

**ERIE COUNTY LEGISLATURE
MEETING NO. 5
February 19, 2004**

The Legislature was called to order by Chairman Holt.

All Members Present.

Invocation was led by Father Roy Herberger, St. Columba-Brigid.

The Pledge of Allegiance was led by Mr. McCarville.

Item 1 – MS. MARINELLI moved the approval of the Rules of the Legislature for 2004.
MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53

Re: Adopting Erie County Legislature's Rules
of Order for 2004.

RESOLVED, that the Erie County Legislature does hereby adopt the Rules of Order for 2003
as follows:

**2004
RULES OF ORDER
ERIE COUNTY LEGISLATURE****SECTION 1.00: ORGANIZATION****1.01 CHAIRPERSON**

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8th day of January in each calendar year. At such meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as the Chairperson by an affirmative vote of at least a majority of the entire membership of the Legislature. Upon his or her election, the Chairperson shall immediately assume all of the duties and responsibilities of the office.

The Chairperson shall possess the following powers and perform the following duties:

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;

3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;
4. To decide all questions of order, subject to appeal of the Legislature as hereinafter provided;
5. To recess meetings;
6. If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
7. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
8. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, in particular Section 1.02, or other State or County law;
9. To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.07 of these rules.
10. To establish independent committees, boards, and commissions to report to the Chairperson and/or Legislature, and appoint or remove the members thereof;
11. To cancel public hearings for which the underlying Local Law has been withdrawn;
12. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

1.02 MAJORITY AND MINORITY LEADERS:

Annually, the enrolled members of the two political parties which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. The leader of the political party whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other party shall be known as Minority Leader.

For the purpose of complying with the provisions of Section 200, subdivision 1 of the County Law, in the event that neither the members of one party nor the other constitute a majority of the members of the County Legislature, the Chairperson of the Legislature shall designate one party leader as the Majority Leader and the other as the Minority Leader for the purpose of budgetary appropriation and other matters.

In addition to any other powers or responsibilities attributable to the Leaders, the Minority Leader shall appoint and designate or terminate, within the budgetary appropriations the Legislature's Minority staff.

1.03 ACTING CHAIRPERSON:

In the absence of the Chairperson from any meeting of the Legislature, the designated Majority Leader shall become acting Chairperson with all the powers and duties of Chairperson for so long as the Chairperson is absent.

In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chairperson.

SECTION 2.00: MEETINGS**2.01 REGULAR SESSION:**

Regular sessions of the Legislature shall be held at least twice monthly, except in August, as designated by the Chairperson. The schedule of regular sessions shall be determined by the Chairperson who shall notify members of the Legislature concerning the same no later than January 1, of each year.

All regular sessions and all adjourned sessions shall be open for consideration of any matter, which in accordance with these rules, may be properly brought to the attention of the Legislature.

2.02 SPECIAL MEETINGS:

Special meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chairperson or upon filing with the Clerk of the Legislature of a written request signed by a majority of the members of the Legislature. Notice in writing, stating the time, place and purpose of the special meeting shall be served personally, by facsimile transmission or by mail upon each member by the Clerk of the Legislature at least forty-eight (48) hours before the date fixed for holding the meeting, or a member may waive the service of the notice for such meeting in writing. Only business specified in the notice thereof may be transacted at a special meeting.

Service by facsimile transmission of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number provided to the Clerk by the member of the Legislature for that purpose. A confirmation record produced by the Clerk's facsimile machine or computer and an affidavit of service by the Clerk of the Legislature, shall be *prima facie* evidence that the Notice of Special Meeting and transmitted documents were served consistent with the date, time and place appearing on the confirmation record. Facsimile transmission of the Notice of Special Meeting may be transmitted at any time of the day or night, Monday through Friday, to the appropriate facsimile telephone number and will be deemed served upon receipt of the facsimile transmission, except that Notices of Special Meeting sent on a Friday shall be deemed duly served if the Clerk's confirmation record and affidavit demonstrate that facsimile transmissions for all members of the Legislature were completed by 5 p.m. on that Friday. Nothing in this rule shall prohibit personal service of a Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

2.03 QUORUM:

A majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

2.04 CHAIRPERSON TO SECURE A QUORUM:

In the absence of a quorum during the sessions of the Legislature, the Chairperson may take such measures as provided by law and as the Chairperson may deem necessary to secure the presence of a quorum.

2.05 ROLL CALL, MINUTES, ABSENCES:

At any and every meeting of the Legislature, upon the members being called to order by the Chairperson, the roll of members shall be called by the Clerk, and the names of those absent shall be inserted in the Minutes. The Majority and Minority Leaders should note the absence of any of their members because of county business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Legislature, the name of the member presenting or moving the same and seconding shall be entered.

2.06 ORDER OF BUSINESS:

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions;
4. The consideration of Communications, Local Laws and Resolutions on the table of Legislature;
5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;
9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;
10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;

11. Unfinished Business;
12. Announcements from the Chairperson;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chairperson in his or her discretion may change the Order of Business at any session except as otherwise provided in Section 4.04.

2.07 ORDER DURING SESSION:

The Chairperson shall take the chair at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chairperson and confined to the question before the Legislature. The Chairperson shall prevent personal reflections and confine members to the question under discussion. The Chairperson shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

2.08 APPEAL FROM THE CHAIRPERSON'S RULING:

On every appeal, the Chairperson shall have the right to assign his reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chairperson shall put the question: "Shall the Ruling of the Chairperson be overturned?"

A motion to overrule a decision or ruling of the Chairperson shall require approval by a majority vote of the Legislature.

2.09 PRIVILEGE OF THE FLOOR:

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

2.10 REFERRALS TO COMMITTEE:

The Chairperson, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the county. The Chairperson's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chairperson's ruling has been decided however, and if the same has been a determination in favor of the Chairperson's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:

While the Chairperson is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chairperson shall allow opportunity for debate before the roll is called.

