

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

---

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 8**  
**April 11, 2002**

The Legislature was called to order by Chairman DeBenedetti.

All Members Present except Legislator Fisher.

The invocation was led by Rev. Michael Chapman, Pastor St. John Baptist Church.

The Pledge of Allegiance was led by Ms. Peoples.

Item 1 – MR. GREENAN presented the following resolution and moved for reconsideration.  
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LL Intro. 5-1 (2001) From LEGISLATORS OLMA & DeBENEDETTI Re: A LL Amd LL No. 1-1959, Constituting Erie County Charter, As Amd, in Rel to Composition of County Legislative Districts.

MR. GREENAN moved to receive and file the local law. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 2 – MR. GREENAN presented the following resolution and moved for reconsideration.  
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LL Intro. 5-2 (2001) From LEGISLATORS OLMA & DeBENEDETTI Re: A LL Amd LL No. 1-1959, Constituting Erie County Charter, As Amd, in Rel to Composition of County Legislative Districts.

MR. GREENAN moved to receive and file the local law. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 3 - MR. GREENAN presented the following resolution and moved for reconsideration.  
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

LL Intro. 5-3 (2001) From LEGISLATORS OLMA & DeBENEDETTI Re: A LL Amd LL No. 1-1959, Constituting Erie County Charter, As Amd, in Rel to Composition of County Legislative Districts.

MR. GREENAN moved to receive and file the local law. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 4 - MR. GREENAN presented the following resolution and moved for reconsideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LL Intro. 1-1 (2002) From LEGISLATORS SWANICK, KUWIK, SCHROEDER, HOLT, FISHER, MARINELLI, DALE, PEOPLES & DUSZA Re: A LL Amd LL No. 1-1959, Constituting EC Charter, as Amd, in Rel to Composition of County Legislative Districts.

MR. GREENAN moved to receive and file the local law. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 5 - MR. GREENAN presented the following resolution and moved for reconsideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LL Intro. 1-2 (2002) From LEGISLATORS SWANICK, KUWIK, SCHROEDER, HOLT, FISHER, MARINELLI, DALE, PEOPLES & DUSZA Re: A LL Amd LL No. 1-1959, Constituting EC Charter, as Amd, in Rel to the Composition of County Legislative Districts.

MR. GREENAN moved to receive and file the local law. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 - MR. GREENAN presented the following resolution and moved for reconsideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LL Intro. 1-3 (2002) From LEGISLATORS SWANICK, KUWIK, SCHROEDER, HOLT, FISHER, MARINELLI, DALE, PEOPLES & DUSZA Re: A LL Amd LL No. 1-1959, Constituting EC Charter, as Amd, in Rel to the Composition of County Legislative Districts.

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

MR. GREENAN moved to receive and file the local law. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 7 - MR. GREENAN presented the following resolution and moved for reconsideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LL Intro. 1-4 (2002) From LEGISLATORS SWANICK, KUWIK, SCHROEDER, HOLT, FISHER, MARINELLI, DALE, PEOPLES & DUSZA Re: A LL Amd LL No. 1-1959, Constituting EC Charter, as Amd, in Rel to the Composition of County Legislative Districts.

MR. GREENAN moved to receive and file the local law. MR. RANZENHOFER seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

RECEIVED & FILED. (WEIGHTED VOTE: 8.502 – 7.513)

Item 8 – CHAIRMAN DeBENEDETTI directed that Comm. 13E-45 (2001) remain on the table.

MR. GREENAN moved the approval of the minutes of Meeting Nos. 22, 23 & 24 of 2001. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**MISCELLANEOUS RESOLUTIONS**

Item 9 – MR. GREENAN presented a resolution Honoring Frank Klodzinski for His 43 Years of Service in West Seneca Fire Protection. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. CHASE presented a resolution Honoring NYS Trooper John Morrow for Receiving the 2002 Theodore Roosevelt Association Police Award. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

Item 11 – MS. CHASE presented a resolution Honoring Evans Grange No. 1332 Awardees. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. GREENAN presented a resolution Honoring West Seneca Central School District Students of Excellence. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. MARINELLI presented a resolution Honoring the Everywoman Opportunity Center 2002 Award Recipients. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 14 – MS. MARINELLI presented a resolution Honoring the Everywoman Opportunity Center for 25 Years of Service to the Community. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 15 – MS. PEOPLES presented a resolution on Day of Honor 2002 – Honoring Our Community's Minority Veterans of World War II. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 16 – MR. SWANICK presented a resolution Honoring Shea's President Patrick Fagan. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. DUSZA presented a resolution Honoring Chief Bruce Chamberlin on His Retirement from Cheektowaga Police Department. MR. DALE seconded.

CARRIED UNANIMOUSLY.

Item 18 – MS. MARINELLI presented a resolution Honoring Zachary William Martin for Earning the Rank of Eagle Scout. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 19 – MS. PEOPLES presented a resolution Honoring Christopher Lloyd Upon His Recognition by Minority Health Coalition. MR. SWANICK seconded.

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

Item 20 – MR. HOLT presented a resolution Honoring Al Tinney for His Display of Magnificent Music Through the Years. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 21 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 22 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 23 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 24 – CHAIRMAN DeBENEDETTI directed that Local Law No. 10 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

**COMMITTEE REPORTS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

April 8, 2002

ECONOMIC DEVELOPMENT  
COMMITTEE  
MEETING NO. 5

ALL MEMBERS PRESENT.

1.	Item	Page	-2002	<b>AS AMENDED</b> (Comm. 5E-41)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, the Department of Public Works received bids on March 11, 2002 for the Buffalo & Erie County Library - Secure Storage & New ADA Elevator, and

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Buffalo & Erie County Library - Secure Storage & New ADA Elevator as follows:

**GENERAL CONSTRUCTION CONTRACT**

New Era Construction, Inc.		
Base Bid	\$314,000.00	
Add Alternate GC-1	1,900.00	
Add Alternate GC-2	190.00	
Add Alternate GC-3	<u>10,600.00</u>	
Total General Construction Contract		\$326,690.00

**MECHANICAL CONSTRUCTION CONTRACT**

RP Mechanical		
Base Bid		\$265,562.00

**ELECTRICAL CONTRACT**

Weydman Electric, Inc.		\$ 75,812.00
------------------------	--	--------------

**FIRE PROTECTION CONTRACT**

Allied Fire Protection		\$ 33,950.00
------------------------	--	--------------

**ASBESTOS ABATEMENT CONTRACT**

Arric Corporation		
Base Bid	\$ 35,000.00	
Add Alternate AAC-1	<u>20,000.00</u>	
Total Asbestos Abatement Contract		<u>\$ 55,000.00</u>

Total Contracts Award:		\$757,014.00
------------------------	--	--------------

and be it further,

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that the sum of \$10,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from the following accounts:

--Courts Renovation, Project 164, Fund 410	\$443,098.00
--Code Compliance, Project 196, Fund 410	\$100,000.00
--Asbestos Abatement, Project 594, Fund 410	\$ 20,000.00
--Asbestos Abatement, Project 605, Fund 410	\$ 39,000.00
--Asbestos Abatement, Project 805, Fund 410	\$ 32,000.00
--Asbestos Abatement, Project 765, Fund 490	\$ 20,000.00
--EC Library Mechanical Equipment, Project 778, Fund 490	\$100,000.00
--EC Library Improvements, Project 667, Fund 490	<u>\$ 12,916.00</u>
Total	\$767,014.00

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 Division of Budget, Management & Finance; and one copy to the Office of the Comptroller.

(5-0)

2. Item Page -2002 (Comm. 7E-19)

**COUNTY EXECUTIVE**

WHEREAS, the firm of Kideney Architects was engaged by Erie County to design a new electronic security system at the Erie County Holding Center, and

WHEREAS, the Department of Public Works directed Kideney Architects to add additional work requested by the Erie County Sheriff's Department, and

WHEREAS, the additional design work was necessary for the additional CCTV head end equipment, touch screen controls and miscellaneous items added to the project prior to bid,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue Kideney Architects a supplementary agreement in an amount not-to-exceed \$24,000, and be it further,

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that funding for this change order shall be from 1998 Code Compliance, encumbered in Project 912, Fund 110, and be it further,

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

(5-0)

3. Item Page -2002 (Comm. 7E-21)

**COUNTY EXECUTIVE**

WHEREAS, the Buffalo Bills have requested that a portion of the outdoor grass practice field at Ralph Wilson Stadium be replaced in accordance with the terms of their lease, and

WHEREAS, they have requested that the County proceed with this work which should be completed before the 2002 pre-season football season begins, and

WHEREAS, in order to comply, DiDonato Associates, the Stadium Consulting Engineer, must begin design on this project immediately, and

WHEREAS, they have requested that the County install an Astro-Play artificial grass field, which is a sole source item,

NOW, THEREFORE, BE IT,

RESOLVED, that the bidding requirements be waived, and be it further,

RESOLVED, that the Commissioner of Public Works and the County Attorney be authorized to negotiate with Southwestern Recreational Industries, Inc., 701 Leander Drive, Leander, Texas, 78641, to supply and install an Astro-Play artificial grass field at a cost not to exceed \$395,000.00, and be it further,

RESOLVED, that the County Executive be authorized to enter into said negotiated contract, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the 2002 Ralph Wilson Stadium Bond Account contingent upon authorization of the bond resolution, for a total amount not to exceed \$395,000, 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 County Attorney; one copy to the Comptroller's Office; and one copy to the Division of Budget Management & Finance.

(4-1) Legislator Larson in negative.

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

4. Item Page -2002 (Comm. 7E-22)

**COUNTY EXECUTIVE**

WHEREAS, the department of Public Works received bids on February 14, 2002 for the Roof Replacement at the Main Axial Corridor, ECMC and Roof Repairs at the Erie County Convention Center, and

WHEREAS, the Architect and the department of Public Works are Recommending award to the lowest responsible bidder for the Roof Replacement at the Main Axial Corridor, ECMC and Roof Repairs at the Erie County Convention Center,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Roof Work as follows:

**MAIN AXIAL CORRIDOR ROOF REPLACEMENT, ECMC**

## Progressive Roofing

Base Bid:	\$167,920.00
Alternate Bid No. 1	<u>\$ 40,000.00</u>
Total	\$207,920.00

**ROOFING REPAIRS AT ERIE COUNTY CONVENTION CENTER**

## Weaver Metal &amp; Roofing, Inc.

Base Bid:	\$ 50,184.00
-----------	--------------

and be it further

RESOLVED, that the sum of \$30,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the sum of \$25,000 be allocated for additional Architectural/Engineering fees, testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the sum of \$10,000.00 be allocated for Project Engineer and Department of Public Works salary expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Comptroller's Office be authorized to make payment from 2001, Project 197, Fund 410, and be it further,

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

(5-0)

5. Item Page -2002 (Comm. 7E-23)

**COUNTY EXECUTIVE**

WHEREAS, the Purchasing Department received bids for the Elma Meadows Park - Installation of Backflow Prevention, and

WHEREAS, the Department of Public Works and the Purchasing Department are recommending award to the lowest responsible bidder, Fairway Construction, and

WHEREAS, after the bids were opened, the Elma Water Department requested design changes to the scope of work, and

WHEREAS, the design changes resulted in substantial cost savings, and

WHEREAS, the Department of Public Works requested and reviewed a credit for the design changes from the lowest responsible bidder, and

WHEREAS, the credit will reduce the bid amount from \$44,807.50 to \$27,184.00,

NOW, THEREFORE, BE IT,

RESOLVED, that the Purchasing Department be authorized to enter into a contract for the installation of the backflow prevention with Fairway Construction, and be it further,

RESOLVED, that the total cost be reduced from \$44,807.50 to \$27,184.00, and be it further,

RESOLVED, that the sum of \$3,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from 2001 Code Compliance, Project 196, Fund 410, and be it further,

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

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 & Finance; one copy to the Office of the Comptroller; and one copy to the Purchasing Department.

