Response to Letter From Legislator Holt.

Received and filed.

**FROM NFTA**

Item 85 – (Comm. 7M-5) Minutes of Board Meeting Held 2/24/03.

Received and filed.

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

Item 86 – (Comm. 7M-6) Landowner Proposals for Inclusion of Viable Agricultural Land in Existing Certified Agricultural District.

From the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE REGION 9 FOREST PRACTICE BOARD**

Item 87 – (Comm. 7M-7) Notice of Meeting to be Held 4/10/03.

Received and filed.

**FROM CONGRESSMAN QUINN**

Item 88 – (Comm. 7M-8) Receipt of Resolution.

Received and filed.

**FROM CONGRESSMAN QUINN & MAYOR MASIELLO**



**MEETING NO. 7****April 3, 2003****ERIE COUNTY LEGISLATURE**

Item 89 – (Comm. 7M-9) Buffalo Waterfront Projects Update Meeting.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM SENATOR RATH**

Item 90 – (Comm. 7M-10) Receipt of Resolution.

Received and filed.

**RECONSIDERATIONS**

Item 91 – MR. SMITH moved to reconsider Comm. 18E-28. MR. HOLT seconded.

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

**MEMORIAL RESOLUTIONS**

Item 92 – Legislator Chase requested that when the Legislature adjourns, it do so in memory of Jim Bulger.

Item 93 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Janelle Wilson.

Item 94 – Legislator Holt requested that when the Legislature adjourns, it do so in memory of Senator Moynihan.

Item 95 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Fallen Lance Corporal Eric Orłowski.

Item 96 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Sophie T. Nowak.

Item 97 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Terrie Palmeri.

**MEETING NO. 7**

**April 3, 2003**

**ERIE COUNTY LEGISLATURE**

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Item 98 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Raymond Budzinski.

**ADJOURNMENT**

Item 99 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, April 10, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, April 10, 2003 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA  
CLERK**