2.12 TIE VOTE:

When the Legislature shall be equally divided on any question, including the Chairperson's vote, the question shall be deemed to have been lost.

2.13 PRIORITY OF BUSINESS:

All questions relative to priority of business shall be decided by the Chairperson without debate, except as otherwise provided in Section 4.03, and the Chairperson's decision shall be final.

2.14 LIMITATION ON TIME OF SPEECH:

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission by majority vote of the Legislature.

2.15 MAJORITY VOTE:

A majority of the total vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by any member(s) of the legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority vote of the full legislature, except in such instances when items are removed from the agenda pursuant to Section 5.05.

2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

The Chairperson, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chairperson's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

2.17 RECORDING OF VOTE:

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

2.18 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be.

Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

2.19 BORROWING MONEY:

The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings, as the statute requires.

2.20 VOTE ON DISTINCT PROPOSITION:

If the question in debate contains several distinct propositions, the same shall be divided by the Chairperson at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.

2.21 ABSTENTIONS:

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chairperson must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chairperson shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

2.22 SPEAK WHEN RECOGNIZED BY CHAIRPERSON:

No member wishing to speak shall proceed without standing and without having addressed the Chairperson from his or her place and until obtaining recognition by the Chairperson.

2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:

These rules may at any time during the session be suspended by unanimous consent of all members of the Legislature present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority vote of the Legislature for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the Legislature present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chairperson of the Legislature, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

2.24 PRESENTATION OF MOTION:

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature;
2. A call of the Legislature;
3. To move the previous question;
4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

2.25 WITHDRAWAL OF RESOLUTION OR MOTION:

Any resolution or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairperson of the vote thereon or before an amendment to such resolution or motion has been adopted.

2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chairperson is putting any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

2.27 PREVIOUS QUESTIONS AND AMENDMENTS:

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue.

If an amendment is being debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.

2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or on all pending questions.

2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which a change of vote is requested took place and at which a quorum is present.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Legislature, which can be given by general consent, or by adoption of a motion to grant the permission.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Legislature without unanimous consent.

2.29 MOTION TO RESCIND:

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative vote of a majority of the total members of the Legislature.

2.30 COMMITTEE OF THE WHOLE:

The Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairperson may name a member to preside.

2.31 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chairperson of the Legislature or the Chairperson of the Committee of the Whole, if so named, shall immediately report the fact to the Chairperson of the Legislature and the adjournment of the Committee of the Whole shall be in order.

2.32 PRESENTATIONS TO BE IN WRITING:

All petitions, resolutions, committee reports and amendments thereof, shall be in writing.

2.33 TIME FOR PRESENTATION TO CLERK:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:

The Clerk of the Legislature shall not place any request for legislative action, which is filed by a county elected official, other than a county legislator, or by a non-elected county official, on the agenda for a regular or special legislative session, unless such request includes a sample resolution and an accompanying memorandum, which presents and includes:

- A SUMMARY OF RECOMMENDED ACTION
- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION
- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

2.35 SOLICITATIONS:

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

SECTION 3.00: COMMITTEES

3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

3.02 STANDING AND SPECIAL COMMITTEES:

There shall be the following standing committees to consist of five members each, except the Finance & Management/Budget Committee which shall consist of seven members for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chairperson within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the

committees shall be filed with the Clerk of the Legislature and printed in the minutes of the Legislature.

STANDING COMMITTEES

Economic Development
 Finance & Management
 Energy & Environment
 Public Safety
 Human Services
 Community Enrichment
 Government Affairs

SPECIAL COMMITTEES

The Chairperson of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chairperson may determine.

3.03 CHAIRPERSON EX-OFFICIO MEMBER OF ALL COMMITTEES:

The Chairperson shall be a member Ex-officio of all committees with a vote thereon. The Chairperson's presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chairperson at his or her discretion.

3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

The Chairperson of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

3.05(1) CONDUCT OF COMMITTEES:

All committees appointed by the Chairperson shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with the departments of county government and the work entrusted to each of such committees.

3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:

Any matter referred by a committee to a department head for report or study shall be laid on the committee table for one week unless a longer period is specified by the committee.

3.05(3) REPORT ON ANY FINAL ACTION OF COMMITTEE:

Any final action taken by a majority of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Legislature by a majority vote of its total membership.

3.05(4) COMMITTEE AGENDA:

An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature.

3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:

No report shall be made by any committee on any subject referred to it except by a majority vote of the total membership of the committee unless the Legislature otherwise directs. All reports of committees shall be in writing and presented to the full Legislature for consideration at the next succeeding regular session of the Legislature, except the report of the Budget, Finance and Management Committee on the County Executive's Tentative Annual Budget, as provided in Section 4.01.

3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Legislature (unless immediate consideration is given by a majority vote of the Legislature). This rule shall not apply to reports of Standing and Special Committees on the last regular session before summer adjournment nor on the last regularly adjourned session at the close of the year.

SECTION 4.00: BUDGET**4.01 TENTATIVE BUDGET:**

The County Executive shall, on or before the date set forth in the Charter or established by Local Law revising same, submit thirty-five (35) copies of the tentative budget to the Legislature. The Finance & Management/Budget Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chairperson of the Finance & Management/Budget Committee shall present such tentative budget to the Finance & Management/Budget Committee for its consideration. The Finance & Management/Budget Committee shall hold such meetings thereon as it may determine, and may require any officer or employee of the county or the head of any county department, bureau, office, board or commission, or of any organization receiving financial aid from the county, to appear before the committee for the purpose of furnishing any information required by the committee in its consideration of the tentative budget. After such consideration, the Finance & Management/Budget Committee shall approve such tentative budget as originally prepared or with such amendments or changes therein as the committee may determine, and shall submit such tentative budget, together with its report thereon, to the Legislature not later than the first Tuesday of December in each year. The report of the Finance & Management/Budget Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 1803 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or

essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 1803 of the Charter.