(5-0)

6. Item Page -2002 (Comm. 7E-25)

**COUNTY EXECUTIVE**

WHEREAS, The County of Erie, desires to fund the work being performed by Continental 1:  
and

WHEREAS, Continental 1 is an organization created to promote the development and construction of a bi-national intermodal trade corridor from Toronto, Canada to Miami, Florida; and

WHEREAS, The activity will assist in efforts to attract international trade and new businesses and jobs to Erie County and Western New York; and

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with Continental 1, in amounts not to exceed a total of \$5,000.00, for the purpose of promoting the development of the Continental 1 trade corridor; and be it further

RESOLVED, That the source of these funds shall be \$5,000.00 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will be transferred to a new subaccount under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

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

(5-0)

**MICHAEL H. RANZENHOFER**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

## RESOLUTION NO. 158

April 8, 2002

FINANCE & MANAGEMENT  
COMMITTEE  
REPORT NO. 5

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

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

	Item	Page	-2002	(Comm.7E-1)
a.	<b>COMPTROLLER:</b>	County's Share of Sales Tax Revenue for Fiscal Year Ending 12/31/01.		
		(5-0)		

2.	Item	Page	-2002	(Comm.7E-13)
	<b>COMPTROLLER</b>			

WHEREAS, on October 19, 1989, the Erie County Legislature adopted Comm. 19E-17, approving the imposition and collection of a \$15 service charge for tendered payment by check or other written order for property taxes, user fees, or any other municipal charge that is dishonored and returned for insufficient funds or other reasons; and

WHEREAS, on November 21, 2001, Governor Pataki signed a bill enabling municipal corporations to assess the maximum charge for dishonored checks as authorized under Section 5-328 of the GENERAL OBLIGATIONS LAW, now set at \$20;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 85 of the GENERAL MUNICIPAL LAW, this Honorable Body hereby approves the imposition and collection of a \$20 service charge for dishonored checks; and be it further

RESOLVED, that any such service charge may be collected in any manner otherwise authorized for the collections of the delinquent real property taxes, fees, or other charges as otherwise provided by law. In addition, the County of Erie may require that future payments be tendered in cash or by certified check, cashier's check or official bank check; and be it further

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

(5-0)

3.	Item	Page	-2002	(Comm. 7E-38)
	<b>COUNTY EXECUTIVE</b>			

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Department of Social Services (DSS) has identified appropriated funds in the amount of \$170,000 to support specialized employment services for specific individuals it serves, and

WHEREAS, the Erie County Department of Mental Health (DMH) is responsible for the delivery of a comprehensive range of human services for the residents of Erie County that includes services delivered by the Erie County Council for the Prevention of Alcoholism and Substance Abuse, Inc., (ECPASA), and

WHEREAS, the Erie County Department of Social Services and the Erie County Department of Mental Health have agreed that the Department of Mental Health will establish an interagency agreement for providing these \$170,000 in appropriated funds to the Erie County Council for the Prevention of Alcoholism and Substance Abuse, Inc., for the intended employment purposes, and

WHEREAS, the Erie County Department of Social Services and the Erie County Department of Mental Health are requesting authorization for an interdepartmental transfer of these funds to the Department of Mental Health to execute a service contract and to administer this program at the Erie County Council for the Prevention of Alcoholism and Substance Abuse, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contractual agreement with the Erie County Council for the Prevention of Alcoholism and Substance Abuse for the period January 1, 2002, through December 31, 2002, for the "Strengthening Families" Program, and be it further

RESOLVED, that \$170,000 be appropriated to the Erie County Department of Mental Health Grant, Project 641, for the Erie County Council for the Prevention of Alcoholism and Substance Abuse Services, Inc., for the period January 1, 2002, through December 31, 2002, the source of these funds being an interdepartmental transfer from the 2002 Department of Social Services Family Assistance Employment Grant, Project 604, and be it further

RESOLVED, that an interdepartmental transfer of \$170,000 to the Department of Mental Health be authorized in the 2002 Department of Social Services Family Assistance Employment Grant, Project 604, the source of these funds being a reduction in the appropriation for the Erie County Council for the Prevention of Alcoholism and Substance Abuse, Inc., in account 830-0651, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Social Services, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0)

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

4. Item Page -2002 **AS AMENDED**  
 (Comm. 7E-43)  
**COMPTROLLER**  
 RESOLUTION NO. \_\_\_\_ OF 2002

BOND RESOLUTION DATED \_\_\_\_\_, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PARTIAL RECONSTRUCTION OF THE DENTAL LAB AT THE ERIE COMMUNITY COLLEGE-NORTH CAMPUS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,350,000, APPROPRIATING \$850,000 THEREFOR, IN ADDITION TO THE \$2,500,000 PREVIOUSLY APPROPRIATED THEREFOR, INCLUDING THE EXPENDITURE OF \$1,175,000 IN STATE FUNDS EXPECTED TO BE RECEIVED BY THE COUNTY, AND AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$1,075,000 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) April 8, 2002

(Adopted) \_\_\_\_\_, 2002

RECITALS

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly authorized the partial reconstruction of the Dental Lab at Erie Community College-North Campus (the "Project"), at the estimated maximum cost of \$2,500,000, which aggregate amount was appropriated therefore in the following manner: Resolution No. 101-1999, adopted March 18, 1999 appropriated \$500,000 for the Project and authorized said amount of bonds to be issued; Resolution No. 136-2000, adopted April 13, 2000 appropriated \$650,000 for the Project, including \$325,000 in funds expected to be received from the State of New York and authorized \$325,000 bonds to be issued; Resolution No. 152-2001, adopted April 15, 2001 appropriated \$500,000 for the Project, including \$250,000 in funds expected to be received from the State of New York and authorized \$250,000 bonds to be issued; and Resolution No. 546 -2001, adopted December 10, 2001 appropriated \$850,000 for the Project; and

WHEREAS, it is now necessary to increase the amount authorized for the Project by \$850,000 and to further authorize the issuance of \$1,100,000 bonds for the Project; NOW THEREFOR BE IT

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

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to continue the Project, consisting of the partial reconstruction of Dental Lab at Erie Community College-North Campus, including the original equipment, machinery, furnishings, apparatus, and all ancillary and related site and other work required in connection therewith. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,350,000, and \$850,000 is hereby appropriated therefor, in addition to the \$2,500,000 previously appropriated therefor. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2002 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$1,100,000 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 \$1,075,000 bonds previously authorized therefor pursuant to Resolutions described in the hereinabove Recitals, the expenditure of \$1,175,000 in funds expected to be received from the State of New York, 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 \$1,100,000 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 building to be reconstructed is of at least Class "B" construction as defined by Section 11.00 a. 11.(b) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$1,100,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.12 (a)(2) of the Law, is fifteen (15) 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 the

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

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.

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

5. Item Page -2002 (Comm. 7E-45)

**COMPTROLLER**

RESOLUTION NO. \_\_\_\_\_ -2002

BOND RESOLUTION DATED \_\_\_\_\_ -2002

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2002 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$60,143,100, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$12,128,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$48,015,100 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; 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 OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, 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) March 19, 2002

(Adopted) \_\_\_\_\_, 2002

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

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2002 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2002 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The respective estimated maximum costs of (a) the specific objects or purposes set forth in rows 1, 2, 6, 8, 15, 20-23, 30-41 and 43, 44 and 46 of the attached schedule, and (b) the classes of objects or purposes set forth in rows 3-5, 7, 9-14, 16-19, 24-29, 42, 45 and 47 of the attached schedule, including preliminary costs and costs incidental thereto and to the financing thereof, is set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2002 Capital Budget for the County. The plan of financing includes the expenditure of \$12,128,000 in State and Federal aid expected to be received and the issuance of \$48,015,100 aggregate principal amount of bonds of the County to finance the balance of said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. 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 respective principal amounts set forth in column C of the attached schedule 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 the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes and classes of objects or purposes for which said \$48,015,100 bonds herein authorized are to be issued, within the limitations of § 11.00 a. of the Law, is set forth in column F of the attached schedule.

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 respective specific objects or purposes and classes of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

(b) the provisions of law which should be complied with at the date of the publication of this Resolution 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.

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

**DALE W. LARSON  
CHAIRMAN**

MR. LARSON moved to separate items #4 & #5 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #4. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, SWANICK, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. LARSON moved to amend item #5. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

**DELETE** Page 2 of the original 'SCHEDULE A' and **REPLACE** with the following new Page 2: (Note: The amended attachment for Comm. 7E-45 can be found in the session folder for this meeting.)

MR. LARSON moved the approval of item #5 as amended. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, SWANICK, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: NONE.

**MEETING NO. 8**

**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

April 8, 2002

ENERGY & ENVIRONMENT COMMITTEE  
MEETING NO. 4

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

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

	Item	Page	-2001	(Comm. 2E-37)
a.	<b>COUNTY EXECUTIVE:</b>	ECSD No. 5 – Eminent Domain Proceedings.		
		(5-0)		

	Item	Page	-2002	(Comm. 7D-3)
b.	<b>DEP:</b>	SEQR – Solicitation for Lead Agency Status – Type I Action.		
		(6-0) Chairman DeBenedetti present as Ex-Officio Member.		

	Item	Page	-2002	(Comm. 7E-27)
c.	<b>COUNTY EXECUTIVE:</b>	ECSD No. 1 – Engineering Agreement Dated 2/3/00 Pratt & Huth Associates – Change Order No. 2.		
		(6-0) Chairman DeBenedetti present as Ex-Officio Member.		

	Item	Page	-2002	(Comm. 7E-30)
d.	<b>COUNTY EXECUTIVE:</b>	ECSD No. 2 – Southwest Interceptor & Pumping Station Facilities Evaluation – URS Greiner Woodward Clyde – Change Order No. 4.		
		(6-0) Chairman DeBenedetti present as Ex-Officio Member.		

				<b>AS AMENDED</b>
2.	Item	Page	-2001	(Comm. 1E-27)
	<b>COUNTY EXECUTIVE</b>			

(A)  
RESOLUTION NO. \_\_\_\_-2002

RESOLUTION DATED \_\_\_\_,2002

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE****SEWER DISTRICT NO. 4 AND MAKING OTHER  
DETERMINATIONS IN CONNECTION THEREWITH**(Introduced) April 8, 2002.

(Adopted) \_\_\_\_\_, 2002.

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

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

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

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

WHEREAS, said County Legislature duly adopted Resolution No. 46-2002 on the 7<sup>th</sup> day of February, 2002, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 4 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 4 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 4 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 4 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

WHEREAS, said public hearing was duly held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 21<sup>st</sup> day of March, 2002, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the public hearing held on March 21, 2002, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 4.

Section 2. The extension of Erie County Sewer District No. 4 is hereby approved and said extension shall comprise an area described as follows:

- (a) Walden Corridor Extension Area:

Beginning at a point on the centerline of Peppermint Road where it intersects the east line of Erie County Sewer District No. 4, said centerline also being the north line of Farm Lot 6, Section 5 of the Holland Land Company survey; thence easterly along the centerline of Peppermint Road and its centerline extended easterly to a point on the centerline of Townline Road, said point also being the northeast corner of Farm Lot 2, Section 2 of the Holland Land Company survey, thence southerly along the centerline of Townline Road to a point; said point being the intersection of the northerly boundary of property belonging to CSX Railway Corp. as extended to the centerline of Townline Road; thence westerly in an irregular manner along the northerly boundary of CSX Railway Corp. to the easterly boundary of Erie County Sewer District No. 4, thence northerly along the easterly boundary of Erie County Sewer District No. 4 to a point on the centerline of Walden Avenue, said point being the southwest corner of Extension No. 1 to Erie County Sewer District No. 4 as adopted by the Erie County

Legislature on September 4, 1980; proceeding in an easterly direction and following along the boundary of said Extension No.1 to a point on the original east boundary of Erie County Sewer District No. 4; thence northerly along the easterly boundary of Erie County Sewer District No. 4 to the point or place of the beginning. (The description of said Walden Corridor Extension Area is intended to include lands currently part of Town of Lancaster Sewer District Nos. 6 and 7).

(b) Lancaster Sewer District No. 4 Extension Area

To encompass the entire area of the Town of Lancaster Sewer District No. 4; beginning at a point located at the intersection of the centerline of Broadway with the division line between the Town of Lancaster on the east and the Village of Lancaster on the west; thence easterly along the centerline of Broadway 672+/- feet; thence southerly and along the easterly line of the Louis Pohlman property 190+/- feet, thence westerly and parallel to Broadway 672+/- feet to a point on the aforementioned division line between the Town of Lancaster on the east and the Village of Lancaster on the west; thence northerly along the said division line 190+/- feet to the point of the beginning.

(c) Lancaster Sewer District No. 8 Extension Area

To encompass the entire area of the Town of Lancaster Sewer District No. 8; beginning at a point located on the northerly highway boundary of Peppermint Road (49.5 feet wide) where said highway boundary intersects the westerly line of Lot 9, Section 3, Township 11, Range 6, thence easterly along the northerly highway boundary of Peppermint Road a distance of 442.66 feet; thence northerly parallel with the easterly line of Lot 9, Section 3, Township 11, Range 6, a distance of 458.2 feet; thence easterly along the northerly line of lands conveyed under Liber 9819, page 36, and Liber 10099, page 572, a distance of 904.67 feet; thence northerly along the easterly line of Lot 9, Section 3, Township 11, Range 6, a distance of 2388+/- feet; thence northwesterly at an angle of 118°+/- a distance of 388+/- feet; thence westerly at an interior angle of 155°+/- a distance of 245+/- feet; thence northwesterly at an interior angle of 228°+/- a distance of 380+/- feet; thence northwesterly at an interior angle of 169°+/- a distance of 700+/- feet; thence southwesterly at an interior angle of 122°+/- a distance of 273+/- feet; thence easterly at an interior angle of 103°+/- a distance of 147+/- feet; thence southerly at an interior angle of 263°+/- a distance of 298+/- feet; thence southerly at an interior angle of 187°+/- a distance of 410+/- feet; thence westerly at an exterior angle of 86°+/- a distance of 145+/- feet; thence southerly at an interior angle of 91°+/- a distance of 361+/- feet; thence southerly at an interior angle 147°+/- a distance of 259+/- feet; thence southerly at an interior angle of 192°+/- a distance of 165+/- feet; thence westerly at an interior angle of 266°+/- a distance of 290+/- feet; thence westerly at an interior angle of 196°+/- a distance of 200+/- feet; thence westerly at an interior angle of 191°+/- a distance of 370+/- feet; thence westerly at an interior angle of 164°+/- a distance of 148+/- feet; thence southerly at an interior angle of 104°+/- a distance of 431+/- feet to the northerly line of lands conveyed under Liber 9751, page 93; thence easterly along the northerly line of lands conveyed under 9751, page 93, and Liber 9954, pages 53 and 56, a distance of 1,309.65 feet; thence southerly along the easterly line of lands conveyed under

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

Liber 9751, page 93, a distance of 1,095.25 feet; thence easterly along the northerly highway boundary of Peppermint Road (49.5 feet wide) a distance of 15.14 feet to the place or point of the beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

(5-0)

(B)

RESOLUTION NO. \_\_\_\_-2002

RESOLUTION DATED \_\_\_\_\_,2002.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT No. 2 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) April,2002.