4.03 LEVY OF SCHOOL TAXES:

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

4.04 ADOPTION OF BUDGET:

On or before the first Tuesday of December, following the submission of the tentative budget, the budget shall be the first order of business following consideration of the Minutes. Upon conclusion of the consideration of the budget, as provided in the Charter and Code, the motion to adopt the budget, either with amendments thereto, if any, to make the necessary appropriations therefore, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Finance & Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 1803, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

SECTION 5.00: MISCELLANEOUS**5.01 APPOINTMENTS AND CONFIRMATIONS:**

All appointments by this Legislature shall lay on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chairperson of the Legislature, notice of their candidacy for that position. The Chairperson of the Legislature shall notify the Chairperson of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chairperson of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chairperson of the Legislature, for the purpose of interviewing the candidate(s).

MEETING NO. 5
February 19, 2004

ERIE COUNTY LEGISLATURE

5.02 PURCHASE OVER \$10,000.00:

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement.

On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

5.03 ANNUAL REPORTS:

The County Executive shall make an annual report to the County Legislature concerning the activities of the several administrative units of the county during the preceding fiscal year in such detail, as the County Legislature shall direct. The head of any bureau or organization receiving financial support from the county shall make an annual report concerning the activities of the respective bureaus or organizations during the preceding fiscal year. The County Executive or the head of the bureaus or organizations shall file thirty (30) copies of said report with the Clerk of the Legislature not later than March first of each and every year.

Such reports, weekly and monthly, as prescribed by the Legislature shall be furnished to the Legislature by all department heads and heads of bureaus and organizations receiving financial support from the county. Such reports shall be received and filed or referred to appropriate committees.

5.04 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time as the proposal has been reviewed and recommended by the Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The Clerk of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

5.05 REDUCTION OF AGENDA:

Any local law, resolution or other item pending on the agenda of the Legislature itself, or any committee or subcommittee thereof, that was first introduced, submitted and filed prior to January 1 of any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

5.06 DUTIES OF ADMINISTRATIVE ASSISTANTS:

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

5.07 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Clerk of the Legislature will maintain an accounting log of the Legislature's in-house postage meter.
3. All members of the Legislature are entitled to one (1) district wide mailing (newsletter, calendar of events, etc.) per year. Printing and postage costs will be inclusive.
4. Two (2) weeks prior to the printing and/or sending of a district wide mailing, the member must notify the Chairperson of the Legislature and submit a final copy of the intended mail piece. Timely scheduling of mailing resources and targeted mailing date will be set upon printing and staff availability.
5. District wide mailings allowed to each member under this policy must be **postmarked and mailed**, no later than, forty-five (45) days prior to the date of the Erie County Legislature Primary Election or Erie County Legislature General Election to which the member is a candidate.
6. District wide mailings will not be authorized after the Erie County Legislature General Election, to which the member is a candidate, except at the discretion of the Chairperson.
7. The Chairperson, at his/her discretion, may authorize Committee Chairpersons and their Clerks to send informational mailings that are germane to pending committee agenda items.
8. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings, and to file a true and complete copy of same with the Clerk of the Legislature, commensurate with the mailing of same.
9. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.
10. This policy is retroactive to February 1, 2002.

5.08 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

5.09(1) DECORUM IN LEGISLATURE CHAMBER:

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

5.09(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:

All visitors and spectators to the Erie County Legislature must be respectful and obey the rules of order promulgated by this Honorable Body.

5.09(3) FLOOR MOVEMENT:

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Legislature Chamber will be restricted during sessions and public hearings to Legislators, Legislature Staff, Credentialed Members of the Media, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Chairperson of the Erie County Legislature.

5.09(4) BANNERS, SIGNS AND PLACARDS:

Any display of banners, signs, or placards in the Legislature Chamber or Committee Rooms that is disruptive to the deliberative process of the Erie County Legislature and not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(5) DISTRIBUTION OF LITERATURE OR MATERIALS:

Any distribution of literature or materials in the Legislature Chamber or Committee Rooms not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(6) AUDIO RECORDING:

Audio recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature.

5.09(7) VIDEO RECORDING:

Video recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature; and
- c) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

5.09(8) VIOLATIONS:

Any violation of the order or decorum of the Legislature subjects an offending party to removal from the Erie County Legislature's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

5.10 AMENDMENT OF RULES:

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority vote of the total members of the Legislature, and only after at least one day's notice in writing, filed with the Clerk of the Legislature.

SECTION 6.00: EFFECTIVE DATE

6.01 EFFECTIVE DATE:

These rules shall be effective immediately upon adoption by a majority vote of the total membership of the Legislature.

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

CARRIED UNANIMOUSLY.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meeting.

Item 4 – MS. MARINELLI moved the approval of the Minutes for Meetings No. 2 & 3 of 2004. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 5 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MR. HOLT, MAJORITY CAUCUS, Et Al presented a resolution In Memory of Former Monroe County Legislature President Dennis A. Pelletier. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. McCARVILLE, Et Al presented a resolution Honoring the Life of Gerhard B. Sack, WWII Veteran & Former Principal of Parkdale Elementary School in East Aurora. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. HOLT, MAJORITY CAUCUS, Et Al presented a resolution Honoring Erie County Probation Officer Shelley Miller. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 9 – MS. MARINELLI, Et Al presented a resolution Honoring George E. Killian Director of the National Junior College Athletic Association. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. MARINELLI, Et Al presented a resolution regarding The Newstead Democratic Committee Honoring Millard & Barbara Young with the Prestigious FDR Award. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. SMITH, Et Al presented a resolution Recognizing Alpha Kappa Alpha Sorority – XI Epsilon Omega Chapter Honorees at Their Annual Founders' Day Luncheon. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 12 – MS. CUSACK, Et Al presented a resolution Recognizing a New Musical Theatre Production called “Renewing Wright”, a Story About Frank Lloyd Wright & Darwin Martin. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. SMITH & MR. HOLT, Et Al presented a resolution In Memory of Former Councilwoman Beverly Gray. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 15 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 16 – CHAIRMAN HOLT directed that Local Law No. 8 (Print #1) 2003 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2003 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 18 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2003 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

Item 19 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #1) 2004 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTON NO. 54

February 12, 2004

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 1

ALL MEMBERS PRESENT.