(Adopted)\_\_\_\_\_,2002

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 2 of the County of Erie, New York, (the "District") has heretofore been established, and

WHEREAS, such County Legislature has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on February 14, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction and/or replacement of approximately 27,000 feet of existing sewers, manholes and appurtenances throughout the District, all as more fully described in the report and estimate of cost hereinbefore referred to; and

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$3,000,000, to be assessed against a benefitted area which consists of the entire area of the District; and

WHEREAS, pursuant to applicable provisions of Section 268 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the expenditure of funds for said increase and improvement because the cost thereof to the Typical Property (as defined in the County Law) is as follows: \$8.80 for the Town of Hamburg, \$8.10 for the Town of Eden, \$4.50 for the Village of North Collins and \$7.20 for the Town of Evans; such costs not being above the Average Estimated Cost of \$17.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law;

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York shall be held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 9<sup>th</sup> day of May, 2002, at 1:30 o'clock P. M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 2 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

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

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 9<sup>th</sup> day of May, 2002, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 2 in said County.

The increase and improvement of such facilities consists of the reconstruction and/or replacement of approximately 27,000 feet of existing sewers, manholes and appurtenances throughout the District, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of said District on February 14, 2002.

The maximum estimated cost of such increase and improvement of facilities is \$3,000,000, to be assessed against a benefitted area which consists of the entire area of said Sewer District No. 2.

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is as follows: \$8.80 for the Town of Hamburg, \$8.10 for the Town of Eden, \$4.50 for the Village of North Collins and \$7.20 for the Town of Evans. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,  
 \_\_\_\_\_, 2002.

BY ORDER OF THE COUNTY  
 LEGISLATURE OF THE COUNTY OF  
 ERIE, NEW YORK

By \_\_\_\_\_  
 Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Font Page" and in the "Hamburg Sun," the official newspapers of said County, and in "The Buffalo News", not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.  
 (5-0)

3.	Item	Page	-2001	<b>AS AMENDED</b> (Comm. 25E-28)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, it has been determined that property acquisition is needed on a site adjacent to the Erie County Sewer District No. 6 overflow retention site identified as SBL No. 141.20-1-11 in the City of Lackawanna; and

WHEREAS, negotiations with the owner, 15 Buffalo Street Partners, LLC, has resulted in a tentative agreement to obtain the 5.04 ± acre site in Fee for the total sum of \$1.00; and

WHEREAS, the owner of the property: 15 Buffalo Street Partnership, LLC, 5288 Columbia Avenue, Hamburg, New York 14075 has requested an expeditious approval of an agreement to purchase the property; and



**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

Contract No. 41EV	Kandey Company, Inc. 19 Ransier Drive West Seneca, NY 14224	\$413,000.00
-------------------	---	--------------

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$413,000.00 from Sewer Capital, Erie County Sewer District No. 2, Fund No. 430, Project No. 913, and be it further

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

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

5. Item Page -2002 (Comm. 7E-24)

**COUNTY EXECUTIVE**

WHEREAS, the US Environmental Protection Agency-Great Lakes National Program Office provides grant assistance to implement habitat restoration and watershed protection programs; and

WHEREAS, on August 30, 1999, the Environmental Protection Agency-Great Lakes National Program Office awarded Erie County \$69,750 to implement a Cazenovia Creek Habitat Restoration and Stewardship Project (SFG Project #361); and

WHEREAS, the Department of Environment and Planning provides technical assistance to schools, communities, and businesses to address habitat restoration and non-point source pollution control needs; and

WHEREAS, the implementation of the Cazenovia Creek Habitat Restoration and Stewardship Project was so successful that the DEP requested and received a no-cost time extension from the Great Lakes National Program Office until May 30, 2002, for the continuation of the project and its implementation into four new schools; and

WHEREAS, in order to meet the requirements of the time extension and as approved by the Great Lakes National Program Office, the amount of \$1,689 in the existing budget must be transferred to the Personal Services Account Line 800.

NOW, THEREFORE BE IT

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that the existing grant budget for the Cazenovia Creek Habitat Restoration and Stewardship Project (SFG Project #361) is hereby revised to reflect that transfer of funds as follows:

<u>Act</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
800	Salaries	\$37,000	\$1,689	\$38,689
805	Fringe Benefits	6,750	0	6,750
810	Office Supplies	750	0	750
824	Local Mileage	550	0	550
825	Out of Area Travel	2,950	(1,682)	1,268
826	Other	1,000	(7)	993
830	Contractual Services	30,000	0	30,000
933	Lab and Technical Equip	<u>750</u>	<u>0</u>	<u>750</u>
<b>Total Appropriations</b>		<b>\$79,750</b>	<b>0</b>	<b>\$79,750</b>

and be it further

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

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

6. Item Page -2002 (Comm. 7E-26)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Sewer District No. 2 Board of Managers and the Erie County Legislature have previously authorized construction of a network of sanitary sewers and pumping stations in the Town of Evans; and

WHEREAS, Erie County Sewer District No. 2 would like to purchase a piece of property (SBL 234.16-4-1.1) adjacent to the Lake Street Pumping Station for the future replacement of the existing pumping station; and

WHEREAS, an independent appraisal has been prepared of the property for Erie County Sewer District No. 2; and

WHEREAS, negotiations have resulted in acceptance by the property owners, Richard J. Alberts and Joseph Herc, of an offer to purchase the 0.2 acre piece of property at Lake Street located in the Town of Evans for the appraised value of \$6,000.00.

NOW, THEREFORE, BE IT

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that Erie County Sewer District No. 2 be authorized to purchase the property adjacent to the Lake Street Pumping Station owned by Richard J. Alberts and Joseph Herc (SBL No. 234.16-4-1.1) for the sum of \$6,000.00; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate the sum of \$6,000.00 from Erie County Sewer District No. 2 Undesignated Fund Balance (220 852 299) to Use of Fund Balance (220 852 821 698 0105) and Contractual Services (220 852 820 830) ; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, and Gregory J. Dudek, Assistant County Attorney, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director, Budget, Management and Finance. (6-0) Chairman DeBenedetti present as Ex-Officio Member.

7.	Item	Page	-2002	<b>AS AMENDED</b> (Comm. 7E-28)
----	------	------	-------	------------------------------------

**COUNTY EXECUTIVE**

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has solicited for proposals in accordance with its Program Opportunity Notice (PON) No. 624-01 for performance based incentives to implement cost-effective electrical efficiency improvements and demand reduction; and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to applying for a grant under this NYSERDA Program and has recommended application be made for funding these opportunities under NYSERDA's PON No. 624-01; and

WHEREAS, it is anticipated that NYSERDA will contribute up to \$250,000 for project approval with the balance of the project costs to be paid by the Southtowns Sewage Treatment Agency.

NOW, THEREFORE, BE IT

RESOLVED, that the County's Department of Environment and Planning be authorized and directed to make applications to NYSERDA for funding under PON No. 624-01 in the estimated amount of \$250,000; and be it further

RESOLVED, that any additional costs above and beyond the grant award will be appropriated from Sewer District Capital Fund 430-915; and be it further

RESOLVED, that an agreement with NYSERDA to implement the energy efficiency measures is hereby approved subject to a grant offer being made by NYSERDA; and be it further

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

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, County Comptroller, Gregory Dudek, Assistant County Attorney, and Joseph Passafiume, Director, Budget, Management and Finance.  
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

8. Item Page -2002 (Comm. 7E-29)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has solicited for proposals in accordance with its Program Opportunity Notice (PON) No. 669-01 to support new product development of distributed generation (DG) systems, components, and related power systems technologies; and demonstration of combined heat and power (CHP) configurations in industrial, municipal, institutional, commercial, and residential sectors; and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to applying for a grant under this NYSERDA Program and has recommended application be made for funding these opportunities under NYSERDA's PON No. 669-01; and

WHEREAS, it is anticipated that NYSERDA will contribute up to \$1,000,000 for project approval.

NOW, THEREFORE, BE IT

RESOLVED, that the County's Department of Environment and Planning be authorized and directed to make applications to NYSERDA for funding under PON No. 669-01 in the estimated amount of \$1,000,000; and be it further

RESOLVED, that an agreement with NYSERDA to implement the demonstration project is hereby approved subject to a grant offer being made by NYSERDA; 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, County Comptroller, Gregory Dudek, Assistant County Attorney, and Joseph Passafiume, Director, Budget, Management and Finance.  
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

9. Item Page -2002 (Comm. 7E-32)

**COUNTY EXECUTIVE**

WHEREAS, the Town of Cheektowaga is undertaking a bike/hike trail project; and

WHEREAS, the 1999 Erie County Budget included monies to assist the Town in planning, designing, and constructing said trail system; and

WHEREAS, bicycling and hiking are fast-growing recreational pursuits within Erie County; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive shall execute all necessary agreements with the Town of Cheektowaga for an amount not to exceed \$10,000 for the purpose of planning, designing, and constructing elements of a Bike/Hike Trail system; and be it further

RESOLVED, that the source of said funds for said agreement(s) shall be money appropriated in Account 830, Sub-Account 1034, in the 1999 Budget of the Department of Environment and Planning and rolled over to the 2002 Budget; and be it further

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

10. Item Page -2002 **AS AMENDED**  
(Comm. 7E-42)

**COMPTROLLER**

RESOLUTION NO. \_\_\_-2002

REFUNDING BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF VARIOUS OUTSTANDING BONDS OF SAID COUNTY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$24,249,577 THEREFOR, AUTHORIZING THE ISSUANCE OF \$24,249,577 REFUNDING BONDS OF SAID COUNTY, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

(Introduced: April 8, 2002)

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

(Adopted: \_\_\_\_\_, 2002)

WHEREAS, the County of Erie, New York (herein called "County"), has heretofore issued and sold to the New York State Environmental Facilities Corporation ("EFC"): on November 15, 1994 its \$7,665,885 EFC Sewer System Serial Bonds-1994 (the "1994 Bonds"), now outstanding in the principal amount of \$5,340,000; on February 28, 1996 its \$11,564,500 EFC Sewer System Serial Bonds-1996-A (the "1996-A Bonds"), now outstanding in the principal amount of \$8,905,000; on June 26, 1996 its \$6,867,600 EFC Sewer System Serial Bonds-1996-B (the "1996-B Bonds"), now outstanding in the principal amount of \$5,610,000; on July 15, 1997 its \$694,100 EFC Sewer System Serial Bonds-1997-A (the "1997-A Bonds"), now outstanding in the principal amount of \$570,000; on July 30, 1998 its \$211,700 EFC Sewer System Serial Bonds-1998-A (the "1998-A Bonds"), now outstanding in the principal amount of \$180,000; on July 30, 1998 its \$426,400 EFC Sewer System Serial Bonds-1998-B (the "1998-B Bonds"), now outstanding in the principal amount of \$365,000; on July 29, 1999 its \$228,298 EFC Sewer System Serial Bonds-1999-A (the "1999-A Bonds"), now outstanding in the principal amount of \$210,000; on March 9, 2000 its \$3,157,904 EFC Sewer System Serial Bonds-2000-A (the "2000-A Bonds"), now outstanding in the principal amount of \$2,867,904; and on March 9, 2000 its \$221,673 EFC Sewer System Serial Bonds-2000-B (the "2000-B Bonds"), now outstanding in the principal amount of \$201,673; such bonds bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each respective bond; and

WHEREAS, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), permits the County to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the County; NOW, THEREFORE, BE IT

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

Section 1. In this Resolution, the following definitions apply, unless a different meaning clearly appears from the context:

a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the outstanding \$5,340,000 1994 Bonds, \$8,905,000 1996-A Bonds, \$5,610,000 1996-B Bonds, \$570,000 1997-A Bonds, \$180,000 1998-A Bonds, \$365,000 1998-B Bonds, \$210,000 1999-A Bonds, \$2,867,904 2000-A Bonds, and \$201,673 2000-B Bonds of the County of Erie, New York.

b. "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds, after subtracting the present value of the projected total earnings on the EFC corpus allocation,

payable to the County or available to make principal and interest payments with respect to the Refunding Bonds, from the present value of the total payments of the principal and interest to become due on the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

c. "Redemption Date" means, as applicable: November 15, 2004 for the 1994 Bonds, June 15, 2006 for the 1996-A Bonds, January 15, 2006 for the 1996-B Bonds, June 15, 2007 for the 1997-A Bonds, August 15, 2008 for the 1998-A Bonds, and the 1998-B Bonds, October 15, 2009 for the 1999-A Bonds, and June 15, 2009 for the 2000-A Bonds and the 2000-B Bonds.

d. "Refunding Bond" or "Refunding Bonds" means a portion or all of the \$24,249,577 bonds of the County of Erie, authorized pursuant to Section 2 hereof.

e. "Refunding Bond Amount Limitation" means an amount of Refunding Bonds sufficient to pay (i) the sum of the principal amount of Bonds To Be Refunded, plus (ii) the aggregate amount of unmatured interest payable on each Bond To Be Refunded to and including the applicable Redemption Date, plus (iii) redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date, as hereinabove referred to in the Recitals hereof, plus (iv) costs and expenses incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, execution and performance of the terms and conditions of the Escrow Contract, all fees and charges of the Escrow Holder as referred to in Section 9 hereof, and the fees to be paid to EFC.

Section 2. The Legislature of the County (herein called "Legislature") hereby authorizes the refunding of the \$24,249,577 Bonds To Be Refunded of the County, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$24,249,577 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$24,249,577 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the County to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Refunding Bonds of the County in the maximum principal amount of \$24,249,577 are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") prepared for the County by UBS PaineWebber, New York, New York and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, the payment of all costs incurred by the County in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest on which, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (i) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (ii) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on each applicable Redemption Date.

Section 3. The \$24,249,577 Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balances of nine (9) issues of bonds, each originally issued pursuant to various bond resolution(s) of the County, adopted on their respective dates authorizing various improvements to the sewer system serving Erie County. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount not to exceed \$24,249,577 have been allocated to the component issues of the Bonds To Be Refunded, and shall mature in amounts and at dates to be determined. The County Comptroller, the chief fiscal officer of the County, is hereby authorized to approve all details of the final refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") of each issue comprising the Bonds to be Refunded, commencing at the date of issuance of the first bond anticipation notes issued in anticipation of the sale of said bonds, is forty (40) years.

Section 5. The aggregate amount of estimated Present Value Savings as set forth in the proposed refunding financial plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law, is \$1,501,055.92.

Section 6. (a) Said \$24,249,577 Refunding Bonds shall be sold at private sale to EFC, and the County Comptroller, the chief fiscal officer of the County, is hereby authorized to execute one or more project and loan agreements on behalf of the County in relation to the sale of said Refunding Bonds. The County Comptroller is also hereby authorized, if requested to do so by EFC, to execute one or more Term Certificates on behalf of the County providing the terms and conditions for the sale of said Refunding Bonds to EFC, provided that the terms and conditions of such sale shall be approved by the State Comptroller, and further providing that prior to the issuance of the Refunding Bonds the County Comptroller shall have filed with the Legislature a certificate approved by the State Comptroller setting forth the Present Value Savings to the County resulting from the issuance of the Refunding Bonds; (b) the County Comptroller is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the County in connection with said refunding including the preparation of the refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this Resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the County payable as to both principal and interest by a 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 Refunding Bonds and provision shall be made annually in the budget of the County for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of Sections 50.00 and 90.10 of the Law, the powers and duties of the County Legislature relative to prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, as well as to executing the Escrow Contract described in Section 9 are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 9. Prior to the issuance of the Refunding Bonds, the County shall contract with Manufacturers and Traders Trust Company, Buffalo, New York, a bank or trust company located and authorized to do business in this state, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the County, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, execution and performance of the terms and conditions of the Escrow Contract, all fees and charges as the Escrow Holder, and all fees payable to EFC, (c) at the appropriate time or times to cause to be given on behalf of the County the notices of redemption authorized to be given pursuant to Section 12 hereof, and (d) to invest the moneys held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 10. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the County with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the County and shall be applied by the County only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof. Neither this resolution,

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Legislature hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on each applicable Redemption Date. The sum to be paid therefor on each applicable Redemption Date shall be the par value thereof, the accrued interest to each applicable Redemption Date and the redemption premiums. The Escrow Holder is hereby authorized and directed to cause notices of such calls for redemption to be given in the name of the County, at least forty-five (45) days and no more than sixty (60) days prior written notice to EFC and to the Trustee for EFC in accordance with the applicable Term Certificate for each series of the Bonds To Be Refunded. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption and the direction to the Escrow Holder to cause notices thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds.

Section 13. This Resolution shall take effect immediately upon approval by the County Executive.

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

**JOHN W. GREENAN  
CHAIRMAN**

MR. GREENAN moved to separate items #2a, #2b, and #10 and move the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. GREENAN moved the approval of item #2a. MR. RANZENHOFER seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, SWANICK, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. GREENAN moved the approval of item #2b. MR. RANZENHOFER seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

AYES: DALE, DUSZA, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, SWANICK, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. GREENAN moved to amend item #10. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**DELETE** Section 8 in its entirety and **REPLACE** with the following:

Section 8. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of **Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and** Sections 50.00 and 90.10 of the Law, the powers and duties of the County Legislature relative to prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, as well as to executing the Escrow Contract described in Section 9 are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

- New material is underlined and **bold**.

MR. GREENAN moved the approval of item #10. MR. RANZENHOFER seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, SWANICK, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

Item 28 – MR. HOLT moved to receive and filed the following resolution. MR. SWANICK seconded.

GRANTED.

Intro. 8-1 From LEGISLATOR HOLT Re: Support and Reaffirmation of Commitment to Impoverished Citizens of Erie County.

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

Item 29 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 8-2 From LEGISLATORS McCARVILLE, DeBENEDETTI, GREENAN, RANZENHOFER, LARSON, CUSACK, WEINSTEIN, & CHASE Re: Support for State Legislation Making Video Voyeurism a Crime.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

Re: Final Approval of the Re-Certified Holland Agricultural District (No. 11). (Intro. 8-3)

A RESOLUTION SUBMITTED BY LEGISLATORS  
DeBENEDETTI, GREENAN, SWANICK, CHASE, CUSACK, LARSON, McCARVILLE,  
RANZENHOFER, WEINSTEIN, DALE, DUSZA, FISHER, HOLT, KUWIK,  
MARINELLI, PEOPLES, & SCHROEDER

WHEREAS, the Erie County Legislature held a public hearing on September 26, 2001, regarding the 8-year review of the Holland Agricultural District (#11) which was created in 1977 and recertified every 8 years thereafter; and

WHEREAS, the existing Holland Agricultural District boundaries were approved without modification and adopted by the Erie County Legislature by resolution on October 18, 2001; and

WHEREAS, the necessary documentation on the Holland Agricultural District was forwarded to the New York State Department of Agriculture and Markets for State review and recertification as required by law; and

WHEREAS, the New York State Department of Agriculture and Markets has notified Erie County of the State recertification in a communication dated February 11, 2002.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the recertified Holland Agricultural District (#11) without modification with its anniversary date of August 9, 2001; and be it further

RESOLVED, that upon adoption, the Clerk of the Legislature be directed to forward a certified copy of this resolution to Erie County Clerk David J. Swarts, Environment and Planning Commissioner Laurence K. Rubin, Chet Jandzinski of the Department of Environment and Planning

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

(Rath 1063), Nathan L. Rudgers, Commissioner of the New York State Department of Agriculture and Markets (1 Winners Circle, Albany, NY 12235-0001), the New York State Department of Transportation (Buffalo Office, 125 Main Street, Buffalo, NY 14203), and the Supervisors and Clerks of the Towns of Holland, Colden, Sardinia and Wales.

FISCAL IMPACT: None for resolution.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

Re: Creating Cooperation Between FBI and  
 Local Law Enforcement to Prevent Terrorist  
 Attacks Through the Sharing of Information.  
 (Intro. 8-4)

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

WHEREAS, local law enforcement is the first defense against potential terrorist attacks in the home land, and

WHEREAS, the Western New York region holds a particular importance for protection as local officials have to provide security and coordinate contingency plans for a number of local landmarks such as the Peace Bridge, Niagara Power Project, Niagara Falls and the HSBC Building, and

WHEREAS, current secrecy rules disallow Federal law enforcement from sharing information it receives concerning possible terrorist attacks with local law enforcement, and

WHEREAS, without proper specific information, local law enforcement must answer all general calls for potential terrorist threats with high alert, at great expense to the taxpayer, rather than having the ability to specifically focus its attention, and

WHEREAS, by removing some of the legal barriers currently in place that prevent federal officers from immediately sharing information with local law enforcement, the FBI would be able to more easily work with local emergency response officials on preventing and preparing for terrorist attacks, and

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the kind of information that would be shared is already shared among federal agencies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the need to empower our local emergency response officials – our “first responders” – in regard to potential terrorist attacks, and be it further

RESOLVED, that this Honorable Body supports this United States Senate legislation which breaks down many of the secrecy barriers that keep information on potential terrorist attacks from local law enforcement agencies, and be it further

RESOLVED, that the Erie County Legislature unanimously calls upon the United States Senate to pass and President George W. Bush to sign into law the aforementioned legislation, to enable Federal law enforcement to share information regarding potential terrorist actions against the United States home land with local emergency response officials, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to President Bush and the United States Senate.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 32 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 8-5 From LEGISLATOR HOLT Re: Support and Reaffirmation of Commitment to the Citizens of Erie County to Improve the Transition from Welfare to Work.

Item 33 - CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

Intro. 8-6 From LEGISLATORS CUSACK, WEINSTEIN, DeBENEDETTI, GREENAN, CHASE, RANZENHOFER, McCARVILLE, & LARSON Re: Initiating a Prenatal and Early Childhood Home Nurse Visitation Pilot Program to Prevent Violence and Antisocial Behavior.

Item 34 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 8-7 From LEGISLATORS DeBENEDETTI, GREENAN, RANZENHOFER, WEINSTEIN, LARSON, CHASE, CUSACK, & McCARVILLE Re: Funding for Local Agencies.

Item 35 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

Re: Funding for Fire Prevention Programming.  
 (Intro. 8-8)

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

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

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

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

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature does hereby approve the transfer of \$32,500 from Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 929, Department 430 Community College (DAC: 1109294308864300) for Project V-FIRE, and be it further

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

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance and Erie Community College 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; William Mariani – President of Erie Community College; Greg Gach – Erie Community College Controller’s Office; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; and First Assistant County Attorney Susannah M. Bochenek.

Fiscal Impact: Appropriation of 2002 - budgeted funds

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

CARRIED UNANIMOUSLY.

Item 36 – CHAIRMAN DeBENEDETTI directed the following resolution to be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 8-9 From LEGISLATORS SWANICK, MARINELLI, FISHER, & DALE Re: Affordable Health Insurance for Erie County Government Retirees.

Item 37 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

Re: Prevention of the Diversion of Water Out of the Great Lakes Basin. (Intro. 8-10)

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

WHEREAS, the Great Lakes and the Great Lakes Basin have contributed greatly to the economy of Erie County and Western New York in the past and will contribute greatly in the future; and

WHEREAS, the Great Lakes Basin supports numerous ecosystems which include internationally rare and endangered species of wildlife, fish, and plants; and

WHEREAS, the Great Lake Basin holds approximately twenty (20) percent of the fresh water in the world; and

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

---

WHEREAS, only one (1) percent of that fresh water is renewed each year through melting snow and ice or through water runoff; and

WHEREAS, the basin is currently experiencing low water levels; and

WHEREAS, fresh water is essential to the functioning of life; and

WHEREAS, the long term removal of fresh water without replacement will have severe long term effects on the ecosystems supported by the basin; and

WHEREAS, the long term removal of fresh water from the basin without replacement will also adversely affect the local economy of Erie County and Western New York including electric power production at the Niagara Power Project; and

WHEREAS, the governors of eight states and the premiers of two provinces have recently signed an agreement in principle to create a joint plan to overhaul their respective land use laws to protect the Great Lakes Basin and the ecosystems it supports; and

WHEREAS, collective action by these regional governments and respect by the national governments of the United States and Canada for this work will be an important defense against any harmful diversion of fresh water from the basin or interference with local water management; and

WHEREAS, the Niagara County Legislature has passed a similar resolution on March 19, 2002;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature acknowledges the importance that the Great Lakes Basin has played in the economy of Erie County and Western New York in the past and will play in its future; and

RESOLVED, that the Erie County Legislature urges all the governmental entities in the Great Lakes Basin to work together to safeguard this precious resource; and

RESOLVED, that the Erie County Legislature opposes any additional diversion of fresh water from the Great Lakes Basin for sale or export out of the basin area; and

RESOLVED, that certified copies of this resolution be sent to President George W. Bush, Prime Minister Jean Chretien, Governor George E. Pataki, Premier Mike Harris, County Executive Joel A. Giambra and the Niagara County Legislature.