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

Item Page -2003 (Comm. 6E-37)
 a. **LARSON:** Consolidation of Pesticide – Related Communications.
 (5-0)

Item Page -2003 (Intro. 15-25)
 b. **DALE:** Guidelines for Approval of Waivers Pursuant to the Clean Air Indoor Air Act.
 (5-0)

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- | | | | | |
|----|---|--|-------|----------------|
| | Item | Page | -2003 | (Comm. 18E-7) |
| c. | DALE: | Copy of Letter to Health Commissioner Re: NYS Clean Indoor Air Law.
(5-0) | | |
| | Item | Page | -2003 | (Comm. 20E-1) |
| d. | LARSON: | Copy of Letter to Health Commissioner Re: NYS Clean Indoor Air Law.
(5-0) | | |
| | Item | Page | -2003 | (Comm. 20E-13) |
| e. | DALE: | SEQR – Copy of Letter to Health Commissioner Re: NYS Clean Indoor Air Law.
(5-0) | | |
| | Item | Page | -2003 | (Comm. 22E-2) |
| f. | COUNTY EXECUTIVE: | Evaluation of Pilot Phase of Cooperative Pesticide Notification Program.
(5-0) | | |
| | Item | Page | -2003 | (Comm. 24E-7) |
| g. | SWANICK: | Copy of Letter to Onondaga County Commissioner of Health Re: Waivers from NYS Smoking Ban.
(5-0) | | |
| | Item | Page | -2003 | (Comm. 24M-4) |
| h. | ERIE LAWN & TREE APPLICATORS NOTIFICATION COMMITTEE: | Comments Re: EC Pilot Neighbor Notification Program.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 1D-17) |
| i. | DEP: | SEQR – Solicitation for Lead Agency Status EC Southtowns Wastewater Treatment Plant Disinfection System Modifications.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 1D-18) |
| j. | DEP: | SEQR – Solicitation for Lead Agency Status - Lackawanna Wastewater Treatment Plant Disinfection System Modifications.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 1E-45) |
| k. | COUNTY EXECUTIVE: | ECSD No. 2 – Bluffs Subtrunk Project – Contact Change Order No.1 - SICAR.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 1E-46) |
| l. | COUNTY EXECUTIVE: | ECSD No.3 – Sanitary Sewer Rehabilitation Creekside Subdivision, Contract 11BV – R & D Engineering – Change Order No.1.
(5-0) | | |

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- m. Item Page -2004 (Comm. 1E - 47)
COUNTY EXECUTIVE: ECSD No.6 – Engineering Service Agreements – Work Order
PH-7 – Comm. 18E-41.
(5-0)
- n. Item Page -2004 (Comm. 1E - 49)
COUNTY EXECUTIVE: ECSD No.3 – EC Sewer Agency Report – Increase &
Improvement of Facilities (2003) Sewer Rehabilitation.
(5-0)
- o. Item Page -2004 (Comm. 1M-2)
TOWN OF COLDEN: Certified Resolution Re: Support of Original Returnable Beverage
Act of 1982.
(5-0)
- p. Item Page -2004 (Comm. 2M-3)
NYSDEC: Fact Sheet Re: Clean-Up Work at Scott Aviation, Town of Lancaster.
(5-0)
- q. Item Page -2004 (Comm. 4E-10)
COUNTY EXECUTIVE: EC Sewer Construction Projects Annual Change Order Report.
(5-0)
- r. Item Page -2004 (Comm. 4E-23)
COUNTY EXECUTIVE: Semi-Annual Attendance Records – Board of Managers,
ECSD's.
(5-0)
- s. Item Page -2004 (Comm. 4E-66)
COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Agency & ECSD Nos. 1-6
Engineering Services Agreements.
(5-0)
- t. Item Page -2004 (Comm. 4M-4)
NYSDEC: Fact Sheet – Voluntary Clean-Up – Buffalo Business Park – 1800 Broadway.
(5-0)
- u. Item Page -2004 (Comm. 4M-5)
NYSDEC: Fact Sheet – Remedial Work at Leica, Inc., Eggert Road – Town of
Cheektowaga.
(5-0)
- v. Item Page -2004 (Comm. 4M-8)
NYSDEC: Fact Sheet – Voluntary Clean-Up of National Fuel Gas, 249 West Genesee Street
– City of Buffalo.
(5-0)

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w. Item Page -2004 (Comm. 4M-9)
NYSDEC: Fact Sheet – Update on Spaulding Composite Site, 310 Wheeler Street, City of
Tonawanda.
(5-0)

x. Item Page -2004 (Comm. 4M-10)
NYS COMPTROLLER: Copy of Town of Colden Application for Permission to Establish
Water District.
(5-0)

y. Item Page -2004 (Comm. 4M-17)
NYS DEPARTMENT OF HEALTH: Health Consultation – Off-Site Residential
Properties – Former NL Industries Site - Depew.
(5-0)

2. Item Page -2003 (Intro. 7-7)
SCHROEDER

WHEREAS, each day truckloads of New York city garbage roll through the narrow streets of the Clinton-Bailey neighborhood of the City of Buffalo, and

WHEREAS, hundreds of tons of New York City garbage sit and have for some time sat in rail cars in and around the railyard adjacent to the Clinton- Bailey neighborhood, and

WHEREAS, many of the neighbors in the area effected by this blight have organized to fight for their health and the health of their neighborhood, and

WHEREAS, as the weather warms the foul odor of the imported filth spreads and is more and more a nuisance to the people of the neighborhood, and

WHEREAS, the residents have reported increased incidences of crows and seagulls in their neighborhood as a result of the garbage, and

WHEREAS, Buffalo Common Councilman David Franczyk has been working diligently on this issue since it emerged, and