Fiscal Impact: None.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 38 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

Re: Reorganization of Legislative District  
Office Staff. (Intro. 8-11)

A RESOLUTION SUBMITTED BY  
LEGISLATORS DeBENEDETTI & LARSON

WHEREAS, the Erie County Legislature has deemed it necessary to make certain personnel adjustments to ensure that each office has equitable staff, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby delete one (1) position of SR SEC ASST DIST RPT (Position No. 001423), effective May 13, 2002 and be it further

RESOLVED, that the Erie County Legislature does hereby delete one (1) position of SEC ASST DIS OFF (Position No. 001347), effective May 13, 2002, and be it further

RESOLVED, that the Erie County Legislature does hereby create one (1) new position of SR SEC ASST DIS OFF (JG 6, STEP 5), all to Function 5000 – Clerical Staff, effective May 13, 2002, and be it further

RESOLVED, that the funds necessary to effectuate this adjustment are available within the Legislature's 2002 budget for Personal Services as a result of restructuring of the District Office Staff of the Erie County Legislature, and be it further

RESOLVED, that the Clerk of the Legislature, the Commissioner of the Department of Personnel, and the Director of the Division of Budget, Management & Finance are hereby authorized to complete all necessary paperwork to effectuate these personnel changes, and be it further,

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Department of Personnel and the Director of the Division of Budget, Management & Finance.

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

FISCAL IMPACT: Re appropriation of 2002 Personal Services Funds.

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

CARRIED UNANIMOUSLY.

Item 39 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 8-12 From LEGISLATORS DALE, SCHROEDER, DUSZA, MARINELLI, & SWANICK Re: Withdrawing Appeal of Justice Glownia's Decision Concerning Dual Bid System for Court Facilities Renovation.

Item 40 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

Re: Funding for a Hazardous Waste Day.  
(Intro. 8-13)

A RESOLUTION SUBMITTED BY  
LEGISLATOR MARINELLI

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

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

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

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature does hereby approve the transfer of \$5,000 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 945, Department 620 Environment & Planning – Hazardous Waste Days (DAC: 110945620830270) earmarked for a Hazardous Waste Day drop-off point at the County's Tonawanda Highway Garage on July 20, 2002 from 9AM until 2 PM, and be it further

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Clerk of the Legislature, the Commissioner of the Department of Environment & Planning, 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, Commissioner of Environment & Planning Laurence K. Rubin and First Assistant County Attorney Susannah Bochenek, and Kelly A. Brown – Erie County Legislature.

**Fiscal Impact:** Appropriation of 2002-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 41 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

Re: Congratulating Governor Pataki, Dennis Rivera, Kaleida Health System Board & Doctors and Staff of Children's Hospital on Agreement. (Intro. 8-14)

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

WHEREAS, it has been well documented that Children's Hospital is an important asset to the Buffalo-Niagara region; and

WHEREAS, thousands of children in the Buffalo-Niagara region have received and will continue to receive world class health care at Children's Hospital; and

WHEREAS, the proposed consolidation of Children's Hospital into the other facilities operated by Kaleida raised serious concerns with the doctors and medical staff at Children's as well as among members of the local community; and

WHEREAS, the doctors and medical staff at Children's conducted their own independent study and determined that Children's Hospital could function as a free-standing facility; and

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, Governor Pataki and Dennis Rivera, through their leadership, brought together the Kaleida Board of Directors and the doctors and medical staff of Children's Hospital to negotiate a compromise agreement which keeps Children's Hospital as a free-standing facility;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature congratulates Governor Pataki & Dennis Rivera on their leadership and efforts to bring the Kaleida Board of Directors and the doctors and medical staff of Children's Hospital together to negotiate this agreement, and be it further

RESOLVED, that the Erie County Legislature congratulates the Kaleida Board of Directors and the doctors and medical staff of Children's Hospital on their willingness to negotiate and compromise in this important local issue;

RESOLVED, that the Erie County Legislature is heartened to see that Children's Hospital will remain a free-standing facility;

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Dennis Rivera; Gerald S. Lippes, Chairman of the Kaleida Board of Directors, William McGuire, President and CEO of Kaleida; and Dr. Steven Lana and Dr. Philip Glick, representing the doctors and medical staff of Children's Hospital.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

*ADD the following Co-Sponsors:*

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

*DELETE the first resolve clause and REPLACE with the following:*

RESOLVED, that the Erie County Legislature congratulates Governor Pataki, Assemblyman Sam Hoyt, Dennis Rivera and Dr. Stephen Lana on their leadership and efforts to bring the Kaleida Board of Directors and the doctors and medical staff of Children's Hospital together to negotiate this agreement, and be it further

*DELETE the last resolve clause and REPLACE with the following:*

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Dennis Rivera; Gerald S. Lippes, Chairman of the Kaleida Board of Directors, William McGuire,

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

President and CEO of Kaleida; and Dr. Steven Lana and Dr. Philip Glick, representing the doctors and medical staff of Children's Hospital.

MR. RANZENHOFER moved the approval of the resolution as amended. MR. GREENAN seconded. MR. WEINSTEIN voted in the negative.

CARRIED. (WEIGHTED VOTE: 15.085 – 0.930)

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 42 – MS. CHASE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 7E-20. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

Re: Central Police Services – Public Safety  
Facility Supplemental Agreement.

WHEREAS, the Project Team has completed a Space Assessment Needs Study to determine the requirements of a Public Safety Facility for providing County-wide Administration Support Services & Training for all Law Enforcement Agencies within Erie County, and

WHEREAS, the Project Team is now recommending that we move forward with a Project Initiation Report for the Central Police Services, Public Safety Facility, and

WHEREAS, the 2001 and 2002 budgets include funding for an Erie County Public Safety Facility, and

WHEREAS, the firm of Trautman Associates has completed a Space Assessment Needs Study for this facility,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to issue a supplemental agreement to Trautman Associates to prepare a Project Initiation Report for the Erie County Public Safety Facility, and be it further,

RESOLVED, that the total amount paid for consulting services, on a time-and-material basis, will not exceed \$150,000.00, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make the payments indicated above and be charged to Project 191, Fund 441, and be it further,

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

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 & Finance; one copy to the Comptroller's Office; and one copy to Central Police Services.

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

CARRIED UNANIMOUSLY.

Item 43 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 1D-9A. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

Re: Open Items Finance & Management Committee.

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

CARRIED UNANIMOUSLY.

ADD the following:

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

EMAIL DOCUMENT IS 202753EM.DOC

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

RESOLVED, that petitions numbered 202275 through 202276 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 202275 /1999 - ASSESSOR - Refund - \$147.01

SBL No. 58.00-1-19.82 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 147.01 - Town/SpecialDist/school

Charge to: TOWN OF CLARENCE

147.01

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

REFUND - CLERICAL ERROR, THE TCSD#2 WAS CHARGED IN ERROR. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT. RPTL 550(2)E CHECK IN FAVOR OF: MATTHEW SCHLABACH & JANE E BOWMAN

**PETITION IS DENIED.**

**For Refunds Application must be received within 3 years of Date of warrant January 1, 1999. Application was received on March 22, 2002. To process for a Refund Application would have To be received by December 31, 2001.**

Petition No. 202753 /1999 - ASSESSOR - Refund - \$612.54

SBL No. 143.17-7-38 - TOWN OF WEST SENECA

Acct. No. 112 - \$ 295.54 - County

Acct. No. 132 - \$ 317.00 - Town/SpecialDist/School

Charge to: TOWN OF WEST SENECA

317.00

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 25,300 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED FROM TAX ROLL. RPTL 550(2)C CHECK IN FAVOR OF: ANTHONY FORTUNATO

**PETITION IS DENIED.**

**For Refund Application must be received within 3 years of Date of warrant January 1, 1999. Application was received on March 12, 2002. To process for a Refund Application would have To be received by December 31, 2001.**

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

CARRIED UNANIMOUSLY.

ADD the following:

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

EMAIL DOCUMENT IS 202751EM.DOC

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

RESOLVED, that petitions numbered 202229 through 202274 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

Petition No. 202229 / 2002 - ASSESSOR - Refund - \$147,755.59

SBL No. 27.15-5-11 & 556 OTHERS - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 147,755.59 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

147,755.59

REFUND - CLERICAL ERROR, THE AMOUNT OF TAX TO BE RAISED WAS INCORRECT.  
 THIS RESULTED IN AN HIGHER TAX RATE FOR THE PARCELS INVOLVED.

RPTL 550(2)D

CHECKS IN FAVOR:VARIOUS PARCELS IN LIGHT DIST,22947,22316,22312,22308

Petition No. 202230 / 2002 - ASSESSOR - Cancel - \$97,166.83

SBL No. 26.20-4-10 - TOWN OF AMHERST

Acct. No. 112 - \$ 21,621.61 - County

Acct. No. 132 - \$ 75,545.22 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

14,228.14

SWEET HOME CENTRAL

61,317.08

CANCEL - CLERICAL ERROR, THIS PARCEL IS UNDER A PILOT AGREEMENT WITH  
 THE COUNTY, TOWN AND SWEET HOME SCHOOL DISTRICT. THE EXEMPTION WAS  
 OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202231 / 2002 - ASSESSOR - Refund - \$922.53

SBL No. 55.12-7-30 - TOWN OF AMHERST

Acct. No. 112 - \$ 441.52 - County

Acct. No. 132 - \$ 481.01 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

316.41

WILLIAMSVILLE CENT

164.60

REFUND - CLERICAL ERROR, THE RPTL 520 WAS MISCALCULATED. CHARGED FOR  
 EXEMPTIONS THAT DID NOT EXIST ON THE 2000 TOWN AND COUNTY TAX BILL AND  
 THE 99/00 SCHOOL BILL. RPTL 550(2)D

CHECK IN FAVOR OF: SHI YUON MO & JAN MIE-LIN

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

Petition No. 202232 / 9900 - ASSESSOR - Refund - \$180.21

SBL No. 56.20-10-28 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 180.21 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 180.21

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 7,200 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL  
CHECK IN FAVOR OF: ROBERT & MICHELLE CIESLICA

Petition No. 202233 / 102 - ASSESSOR - Refund - \$563.09

SBL No. 56.20.10-28 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 563.09 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 563.09

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 5550(2)C WILLIAMSVILLE CENTRAL  
CHECK IN FAVOR OF: ROBERT J & MICHELE CIESLICA

Petition No. 202234 / 2002 - ASSESSOR - Refund - \$120.01

SBL No. 67.07-1-14 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 120.01 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 120.01

REFUND - CLERICAL ERROR, THE SEWER CHARGE ON THE TAX ROLL WAS WAS PLACED ON THE PARCEL IN ERROR.  
CHECK IN FAVOR OF: HOME PROPERTIES OF NY, LP

Petition No. 202235/ 2000 - ASSESSOR - Refund - \$95.28

SBL No. 67.55-4-8 - TOWN OF AMHERST

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

Acct. No. 112 - \$ 55.50 - County

Acct. No. 132 - \$ 39.78 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

39.78

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION 12,195 SHOULD BE 20,325 (25%) WAS MISCALCULATED ON THE TAX ROLL. RPTL 550(2)B  
CHECK IN FAVOR OF: NELSON & JOSPHINE PROVENZANO

Petition No. 202236 / 2001 - ASSESSOR - Refund - \$96.27

SBL No. 67.55-4-8 - TOWN OF AMHERST

Acct. No. 112 - \$ 50.81 - County

Acct. No. 132 - \$ 45.46 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

45.46

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 15,690 SHOULD BE 26,150 (25%) WAS MISCALCULATED ON THE TAX ROLL.  
RPTL 550(2)B  
CHECK IN FAVOR OF: NELSON & JOSEPHINE PROVENZANO

Petition No. 202237 / 2002 - ASSESSOR - Refund - \$98.21

SBL No. 67.55-4-8 - TOWN OF AMHERST

Acct. No. 112 - \$ 50.70 - County

Acct. No. 132 - \$ 47.51 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

47.51

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 15,690 SHOULD BE 26,150 (25%) WAS MISCALCULATED ON THE TAX ROLL.  
RPTL 550(2)B.  
CHECK IN FAVOR OF: NELSON & JOSEPHINE PROVENZANO

Petition No. 202238/ 2002 - ASSESSOR - Refund - \$110.28

SBL No. 68.01-1-1 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 110.28 - Town/SpecialDist/School

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

Charge to : TOWN OF AMHERST

110.28

REFUND - CLERICAL ERROR, THE SANITARY SEWER CHARGE WAS MISCALCULATED  
ON THE TAX ROLL. RPTL 550(2)E  
CHECK IN FAVOR OF: FOREST RD CORP

Petition No. 202239 / 2002 - ASSESSOR - Refund - \$169.63

SBL No. 69.11-2-5 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 169.63 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

169.63

REFUND - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD NOT  
BE CHARGED FOR GARBAGE TAX. RPTL 550(2)E  
CHECK IN FAVOR OF: DANIEL ANGULCZYK

Petition No. 202240 / 2002 - ASSESSOR - Refund - \$57.35

SBL No. 80.09-15-24 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 57.35 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

57.35

REFUND - CLERICAL ERROR, PARCEL WAS OVERCHARGD ON THE SEWER TAX.  
RPTL 550(2)E  
CHECK IN FAVOR OF: AMHERST CENTRAL HIGH SCHOOL

Petition No. 202241/ 2002 - ASSESSOR - Refund - \$339.27

SBL No. 80.12-3-18 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 339.27 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

339.27

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED FOR 3 UNITS OF REFUSE  
 WHEN THE CHARGE SHOULD HAVE BEEN FOR 2 UNITS. RPTL 550(2)E  
 CHECK IN FAVOR OF: RICHARD A DEIBEL

Petition No. 202242 / 2002 - ASSESSOR - Refund - \$814.49

SBL No. 80.14-4-2 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 814.49 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST  
 814.49

REFUND - CLERICAL ERROR, WATER CONSUMPTION CHARGE ON THE SEWER TAX  
 WAS INCORRECT. RPTL 550(2)E  
 CHECK IN FAVOR OF: 2195-2211 KENSINGTON

Petition No. 202243/ 2002 - ASSESSOR - Cancel - \$2,040.64

SBL No. 81.02-1-14.12 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 2,040.64 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST  
 2,040.64

CANCEL - CLERICAL ERROR, THE CENTRAL ALARM TAX WAS CHARGED IN ERROR  
 ON THIS PROPERTY. RPTL 550(2)E

Petition No. 202244 / 2002 - ASSESSOR - Refund - \$150.00

SBL No. 81.02-3-11.11 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 150.00 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST  
 150.00

REFUND - CLERICAL ERROR, THE PRE TREAT CHARGE WAS PLACED ON THIS  
 PARCEL IN ERROR. RPTL 550(2)E  
 CHECK IN FAVOR OF: PAUL R HUGHES &WIFE

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

Petition No. 202245/ 2002 - ASSESSOR - Cancel - \$238.00

SBL No. 164.00-2-1 - TOWN OF AURORA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 238.00 - Town/SpecialDist/School

Charge to : TOWN OF AURORA

238.00

CANCEL - CLERICAL ERROR, THE STATE IS REMOVING THE REFUSE FROM THIS PROPERTY. REMOVE REFUSE TAX. RPTL 550(2)E

Petition No. 202246/ 2002 - ASSESSOR - Cancel - \$1,543.96

SBL No. 112.44-2-23 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 285.22 - County

Acct. No. 132 - \$ 1,258.74 - Town/SpecialDist/School

Charge to : VILLAGE OF SLOAN

1,258.74

CANCEL - CLERICAL ERROR, THIS IS OWNED BY NEW YORK STATE AND DOES NOT PAY VILLAGE TAXES. THE VILLAGE RELEVY IS TO BE REMOVED. RPTL 550(2)D

Petition No. 202247/ 2002 - ASSESSOR - Cancel - \$86.44

SBL No. 112.44-2-22 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 17.51 - County

Acct. No. 132 - \$ 68.93 - Town/SpecialDist/School

Charge to : VILLAGE OF SLOAN

68.93

CANCEL - CLERICAL ERROR, THIS PROPERTY IS OWNED BY NEW YORK STATE AND DOES NOT PAY VILLAGE TAX. THE VILLAGE RELVY WAS PLACED ON TAX BILL IN ERROR. RPTL 550(2)D

Petition No. 202248 / 102 - ASSESSOR - Refund - \$234.62

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



**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

Acct. No. 132 - \$ 459.98 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE

459.98

REFUND - CLERICAL ERROR, THE TCSD#2 THAT IS CHARGED TO THIS PROPERTY IS NOT CONNECTED TO THIS PARCEL. RPTL 550(2)E  
CHECK IN FAVOR OF: MATTHEW SSCHLABACH & JANE E BOWMAN

Petition No. 202252 / 2002 - ASSESSOR - Refund - \$717.49

SBL No. 58.00-1-22.3 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 717.49 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE

717.49

REFUND - CLERICAL ERROR, THE TCSD#2 THAT WAS CHARGED TO THIS PROPERTY IS NOT HOOKED INTO THIS PARCEL. RPTL 550(2)E  
CHECK IN FAVOR OF: CRAIG & HELEN SOLLENBERGER

Petition No. 202253 / 2002 - ASSESSOR - Cancel - \$239.09

SBL No. 343.00-3-2 - TOWN OF COLLINS

Acct. No. 112 - \$ 118.32 - County

Acct. No. 132 - \$ 120.77 - Town/SpecialDist/School

Charge to : TOWN OF COLLINS

95.75

COLLINS FIRE PROTECT

25.02

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORECTLY ON THE TAX ROLL. RPTL 550(2)A

Petition No. 202254 / 2002 - ASSESSOR - Cancel - \$899.82

SBL No. 276.03-3-31 - TOWN OF CONCORD

Acct. No. 112 - \$ 899.82 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE RPTL 520 THAT WAS PLACED ON THIS PARCEL

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

WAS PLACED ON THIS PARCEL IN ERROR. RPTL 550(2)A.

Petition No. 202255 / 2002 - ASSESSOR - Refund - \$76.16

SBL No. 222.00-2-18 - TOWN OF EDEN

Acct. No. 112 - \$ 27.72 - County

Acct. No. 132 - \$ 48.44 - Town/SpecialDist/School

Charge to : TOWN OF EDEN

	38.81
FIRE PROTECTION	2.97
ERIE CO SEW DST 2	6.66

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 73,700 AND SHOULD BE 68,600.

RPTL 550(2)A

CHECK IN FAVOR OF: JOHN & MARY BURDICK

Petition No. 202256 / 2002 - ASSESSOR - Refund - \$147.00

SBL No. 224.00-1-10 - TOWN OF EDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 147.00 - Town/SpecialDist/School

Charge to : TOWN OF EDEN

147.00

REFUND - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR TWO UNITS OF GARBAGE. THIS IS A SINGLE FAMILY HOME AND SHOULD ONLY BE CHARGED FOR ONE UNIT. RPTL 550(2)E

CHECK IN FAVOR OF: ROBERT & JOAN CRANCE

Petition No. 202257 / 2002 - ASSESSOR - Refund - \$280.53

SBL No. 127.07-2-39 - TOWN OF LANCASTER

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 280.53 - Town/SpecialDist/School

Charge to : TOWN OF LANCASTER

280.53

REFUND - CLERICAL ERROR, PARCEL IS VACANT LAND AND WAS CHARGED IN

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

ERROR FOR REFUSE, SEWER AND CONCOLIDATED WATER. RPTL 550(2)E  
 CHECK IN FAVOR OF: MARRANO MARC EQUITY

Petition No. 202258 / 102 - ASSESSOR - Refund - \$222.57

SBL No. 159.19.1-20./16 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 222.57 - Town/SpecialDist/School

Charge to : FRONTIER CENTRAL 222.57

REFUND - CLERICAL ERROR, THE THIS IS A LOT IN THE TRAILER PARK.  
 TAXES ARE PAID ON THE PARENT PARCEL 159.19-1-20.A. THIS IS A  
 DUPLICATE PAYMENT. RPTL 550(2)H  
 CHECK IN FAVOR OF; PHYLLIS BUCKLAND

Petition No. 202259 / 2002 - ASSESSOR - Cancel - \$342.96

SBL No. 269.20-3-24.11 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 181.92 - County

Acct. No. 132 - \$ 161.04 - Town/SpecialDist/School

Charge to : TOWN OF NORTH COLLINS 117.48  
                   ERIE CO SEW DST 2 43.56

CANCEL - CLERICAL ERROR, THE ASSESSEMENT WAS ENTERED INCORRECTLY  
 ON THE TAX ROLL. THE ASSESSED VALUE WAS 96,100 AND SHOULD BE 59,000.  
 RPTL 550(2)A

Petition No. 202260 / 2002 - ASSESSOR - Cancel - \$145.27

SBL No. 269.20-3-26.2 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 88.26 - County

Acct. No. 132 - \$ 57.01 - Town/SpecialDist/School

Charge to : TOWN OF NORTH COLLINS 57.01

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF  
 18,000 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

Petition No. 202261 / 2002 - ASSESSOR - Cancel - \$168.64

SBL No. 285.00-7-4.1 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 82.97 - County

Acct. No. 132 - \$ 85.67 - Town/SpecialDist/School

Charge to : TOWN OF NORTH COLLINS

85.67

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 16,920 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202262 / 2002 - ASSESSOR - Cancel - \$239.81

SBL No. 303.00-2-3.2 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 117.98 - County

Acct. No. 132 - \$ 121.83 - Town/SpecialDist/School

Charge to : TOWN OF NORTH COLLINS

121.83

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 10,868 SHOULD HAVE BEEN 34,930. RPTL 550(2)B

Petition No. 202263 / 2002 - ASSESSOR - Cancel - \$59.81

SBL No. 303.00-3-9 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 29.43 - County

Acct. No. 132 - \$ 30.38 - Town/SpecialDist/School

Charge to : TOWN OF NORTH COLLINS

30.38

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION WAS MISCALCULATED. THE EXEMPTION WAS 4,903 AND SHOULD HAVE BEEN 10,905 ON THE TAX ROLL. RPTL 550(2)B

Petition No. 202264 / 2002 - ASSESSOR - Cancel - \$307.64

SBL No. 318.00-2-12 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 131.42 - County

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

Acct. No. 132 - \$ 176.22 - Town/SpecialDist/School

Charge to : TOWN OF NORTH COLLINS

135.68

NO COLLINS FIRE DIST

40.54

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

Petition No. 202265 / 2002 - ASSESSOR - Cancel - \$102.75

SBL No. 319.00-1-4.1 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 50.55 - County

Acct. No. 132 - \$ 52.20 - Town/SpecialDist/School

Charge to : TOWN OF NORTH COLLINS

52.20

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION WAS MISCALULATED THE EXEMPTION IN THE AMOUNT OF 11,180 AND SHOULD BE 21,490.  
 RPTL 550(2)B

Petition No. 202266 / 2002 - ASSESSOR - Cancel - \$39.87

SBL No. 555.00-90.1 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 24.23 - County

Acct. No. 132 - \$ 15.64 - Town/SpecialDist/School

Charge to : TOWN OF NORTH COLLINS

15.64

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 12,698 AND SHOULD BE 7,758.  
 RPTL 550(2)A

Petition No. 202267 / 2002 - ASSESSOR - Cancel - \$29.74

SBL No. 555.00-90.1 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 12.71 - County

Acct. No. 132 - \$ 17.03 - Town/SpecialDist/School

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

Charge to : TOWN OF NORTH COLLINS  
13.11  
NO COLLINS FIRE DIST 3.92

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY  
ON THE TAX ROLL. THE ASSESSMENT WAS 13,407 AND SHOULD BE 10,815.  
RPTL 550(2)A

Petition No. 202268 / 2000 - ASSESSOR - Refund - \$80.04

SBL No. 184.00-2-27.112 - TOWN OF ORCHARD PARK

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 80.04 - Town/SpecialDist/School

Charge to : TOWN OF ORCHARD PARK  
80.04

REFUND - CLERICAL ERROR, THIS PARCEL IS NOT IN THE SEWER OR WATER  
DISTRICT. RPTL 550(2)E  
CHECK IN FAVOR OF: SCOTT & PATRICIA KLUBEK

Petition No. 202269 / 2001 - ASSESSOR - Refund - \$112.49

SBL No. 184.00-2-27.112 - TOWN OF ORCHARD PARK

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 112.49 - Town/SpecialDist/School

Charge to : TOWN OF ORCHARD PARK  
112.49

REFUND - CLERICAL ERROR, THIS PARCEL IS NOT IN THE SEWER OR  
WATER DISTRICT. RPTL 550(2)E  
CHECK IN FAVOR OF: SCOTT & PATRICIA KLUBEK

Petition No. 202270 / 2002 - ASSESSOR - Refund - \$83.94

SBL No. 184.00-2-27.112 - TOWN OF ORCHARD PARK

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 83.94 - Town/SpecialDist/School

Charge to : TOWN OF ORCHARD PARK  
83.94

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

REFUND - CLERICAL ERROR, THIS PARCEL IS NOT IN THE SEWER OR  
 WATER DISTRICT. RPTL 550(2)E  
 CHECK IN FAVOR OF: SCOTT & PATRICIA KLUBEK

Petition No. 202271 / 2002 - ASSESSOR - Cancel - \$79.31

SBL No. 202.00-2-47.11 - TOWN OF WALES

Acct. No. 112 - \$ 51.84 - County

Acct. No. 132 - \$ 27.47 - Town/SpecialDist/School

Charge to : TOWN OF WALES

8.09

WALES FIRE DIST #1

19.38

CANCEL - CLERICAL ERROR, THIS PARCEL IS NOT A BUILDABLE LOT.  
 THE ASSESSMENT WAS 13,600 AND SHOULD BE 7,100. RPTL 550(2)A

Petition No. 202272 / 2000 - ASSESSOR - Refund - \$549.79

SBL No. 143.17-7-38 - TOWN OF WEST SENECA

Acct. No. 112 - \$ 239.89 - County

Acct. No. 132 - \$ 309.90 - Town/SpecialDist/School

Charge to : TOWN OF WEST SENECA

309.90

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF  
 25,300 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE  
 TAX ROLL. RPTL 550(2)C  
 CHECK IN FAVOR OF: ANTHONY FORTUNATO

Petition No. 202273 / 2001 - ASSESSOR - Refund - \$531.13

SBL No. 143.17-7-38 - TOWN OF WEST SENECA

Acct. No. 112 - \$ 202.78 - County

Acct. No. 132 - \$ 328.35 - Town/SpecialDist/School

Charge to : TOWN OF WEST SENECA

328.35

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF  
 25,300 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM  
 THE TAX ROLL. RPTL 550(2)C

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

CHECK IN FAVOR OF: ANTHONY FORTUNATO

Petition No. 202274 / 2002 - ASSESSOR - Refund - \$559.20

SBL No. 143.17-7-38 - TOWN OF WEST SENECA

Acct. No. 112 - \$ 202.14 - County

Acct. No. 132 - \$ 357.06 - Town/SpecialDist/School

Charge to : TOWN OF WEST SENECA

357.06

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 25,300 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

CHECK IN FAVOR OF: ANTHONY FORTUNATO

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

CARRIED UNANIMOUSLY.