WHEREAS, the New York State Department of Environmental Conservation has demanded that the responsible parties stop their activities which are detrimental to the neighborhood, and

WHEREAS, the New York State Department of Environmental Conservation continues to press forward on this issue, and

WHEREAS, the Erie County Health Department and the New York State Attorney General's Office have joined the effort to stop this pollution

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby commend Mary Tabor and the other residents of the Clinton-Bailey neighborhood for standing up to these polluters, and be it further

RESOLVED, that the Legislature does commend the New York State Department of Environmental Conservation, and specifically Mr. Mark J. Hans, P.E. and Mr. Henry Sandonato, for giving this issue the high level of attention it deserves, and be it further

RESOLVED, that the Legislature commends the Erie County Health Department, and the Office of the New York State Attorney General for joining the effort to save this neighborhood, and thanks Buffalo Common Councilmember David Franczyk for his leadership on this issue, and be it further

RESOLVED, that the Clerk of the Legislature is hereby instructed to send certified copies of this resolution to Mary Tabor (148 Scoville Ave., Buffalo, NY 14206), Henry Sandonato and Mark J. Hans, P.E. (NYS DEC, 270 Michigan Ave., Buffalo, NY 14203), Erie County Health Commissioner Dr. Anthony J. Billitier IV, M.D., FACEP, Hon. David Franczyk (City Hall, Room 1412, Buffalo, NY 14202) and NYS Attorney General Eliot Spitzer (107 Delaware Ave., Buffalo, NY 14202).

FISCAL IMPACT: None for Resolution
 (5-0)

3. Item Page -2003 (Comm. 16E-9)

COUNTY EXECUTIVE

WHEREAS, the Erie County Sewer District No.2 Board of Managers has authorized the construction of a sewer for Lakeview Road and North Creek Road in the Town of Hamburg in order to provide sewer service; and

WHEREAS, it has been determined that it may be necessary to commence Eminent Domain Proceedings to acquire the necessary easements to complete the project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be authorized and is hereby directed to commence Eminent Domain Proceedings pursuant to Chapter 839 of the Laws of 1977 to acquire easement interests for sewer purposes in connection with the lands listed below:

<u>ECSD NO.</u>	<u>PARCEL NO.</u>	<u>TOWNSHIP</u>
2	193.00-4-11	Hamburg
2	193.00-4-34	Hamburg
2	193.00-4-36	Hamburg

and be it further

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

(5-0)

4.	Item	Page	-2003	AS AMENDED (Comm. 20E-41)
	COUNTY EXECUTIVE			

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.3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, most of the Town of Orchard Park, and parts of the Towns of West Seneca and Hamburg; and

WHEREAS, since the 1970s extensions to the District known as the Boston Valley, Armor-McKinley, Blasdell and Holland Extensions were formed; and

WHEREAS, the District and all extensions thereof were consolidated in 2003; and

WHEREAS, the Board of Managers of the District has 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 December 10, 2003 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 24,500 linear feet of sewer, various pump station upgrades and reconstruction, and the installation and acquisition of process equipment, pumps, meters, controls, lab equipment, and plant reconstruction, as more fully described in the report an estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$5,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewers units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3; and

WHEREAS, pursuant to Section 258 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 construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$8.00 for the Town of Hamburg, \$9.35 for the Town of Orchard Park, \$8.40 for the: Town of West Seneca, \$6.40 for the Town of Holland, \$9.98 for the Town of Elma, \$9.00 for the Town of Boston, and \$8.55 for the Town of Eden; and

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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 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 4th day of March 2004, at 1:30 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. 3 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 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 4th day of March 2004, 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.3 in said County.

The increase and improvement of such facilities consisting of the reconstruction and/or replacement of approximately 24,500 linear feet of sewer, various pump station upgrades and reconstruction; and the installation and acquisition of process equipment, pumps, meters, controls, lab equipment, 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 Erie County Sewer District No. 3 on December 10, 2003 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$5,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewers units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3.

The expenditures for such additional 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 \$8.00 for the Town of Hamburg, \$9.35 for the Town of Orchard Park, \$8.40 for the Town of West Seneca, \$6.40 for the Town of Holland, \$9.98 for the Town of Elma, \$9.00 for the Town of Boston, and \$8.55 for the Town of Eden. 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

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were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

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 "Amherst Bee" and in the "Front Page", the official newspapers of said County), and in "Hamburg Sun" a newspaper of general circulation, 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.

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget, Management and Finance, and Gregory J. Dudek, Assistant County Attorney.
 (5-0)

5. Item Page -2003 **AS AMENDED**
 (Comm. 22E-17)

COUNTY EXECUTIVE

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5 & 6 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2004 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 2004 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, & 6 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 342,292.33
Sewer District #2	\$ 136,871.67
Sewer District #3	\$ 690,890.48
Original District	
Armor McKinley Extension	
Boston Valley Extension	
Holland Extension	
Blasdell Extension	
Sewer District #4	\$ 339,779.86
Sewer District #5	\$ 193,911.00

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Sewer District #6	<u>\$1,212,927.36</u>
	\$2,916,672.70

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner; Nancy Naples, Erie County Comptroller; Joseph Maciejewski, Deputy Commissioner, Real Property; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget, Management and Finance
 (5-0)

6. Item Page -2003 (Comm. 25E-13)

COUNTY EXECUTIVE

WHEREAS, authorization to create four Seasonal Laborer positions in the Division of Sewerage Management has been requested; and

WHEREAS, the Division has found the need to create the positions to assist the current engineering staff with necessary technical assistance required to complete ongoing planning, sewer design, GIS and energy savings projects.

NOW, THEREFORE, BE IT

RESOLVED, the creation of four seasonal positions in the Division of Sewerage Management is hereby approved; and be it further

RESOLVED, that the funding for the four seasonal positions be allocated from the Fund Balance Accounts in Erie County Sewer District Nos. 1-6 and the Southtowns Sewage Treatment Agency in the 2004 Budget for the Division of Sewerage Management by the Director of Budget, Management and Finance as follows:

- Erie County Sewer District 1, 4 and 5 Fund Balance:
 District No. 1 220 851 811 698 105 Use of Fund Balance \$2,935;
 District No. 4 220 851 812 698 105 Use of Fund Balance \$2,935;
 District No. 5 220 851 813 698 105 Use of Fund Balance \$2,934;
- Erie County Sewer District 2 Fund Balance:
 District No. 2 220 852 821 698 105 Use of Fund Balance \$8,804;
- Erie County Southtowns Fund Balance:
 Southtowns 220 853 831 698 105 Use of Fund Balance \$4,402;
- Erie County Sewer District No. 3 Fund Balance:
 District No. 3 220 853 832 698 105 Use of Fund Balance \$4,402;
- Erie County Sewer District No. 6 Fund Balance:
 District No. 6 220 854 840 698 105 Use of Fund Balance \$8,804;

- Erie County Division of Sewerage Management:
 220 855 850 800 Personal Services \$30,624
 220 855 850 805 Fringe Benefits \$4,592;

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of the approved Resolution to Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.

(5-0)

7. Item Page -2003 (Comm. 25E-25)

COUNTY EXECUTIVE

WHEREAS, Erie County/ Erie County Sewer District No. 6 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Disinfection System and Energy Performance Project and identified as CWSRF Project No. 6650-09, (Capital Project No. 430-914-840), herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

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

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

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

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

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

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

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

The COUNTY EXECUTIVE
 (Authorized Representative)

The ERIE COUNTY COMPTROLLER
 (Chief Fiscal Officer)

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

(5-0)

8.	Item	Page	-2003	AS AMENDED (Comm. 25E-26)
	COUNTY EXECUTIVE			

WHEREAS, Erie County/ Erie County Sewer District No.6 herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Holland Avenue Sanitary Sewer and identified as CWSRF Project No. 6650-10, (Capital Project No. 430-111-840), herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

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

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

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

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

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

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

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

The COUNTY EXECUTIVE
 (Authorized Representative)

The ERIE COUNTY COMPTROLLER
 (Chief Fiscal Officer)

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

5. This Resolution shall take effect immediately.
 (5-0)

9. Item Page -2003 **AS AMENDED**
 (Comm. 25E-27)
COUNTY EXECUTIVE

WHEREAS, Capital Project 430 507, ECSD No.5 Increase to Facilities No.2 will be closed out in 2003; and

WHEREAS, there is cash balance of \$455,382.40 as of December 31, 2003; and

WHEREAS, there is a debt service balance of \$283,890.84 remaining for this project; and

WHEREAS, the use of said cash will have no impact on the approved 2004 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that \$283,890.84 be transferred to the Debt Service Fund to satisfy the remaining outstanding debt; and be it further

RESOLVED, that the remaining cash balance of \$171,491.56 and any additional accrued interest be transferred into Erie County Sewer District No. 5's Operating Fund Balance; and be it further

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

(5-0)

10. Item Page -2003 (Comm. 25E-28)
COUNTY EXECUTIVE

WHEREAS, Capital Project 430 514, Armor McKinley, Boston Valley Interceptor (1977) will be closed out in 2003; and

WHEREAS, there is a cash balance of \$545,014.79 as of September 30, 2003; and

WHEREAS, there is a debt service balance of \$5,299,350.09 remaining for this project; and

WHEREAS, the use of said cash will have no impact on the approved 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, Capital Project 430 514 be closed and that \$545,014.79 and any additional accrued interest be transferred to the Debt Service Fund to satisfy the remaining outstanding debt; and be it further

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

(5-0)

11. Item Page -2003 (Comm. 25E-29)

COUNTY EXECUTIVE

WHEREAS, Capital Project 430 526, 1987 Increase and Improvements will be closed out in 2003; and

WHEREAS, there is a cash balance of \$50,523.54 as of September 30, 2003; and

WHEREAS, there is a debt service balance of \$383,208.00 remaining for this project; and

WHEREAS, the use of said cash will have no impact on the approved 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, Capital Project 430 526 be closed and that \$50,523.54 and any additional accrued interest be transferred to the Debt Service Fund to satisfy the remaining outstanding debt; and be it further

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

(5-0)

12. Item Page -2003 (Comm. 25E-30)

COUNTY EXECUTIVE

WHEREAS, Capital Project 430 534, Meadow Lakes Extension 1991, will be closed out in 2003; and

WHEREAS, there is a cash balance of \$44.00 as of September 30, 2003; and

WHEREAS, there is a debt service balance of \$1,977,879.98 remaining for this project; and

WHEREAS, the use of said cash will have no impact on the approved 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, Capital Project 430 534 be closed and that \$44.00 and any additional accrued interest be transferred to the Debt Service Fund to satisfy the remaining outstanding debt; and be it further

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

(5-0)

13. Item Page -2004 (Comm. 1D-8)

COUNTY EXECUTIVE

WHEREAS, The County Legislature of the County of Erie, New York, 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 modification of plans for the increase and improvement of the facilities for County Sewer District No.5 authorized by the County Legislature, which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated October 28, 2003, which has also been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No.5 in said County, consisting of the construction and installation of approximately 1,620 linear feet of 8" gravity sewer installed from the existing Sisters of St. Joseph's treatment plant's wet well to the Town of Clarence's proposed sanitary sewer on Hillcrest Drive; and the construction and installation of approximately 2,260 linear feet northerly on Hillcrest Drive to the Town of Clarence's trunk sewer on Greiner Road, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$200,000, to be assessed against a benefited area which consists of the Sisters of St. Joseph Extension of said Sewer District No.5, all in accordance with their respective proportionate shares of equalized assessed value in the District; and

WHEREAS, said County Legislature duly adopted Resolution 596 on the 13th day of November, 2003, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 2nd Floor, Part 6, New York, in said County, on the 11th day of December, 2003, at 1:30 o'clock P.M., Prevailing Time; and

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

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

NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County Sewer District No.5 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$200,000.