Item 44 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 7E-40. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

Re: Erie County Medical Center Capital  
 Funding for WNY Regional Distance Learning  
 Center.

WHEREAS, the Smith Auditorium, located on the third floor of the Erie County Medical Center, is in dire need of renovation; and

WHEREAS, some of the myriad facility issues plaguing the Smith Auditorium are: poor lighting, broken seats, worn carpeting, outdated color scheme, peeling ceilings, water damage and an inadequate and antiquated audio-visual system; and

WHEREAS, the infamous "Pit" is a major structural defect of the existing Smith Auditorium in that it creates separation between the speaker and the audience; and

WHEREAS, renovation of the Smith Auditorium and its development as the premier learning center in Western New York would:

- Promote ECMC's image in the community;

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

- Enhance the Medical Center's reputation as an academic teaching site;
- Assist in retaining and attracting physicians, nurses and allied health professionals;
- Extend ECMC's reputation both regionally and nationally through long distance learning;
- Showcase ECMC as a Center of Excellence for Trauma, Emergency Medicine, Cardiac Care and Behavioral Health; and
- Accommodate Grand Rounds for physicians, nursing and allied health personnel;
- Spotlight ECMC's commitment to emerging technologies, in all fields of medicine, including advanced surgical procedures; and

WHEREAS, the ECMC Lifeline Foundation has spearheaded the formulation of a two-part plan to renovate the Smith Auditorium and to develop it into a Regional Distance Learning Center; and

WHEREAS, the first phase of the plan, which is estimated to cost \$455,000, involves the reconstruction of the facility to:

- Raise the level of the floor to the first row of seats using a computer floor insert with access below the stage;
- Install a handicapped accessible ramp;
- Move the front wall of the auditorium and install a state-of-the-art projection screen;
- Install new carpeting, seating and rest rooms;
- Replace ceiling and mount LCD projectors with cabling; and

WHEREAS, the second phase of the project, i.e. the development of Smith Auditorium as the Western New York Regional Distance Learning Center, is estimated to cost \$360,000 and involves the installation of advanced audio/visual equipment, including:

- Distance learning podium and controls;
- Graphics camera and video slides;
- Camera for speakers and audience;
- Video production control system;
- Laparoscopic Surgery visual and broadcasting equipment;
- Sound and acoustic treatments; and

WHEREAS, phase two of the project will create a leading-edge distance learning/videoconferencing/ telemedicine systems permitting the Auditorium to:

- Connect with universities, colleges, hospitals, research centers and other institutions throughout the world;
- Create instructional opportunities for City and suburban school districts, BOCES and community centers;

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

- Serve as the center of bio-terrorism and public safety training for local and regional fire, law enforcement and emergency medical service agencies;
- Feature public health educational programming sponsored by the Erie County Department of Health;
- Support the Medical Center's future public benefit role in the community, the county, the region, the State and beyond; and

WHEREAS, the conversion of the Smith Auditorium into a Regional Distance Learning Center will further advance ECMC's role as a leader in telemedicine; and

WHEREAS, ECMC's telemedicine program currently provides services to 34 sites statewide, including New York State Department of Corrections facilities, and

WHEREAS, the Medical Center's Emergency Telemedicine Program is ranked as the fifth busiest in the United States; and

WHEREAS, the estimated cost of the distance learning center component of the project totals \$360,000 and will be financed through a fundraising drive co-sponsored by the ECMC Lifeline Foundation and the Medical/Dental staff of the Erie County Medical Center; and

WHEREAS, the first phase of this project, renovating the Smith Auditorium at the Erie County Medical Center, represents legitimate use of the Tobacco Settlement funds; and

WHEREAS, the Board of Managers of the Erie County Medical Center has unanimously lent its wholehearted support to the comprehensive proposal to renovate the Smith Auditorium and to develop the facility as the Western New York Distance Learning Center.

NOW, THEREFORE, BE IT,

RESOLVED, that the 2002 Capital Budget is hereby amended to include the first phase of a project that will provide for reconstruction of the Smith Auditorium of the Erie County Medical Center in the amount of \$455,000; and be it further

RESOLVED, that the Erie County Legislature authorizes the financing of the first-phase of the project to finance the reconstruction of the Smith Auditorium of the Erie County Medical Center with \$455,000 in Tobacco Trust Fund proceeds; and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel Giambra, County Comptroller Nancy Naples, Joseph Passafiume, Director of Budget and Management, and Sheila K. Kee, Chief Executive Officer, Erie County Medical Center.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

Re: Designating April 18-26 2002 as “Earth Week” in Erie County. (Intro. 8-15)

A RESOLUTION SUBMITTED BY LEGISLATOR PEOPLES

WHEREAS, Each year, April 22 marks the anniversary of the modern environmental movement, and

WHEREAS, Earth Day is honored around the world as a day of action dedicated to preserving the world's natural resources, and

WHEREAS, Many communities and groups around the world choose to organize environmental activities over a longer period before and after Earth Day, and

WHEREAS, Earth Day is a time to focus on our stewardship of the Earth - as individuals and as a community, by working together, we can make Earth Day, Every Day, and

WHEREAS, Protecting our environment and preserving our natural resources begin with education, and the activities organized by the Earth Day coalition offer Western New York residents a great opportunity to learn about how they too can help make every day Earth Day, and

WHEREAS, A coalition of local Western New York community and environmental organizations have come together to honor Earth Day with a series of events and activities designed to promote educational awareness of our natural resources and encourage all Western New Yorkers to get involved in the preservation of our natural environment, and

WHEREAS, This coalition has organized a series of events for the whole family beginning on April 18 and concluding on April 26th 2002, and

WHEREAS, These events include a special presentation by internationally known ecologist Dr. Sandra Steingraber, featured lecturer and leading international environmental justice advocate Winona LaDuke, an Earth Day Exposition featuring more than 75 different environmental organizations and activities for the whole family and finally, a keynote lecture by Dr. Anton Nelessen, a national pioneer in community planning through public participation and leading expert on New Urbanism,

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

NOW, THEREFORE BE IT

RESOLVED, That the Erie County Legislature does hereby express its support for the preservation and protection of our natural resources and our environment, and be it further

RESOLVED, That this Honorable Body does hereby declare the week of April 18 - April 26, 2002 "Earth Week" and does hereby encourage all Western New York residents to join in this celebration by attending these activities and helping promote the "Every Day is Earth Day" motto, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Commissioner of Environment and Planning, the Deputy Commissioner of Environment and Planning for Environmental Compliance, and to the Erie County Environmental Management Council.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 46 – (Comm. 8E-1) Appointment to Erie County Emergency Medical Services Advisory Board.

RECEIVED, FILED & PRINTED.

March 21, 2002

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

Re: Appointment to Emergency Medical Services Advisory Board

Dear Members:

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

Pursuant to the power vested in me by Erie County Local Law No. 1-1959, Article XI-C.07, I, Joel A. Giambra, Erie County Executive, do hereby appoint the following individual to the Erie County Emergency Medical Services Advisory Board.

## APPOINTEE

## TERM EXPIRES

Patricia Ware  
90 Independence Drive  
Orchard Park, NY 14127

December 31, 2003

Respectfully submitted,

JOEL A. GIAMBRA  
ERIE COUNTY EXECUTIVE

JAG:bmc

cc: Appointee

Commissioner Anthony J. Billittier, Dept. of Health  
Commissioner Michael V. Walters, Emergency Services  
Deputy Commissioner Gregory W. Skibitsky, Emergency Services

Item 47 – (Comm. 8E-2) Letter to Legislator Swanick Re: Creation of ECMC Corporation.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 48 – (Comm. 8E-3) Designation Pursuant to Erie County Charter Section 304.

RECEIVED, FILED & PRINTED.

March 26, 2002

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

Re: Designation Pursuant to Erie County Charter Section 304

Dear Ms. Manzella:

Pursuant to Erie County Charter Section 304, I Joel A. Giambra County Executive of the County of Erie hereby designate and appoint to following department or executive division heads,

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

hereinafter named to perform to duties of the County Executive during my absence and the absence of Deputy County Executive Carl J. Calabrese.

The order of succession of such individuals to act as and for me, as Erie County Executive, in my absence and the absence of Deputy County Executive Carl J. Calabrese shall correspond to the number proceeding the name and title of each of the following individuals:

1. Bruce L. Fisher, Chief of Staff
2. Laurence K. Rubin, Erie County Commissioner of Environment and Planning
3. Frederick A. Wolf, Erie County Attorney
4. Joseph Passafiume, Erie County Director of Budget, Management & Finance

This designation shall continue in effect until revoked or modified by me and shall be effective upon filing of same with you as Clerk of the Erie County Legislature.

Very truly yours,

**JOEL A. GIAMBRA**  
**ERIE COUNTY EXECUTIVE**

JAG:kg

FROM THE COMPTROLLER

Item 49 – (Comm. 8E-4) Appointment & Distribution of 4% Sales Tax Revenue Received by Erie County from NYS for Month of March.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DUSZA

Item 50 – (Comm. 8E-5) Letter to Clerk of Legislature Re: Buffalo News Article Concerning Project in 8<sup>th</sup> Legislative District.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 51 – (Comm. 8E-6) Review of Erie County Legislature Mailings & Postage for Period 1/1/01 – 11/16/01.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

FROM LEGISLATORS SWANICK & MARINELLI

Item 52 – (Comm. 8E-7) Letter to Chairman DeBenedetti Re: Weinstein’s Abstention on Comm. 5E-50 (2002).

Received and filed.

FROM LEGISLATOR SWANICK

Item 53 – (Comm. 8E-8) Notice of Absence for Legislator Fisher from Legislative Session No. 8 Held 4/11/02.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 54 – (Comm. 8E-9) Placing Referendum on Local Law Intro No. 2 – 2002 on the Ballot.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

Re: Award of Contract – Kenmore Avenue, CR  
 189 Vulcan Street, Town of Tonawanda.  
 (Comm. 8E-10)

WHEREAS, bids were taken for the Reconstruction of Kenmore Avenue and Vulcan Street, in the Town of Tonawanda on January 31, 2002, the low responsible bidder Concrete Applied Technologies, Corporation (d.b.a. CATCO), at a low bid amount of \$5,469,432.08, and

WHEREAS, this bid of \$5,469,432.08 is broken down into the base bid of \$4,517,420.30 for Kenmore Avenue and \$952,011.78 on the alternate bid for Vulcan Street, and

WHEREAS, subsequent Value Engineering of the proposed project has determined that approximately \$500,000 can be saved on this project and thus reducing the overall project cost, and

WHEREAS, draft agreements are currently in process between the Erie County Industrial Development Agency (ECIDA) and Empire State Development (ESD) for total funding of this project, and

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the terms for these agreements are contained within the attached January 17, 2002 correspondence to the Board of Directors, and,

WHEREAS, these terms clearly indicate that the financing sources for the Kenmore Avenue reconstruction will be from the Empire State Development (ESD) - Capital Grant in the total amount of \$5,250,000, and

WHEREAS, the Erie County Industrial Development Agency (ECIDA) is also willing to provide \$500,000 from funds previously allocated for the internal General Motors access road and no longer needed for that purpose, and

WHEREAS, it is necessary to advance the start of construction for improved access and safety of travel to this new General Motors engine facility, which will be complete and operating by January 2003, and

WHEREAS, this new General Motors engine facility shows a commitment to the area and provides employment and economic benefits to the Western New York area.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number ESD-189-01 for the Reconstruction of Kenmore Avenue and Vulcan Street, in the Town of Tonawanda, between the County of Erie and the low bidder, Concrete Applied Technologies, Corporation (d.b.a. CATCO) of Alden, New York, at an amount not to exceed available funding, and be it further

RESOLVED, that an amount of \$5,750,000 will be provided from funding provided by Empire State Development (ESD) \$5,250,000 and Erie County Industrial Development Agency (ECIDA) \$500,000 for this project, and be it further

RESOLVED, that funds, when available, up to an additional \$1,000,000 be allocated for construction and construction contingencies to be utilized on this project with authorization for the Commissioner of Public Works to approve work currently in the bid package but not funded, or contingency work, be added to this project, and be it further

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

\* Due to poor copy quality, the attachment referenced in the above resolution could not be transferred. Please reference the original communication for the full text of the attachment.