Section 2. The cost of the proposed modification expenditure is to be assessed against a benefited area which consists of the Sisters of St. Joseph Extension of said Sewer District No.5.

Section 3. This resolution shall take effect immediately.

(5-0)

14. Item Page -2004 (Comm. 1E-7)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature does hereby confirm the appointment of John J. Mills of 80 Highland Avenue, Orchard Park, NY 14127 to the Erie County Sewer District Board #3 for a term to expire December 31, 2005.

(5-0)

15. Item Page -2004 (Comm. 1E-19)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature does hereby confirm the appointment of Thomas M. Batt, P.E. of 2 Lakeside Crescent, Lancaster, NY 14086 to the Erie County Sewer District Board #4 for a term to expire December 31, 2005 as a replacement for Edward Pryce.

(5-0)

16. Item Page -2004 (Comm. 1E-36)

COUNTY EXECUTIVE

WHEREAS, in a resolution being Comm. No. 13E-47, dated July 10, 2003, your Honorable Body authorized entering into a contract with Siemens Building Technologies related to instituting Performance Contracting on the Sheriff's facilities and two health care facilities, and

WHEREAS, in a resolution, being Resolution 476-2003, dated July 10, 2003, authorized the sale of a bond in the amount of \$3,500,000 to pay for that work, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes a change order be made to C.J. Brown Energy, P.C. for up to \$75,000 for their work in implementing the construction phase of a Performance Contract on these buildings, and be it further,

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

(5-0)

17. Item Page -2004 (Comm. 4E-4)

COUNTY EXECUTIVE

WHEREAS, a capital project "in the amount of \$3,000,000 was established in communication 9E-66 (2003) for renovation and construction of parks facilities for the first phase of implementing the recommendations of the Erie County Parks System Master Plan, and

WHEREAS, funds were made available in the capital project for the development of an Erie County Forest Management Plan (the Plan), and

WHEREAS, the Plan adheres to the highest standards and guiding principles governing proper forest management practices, and issues recommendations based on sound biological, economic, recreational, educational, and public safety considerations, and

WHEREAS, the objectives of the Plan include creating educational opportunities, utilizing forestry resources for scientific experiments in ecology and forestry, putting forest products to good use in County and other public projects, reducing taxes through the sale of lumber products, providing for water resources protection, wildlife habitat enhancement, fire protection and encouraging/ enhancing recreational use, and

WHEREAS, preparation of the Plan included participation by a broad spectrum of community and governmental entities including: Earth Spirit Educational Services Inc., the Erie County Soil and Water Conservation District, the New York State Department of Environmental Conservation, SUNY at Buffalo's Environmental Science and Studies Program, the USDA Natural Resources Conservation Service and the Erie County Department of Parks, Recreation and Forestry, and

WHEREAS, the study recommends the selective harvesting of timber on a scheduled basis to produce moderate income over a long period of time, and

WHEREAS, the most effective and economical means of realizing the goals and objectives of the Plan requires the addition of full- time staff,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Erie County Forest Management Plan entitled, "Creating Sustainable Forests in Erie County for the 21st Century," and be it further

RESOLVED, that in order to implement the recommendations of the Plan relative to harvest potential, wildlife habitat, soil/watershed protection, and educational and recreational opportunity, it is necessary to create three full-time positions of Parks Maintenance Worker I, job group 3, which are hereby authorized in the 2004 Adopted Budget of the Bureau of Forestry, and be it further

RESOLVED, that the following budgetary transactions are hereby approved:

2004 Adopted Budget -Bureau of Forestry

Appropriations

<u>Account</u>	<u>Description</u>	<u>Amount</u>
800	Personal Services	\$75,000
805	Fringe Benefits	22,500
824	Travel & Mileage (Training)	1,000
	Total Appropriations	\$98,500

Revenue

<u>Account</u>		<u>Amount</u>
	Sale of Forest Products	\$98,500
	Total Revenue	\$98,500

And be it further

RESOLVED, that certified copies of this resolution should be forwarded to the Commissioner of Parks, Recreation and Forestry, the Director of Budget, Management and Finance, the Commissioner of Personnel and the County Comptroller.

(5-0)

18. Item Page -2004 (Comm. 4E-13)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers the federal Community Development Block Grant (CDBG) Program on behalf of thirty-four municipalities comprising the Erie County Community Development Consortium; and

WHEREAS, said Consortium receives approximately \$3,200,000 annually from the United States Department of Housing and Urban Development; and

WHEREAS, said funds must primarily benefit low and moderate income households within the Consortium; and

WHEREAS, the Consortium municipalities are desirous of having access to a professional planning firm having skill in household income survey techniques which can be utilized to determine the CDBG eligibility of certain proposed projects,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a second amendatory agreement to the July 3, 2000 contract, as amended March 20, 2002, with Stuart I. Brown Associates, Inc., increasing the authorized amount from \$30,000 to \$35,000 for the purpose of undertaking household income surveys within neighborhoods comprising the Erie County Community Development Block Grant Consortium; and be it further

RESOLVED, that certified copies of the resolution shall be forwarded to the Commissioner of the Department of Environment and Planning and the County Comptroller.