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

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

DELETE the 2<sup>nd</sup> page of the 'Accompanying Memorandum' and REPLACE with the following new 2<sup>nd</sup> page:

VII. Department of Comptroller's Review

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized Capital Project for which sufficient appropriations for the action proposed will be available when contract change orders are executed to reflect the cost savings identified by the value engineering analysis. It is recommended that this legislation be approved.

Signed: Thomas W. Mazur

Date: 4/8/02

Title: Director of Investments & Cash Management

Comptroller's Office

ML:bjl

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

CARRIED. (WEIGHTED VOTE: 15.102 – 0.913)

Item 56 – (Comm. 8E-11) Regional Public Safety Campus Project – Grants Consultant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 57 – (Comm. 8E-12) County Clerk – Transfer of Funds.

Item 58 – (Comm. 8E-13) Staff Adjustments – Office of County Executive.

Item 59 – (Comm. 8E-14) Equal Employment Opportunity – Variable Minimum.

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

Item 60 – (Comm. 8E-15) Available Balances as of 12/31/01 that Have Been Reappropriated in 2002 Budget.

Received and filed.

Item 61 – (Comm. 8E-16) Grant Programs – Authorization to Contract.

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 62 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

Re: Appointment to Consumer Protection  
Committee. (Comm. 8E-17)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Kathleen B. Winter, Office Manager, Better Business Bureau, Inc., 741 Delaware Avenue, Buffalo, New York 14209 to the Erie County Consumer Protection Committee for a term to expire December 31, 2002.

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

CARRIED UNANIMOUSLY.

Item 63 – (Comm. 8E-18) Lease Agreement Between EC Probation & Horizon Health Services.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 64 – (Comm. 8E-19) Probation & Youth Detention Services – Probation Staffing Adjustment.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 65 – (Comm. 8E-20) “Pathways to Success” Agreements Between ECC & WNY School Districts.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 66 – (Comm. 8E-21) Real Property Tax Services – Municipal Cooperation Agreement with Town of Grand Island for Assessment Services.

Item 67 – (Comm. 8E-22) Sale of County Owned Inventory – Best Street, Town of Evans.

Item 68 – (Comm. 8E-23) Sale of County Owned Inventory – 22 S Frederick, City of Tonawanda.

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

Item 69 – (Comm. 8E-24) Sale of County Owned Inventory – Hayes Avenue & Woodland Avenue, Town of Lancaster.

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

Item 70 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

Re: Increase to Construction Contract 2001 Overlay "C" Project – Thorn Avenue & Various Roads, Various Towns. (Comm. 8E-25)

WHEREAS, the Erie County Legislature approved a contract for the 2001 Overlay "C" Program, Project Number CHIPS OP-01 C, between Diamond 'D' Construction Corporation and the County of Erie, in Meeting Number 14, held on June 21, 2001, Communication Number 14E-32, and

WHEREAS, additional work needs to be performed on the project that was not initially anticipated and the County needs to increase the project in order to expeditiously perform the complete reconstruction of Thorn Avenue in the Town of Orchard Park, and

WHEREAS, the cost for the additional work exceeds the contingency amount previously authorized for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the contract amount be increased by an additional amount of \$1,237,000.00 to be allocated from the 2001 Design and Construction - Various Roads Projects Program for a change order to the construction contract with Diamond 'D' Construction Corporation, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 71 – (Comm. 8E-26) Aldrich Street – CR 503-1A – Village of Gowanda – Village Multi-Modal Safety Enhancements Funding Request.

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

Item 72 – (Comm. 8E-27) Acquiring Property for East Street Bridge, Town of Eden.

Item 73 – (Comm. 8E-28) Agreement with NYSDOT Construction & Construction Inspection Phase – Ransom Road Bridge Over Cayuga Creek, Town of Lancaster.

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

Item 74 – (Comm. 8E-29) Health – Healthy Neighborhoods Grant Revision 10/1/01 – 9/30/02.

Item 75 – (Comm. 8E-30) Health – Western Regional Training Grant 7/1/02 – 6/30/03.

Item 76 – (Comm. 8E-31) Health – Healthy Homes Initiative 2/1/01 – 1/31/04.

Item 77 – (Comm. 8E-32) Health – HIV Testing Survey 9/24/01 – 4/30/02.

Item 78 – (Comm. 8E-33) Health – Public Health Laboratory Agreement with Buffalo State College Center for Social Health & Research 4/1/02 – 3/31/06.

Item 79 – (Comm. 8E-34) Health – WNY Coalition for Diabetes Prevention 4/1/02 – 3/31/03.

Item 80 – (Comm. 8E-35) Senior Services – Authorization to Amend Title V Grant Budget.

Item 81 – (Comm. 8E-36) Senior Services – Authorization to Amend ORT Grant Budget.

Item 82 – (Comm. 8E-37) Senior Services – Authorization to Amend CSE Grant Budget.

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

Item 83 – (Comm. 8E-38) ECSD No. 3 – NYS Water Pollution Control Revolving Loan Program – 6649 –05 Greenmeadow Subtrunk Sanitary Sewer.

Item 84 – (Comm. 8E-39) ECSD No. 3 – NYS Water Pollution Control Revolving Loan Program – 6649 –06 Southwestern Subtrunk Sanitary Sewer.

Item 85 – (Comm. 8E-40) ECSD No. 2 – NYS Water Pollution Control Revolving Loan Program – 6646-10 Lakecrest Subdivision/Route 5 Sanitary Sewer Rehab.

Item 86 – (Comm. 8E-41) ECSD No. 2 – NYS Water Pollution Control Revolving Loan Program – 6646-11 Utica Subtrunk Sanitary Sewer Replacement.

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

Item 87 – (Comm. 8E-42) ECSD No. 6 – NYS Water Pollution Control Revolving Loan Program.

Item 88 – (Comm. 8E-43) EC Southtowns Sewage Treatment Agency Engineering Service Agreements – Work Order URS-2, Comm 18E-41.

Item 89 – (Comm. 8E-44) NYS Local Data Provider Agreement.

Item 90 – (Comm. 8E-45) Affiliate Data Center Agreement.

Item 91 – (Comm. 8E-46) ECSD No. 3 – Increase & Improvement of Facilities (2000) Erie County Sewer Agency Report (Revised).

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

Re: Matt Urban Memorial Foundation.  
(Comm. 8E-47)

WHEREAS, Lieutenant Colonel Matt Urban, the most decorated combat soldier in United States history, whose personal leadership, limitless bravery, and repeated extraordinary exposure to enemy fire served as an inspiration to his entire battalion, was born in Buffalo, New York on August 25, 1919; and

WHEREAS, an honorary statue of Lt. Col. Matt Urban will represent Buffalo and Erie County's recognition of this local and national hero as well as their support of the noble traditions of the United States; and

WHEREAS, based on a funding request from the Matt Urban Memorial Foundation, a not-for-profit organization, the County will provide \$17,000 towards the construction of a statue measuring 8'10" tall, which will be placed outside the entrance to the Edward A. Rath Building; and

WHEREAS, the Matt Urban Memorial Foundation has entered into contract with Saint Louis Stone & Supply, Inc. to provide the granite and design the memorial in accordance with the Foundation's specifications.

NOW, THEREFORE, BE IT

**MEETING NO. 8****April 11, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds to this organization for purposes noted above; and be it further

RESOLVED, that funds in the amount of \$17,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 1109043038301299) to the following new subaccount under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Matt Urban Memorial Foundation \$17,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, and the co-founder of the Matt Urban Memorial Foundation, Norm Skulski, located at 63 Barnard, Buffalo, New York 14206.

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

CARRIED UNANIMOUSLY.

Item 93 – (Comm. 8E-48) ECSD No. 2 – Rehab & Upgrade of Point Breeze, Lake Street, Buffalo Beach, Shore Cliff & Herr Road Pumping Stations.

Item 94 – (Comm. 8E-49) DEP – Sewer Management – ARC GIS Grant Application.

Item 95 – (Comm. 8E-50) Southtowns Sewage Treatment Agency – Engineering Service Agreements – Work Order URS-1, Comm 18E-41.

Item 96 – (Comm. 8E-51) ECSD No. 2 – Southwest Interceptor & Pumping Station Facilities Evaluation – URS Greiner Woodward Clyde (URSGWC) Change Order No. 5.

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

Item 97 – (Comm. 8E-52) Budget, Management & Finance – 2001 Year End Budget Balancing Amendments.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

Item 98 – (Comm. 8D-1) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 99 – (Comm. 8D-2) Notice of Various Committee Meetings of the Board of Trustees.

Received and filed.

FROM ECMC

Item 100 – (Comm. 8D-3) Notice of Finance Committee Meeting Held 3/26/02 & Minutes.

Received and filed.

FROM ECC

Item 101 – (Comm. 8D-4) Minutes of Board of Trustees Meeting Held 2/27/02.

Received and filed.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 102 – (Comm. 8D-5) Audited Financial Statements for Years Ended 12/31/00 & 12/31/01.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 103 – (Comm. 8D-6) Response from DEP to Comptroller's Review of EC's Participation in Dunn Tire Park.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM CONGRESSMAN QUINN

Item 104 – (Comm. 8M-1) Receipt of Certified Resolution.

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

Received and filed.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 105 – (Comm. 8M-2) Notice of Meeting Held 3/19/02 & Agenda.

Received and filed.

FROM THE NFTA

Item 106 – (Comm. 8M-3) NFTA's Outer Harbor Property – Notice of Claim.

Received and referred to the COUNTY ATTORNEY.

FROM NYSDEC

Item 107 – (Comm. 8M-4) Fact Sheet – ITT Standard Site Clean Up Agreement.

Received and filed.

FROM THE MARTIN HOUSE RESTORATION CORPORATION

Item 108 – (Comm. 8M-5) Erie County Fiscal Year 2001 Cultural Resources Advisory Board Funding.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE CITY CLERK – CITY OF BUFFALO

Item 109 – (Comm. 8M-6) Certified Resolution Re: Concerns About Diminishing Enforcement of Clean Air Act.

Received and filed.

FROM THE NFTA

Item 110 – (Comm. 8M-7) NFTA Board Minutes for Meeting Held 2/19/02.

Received and filed.

FROM THE EC PROBATION OFFICERS ASSOCIATION

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

Item 111 – (Comm. 8M-8) Letter to Legislator Chase Re: Creating New Juvenile Positions in Probation.

Received and filed.

**FROM THE EC BOARD OF HEALTH**

Item 112 – (Comm. 8M-9) Notice of Board of Health Meeting to be Held 4/25/02 & Minutes.

Received and filed.

**FROM THE TOWN CLERK – TOWN OF CLARENCE**

Item 113 – (Comm. 8M-10) Certified Resolution Re: Strengthening the Penalties for Alcohol Related Driving Fatalities.

Received and filed.

**FROM THE REGION 9 FOREST PRACTICE BOARD**

Item 114 – (Comm. 8M-11) Notice of Meeting to be Held 4/11/02.

Received and filed.

**FROM THE NIAGARA COUNTY DEPARTMENT OF PLANNING, DEVELOPMENT & TOURISM**

Item 115 – (Comm. 8M-12) Letter to Legislator Weinstein Re: Niagara Power Project Relicensing – Funding Request.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

**FROM SENATOR RATH**

Item 116 – (Comm. 8M-13) Receipt of Certified Resolution.

Received and filed.

**FROM THE ECIDA**

Item 117 – (Comm. 8M-14) Notice of Board of Directors Meeting to be Held 4/17/02.

Received and filed.

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

**FROM GOVERNOR PATAKI**

Item 118 – (Comm. 8M-15) Receipt of Various Resolutions.

Received and filed.

**FROM THE NEW YORK POWER AUTHORITY**

Item 119 – (Comm. 8M-16) Copy of Letter to Federal Energy Regulatory Commission (FERC) Re: Request to Utilize Alternative Licensing Procedures & Attachments.

Received and filed.

**MEMORIAL RESOLUTIONS**

Item 120 – Chairman DeBenedetti requested that when this legislature adjourns, it do so in memory of Legislator Fisher and her mother, Jane Peterson.

Item 121 – Legislator Holt requested that when this legislature adjourns, it do so in memory of Father Gugino.

Item 122 – Legislator Dale requested that when this legislature adjourns, it do so in memory of Wanda Leonard.

Item 123 – Legislator Chase requested that when this legislature adjourns, it do so in memory of her grandmother.

Item 124 – Legislator Greenan requested that when this legislature adjourns, it do so in memory of Juanita Tzepacz.

Item 125 – Legislator Greenan requested that when this legislature adjourns, it do so in memory of Merle Boller.

**ADJOURNMENT**

Item 126 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. GREENAN moved that the Legislature adjourn until 2 p.m. Thursday, April 25, 2002.  
MR. SWANICK seconded.

**MEETING NO. 8**  
**April 11, 2002**

**ERIE COUNTY LEGISLATURE**

---

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, April 25, 2002 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA**  
**CLERK**