(5-0)

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19. Item Page -2004 (Comm. 4E-25)

COUNTY EXECUTIVE

WHEREAS, in a resolution being Comm. No. 4E-32, dated March 6, 2003, your Honorable Body authorized entering into a contract with Chevron Energy Services Company related to instituting Performance Contracting on the Rath Building, and

WHEREAS, in a resolution, being Resolution 488-2002, dated December 12, 2002, authorized the sale of a bond in the amount of \$1,840,000 to pay for that work, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes a change order be made to C.J. Brown Energy, P.C. for up to \$45,000 for their work in implementing the Construction Phase of a Performance Contract on the Rath Building, and be it further

RESOLVED, that funding for this project be taken from Project 379, Fund 410, and be it further

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

(5-0)

20. Item Page -2004 (Comm. 4E-44)

COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency -Great Lakes National Program Office (U.S. EPA - GLNPO) provides grant assistance to implement pollution prevention projects; and

WHEREAS, in February of 2003, the Erie County Department of Environment and Planning (DEP) developed and submitted a proposal for funding from U.S. EPA - GLNPO to implement a Dental Waste Management Program; and

WHEREAS, on September 25, 2003, the U.S. EPA - GLNPO granted approval of the application allocating funding of \$30,000 over an eighteen-month period for a Dental Waste Management Program to be implemented in Erie County; and

WHEREAS, the required County match will be met through indirect expenses and in-kind staff time contributions.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the U.S. EPA - GLNPO to accept and implement the Dental Waste Management Program in an amount not to exceed \$30,000 in grant resources; and be it further

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RESOLVED, that the revenue from the Dental Waste Management Program is hereby appropriated in the grant as follows:

REVENUE:

641	Federal Aid -United States Environmental Protection Agency - Great Lakes National Program Office	\$30,000
TOTAL REVENUE		\$ 30,000

APPROPRIATIONS:

800	Personnel Services	\$ 15,000
805	Fringe Benefits	4,000
810	Office Supplies	200
824	Local Travel and Mileage	200
825	Out-of-Area Travel	600
826	Other Expenses	2,500
830	Contractual Services	<u>7,500</u>
TOTAL APPROPRIATIONS		\$ 30,000

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.

(5-0)

21. Item Page -2004 (Comm. 4E-57)

COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning has determined that the existing sewer on Route 5 in Erie County Sewer District No.2 is on the verge of collapsing and requires immediate emergency repairs and failure to complete the remediation work on the sanitary sewer would be subjecting the County to potential sanitary sewer overflows, environmental fines and higher costs.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No.1 to Contract No. 58EV/H with Sicar Inc., dated July 1, 2003, be approved subject to approval by the Department of Environment and Planning in an amount not to exceed \$179,130.90; and be it further

RESOVLED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process Change Order No.1, subject to certification of availability of funds from the project fund balance by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate \$179,130.90 from Sewer Capital, ECSD No.2, Fund No. 430, Project No. 340 for payment of this change order; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, one (1) certified copy to the Erie County Comptroller's Office and one (1) certified copy to Gregory Dudek, Assistant County Attorney.

(5-0)

22. Item Page -2004 (Comm. 4E-71)

COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning has requested that the position of Sewer Inspector PT, Job Group 9 be created in the Division of Sewerage Management to assist with the recent Sewer District Expansions; and

WHEREAS, there are adequate funds in Unexpended Salaries to fund the new position.

NOW, THEREFORE, BE IT

RESOLVED, that the creation of the position Sewer Inspector PT, Job Group 9, at a salary of \$22,291.00 in the Division of Sewerage Management be approved; and be it further

RESOLVED, the newly created position will be funded through the Sewer Fund Unexpended Salaries; and be it further

RESOLVED, that certified copies of the approved resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department; Joseph Passafiume of the Erie County Budget Office and Nancy Naples, Erie County Comptroller.

(5-0)

RAYMOND DUSZA
CHAIRMAN

MS. MARINELLI moved to separate items #2, #14 & #15 and moved the approval of the balance of the report. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to receive and file item #2. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend item #14. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- DELETE in entirety and REPLACE with:

RESOLVED, the Erie County Legislature does hereby confirm the appointment of John J. Mills of 80 Highland Avenue, Orchard Park, NY 14127 to the Erie County Sewer District Board #3 for a term to expire December 31, 2005.

(5-0)

MS. MARINELLI moved to approve as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend item #15. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- DELETE in entirety and REPLACE with:

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Thomas M. Batt, P.E. of 2 Lakeside Crescent, Lancaster, NY 14086 to the Erie County Sewer District Board #4 for a term to expire December 31, 2005 as a replacement for Edward Pryce.

(5-0)

MS. MARINELLI moved the approval of the item as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

February 12, 2004

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 1

ALL MEMBERS PRESENT.

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

- | | | | | |
|----|--|------|-------|---------------|
| | Item | Page | -2003 | (Comm. 11E-5) |
| a. | CHASE: Copy of Letter to NYSDOT Re: Proposals for Modifications to NYS Route 20 in Hamburg. | | | |
| | | | | (5-0) |

b. Item Page -2003 (Intro. 24-6)
HOLT, MARINELLI, SMITH, DEBENEDETTI, DUSZA, FISHER & DALE: Federal Anti-Terrorism & Homeland Security Funding for the Buffalo-Niagara Border Region. (5-0)

c. Item Page -2004 (Comm. 4M-1)
EIGHTH JUDICIAL DISTRICT ADMINISTRATIVE JUDGE SHARON TOWNSEND: Magnetometer / Security Policy for All Court Buildings in Erie County. (5-0)

2. Item Page -2003 (Comm. 17E-21)
COUNTY EXECUTIVE

WHEREAS, funds have been received from the Federal Emergency Management Agency (FEMA) through the New York State Emergency Management Office (SEMO), and

WHEREAS, the funds received for the claims submitted by the Department of Emergency Services on behalf of various County, City Departments and Volunteer Fire Departments will be reimbursed to them for their services rendered to New York City in the aftermath of the events of September 11, 2001, and

WHEREAS, the funds received will be utilized to reimburse the County, City and Volunteer Fire Departments and to purchase needed equipment and services, and

WHEREAS, the funds will also be utilized to hire an existing intern at a higher rate to research new resources and enter them into the Department of Emergency Services software.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Emergency Services, is hereby authorized to utilize these funds to reimburse Erie County, City Departments and Volunteer Fire Departments in funding from FEMA through SEMO, and be it further

RESOLVED, that the Department of Emergency Services will be allowed to hire an intern, part-time, JG 1, Step V to research and enter resources needed to respond to emergency situations, and be it further

RESOLVED, that there are no changes to the following transactions and are authorized for the reimbursement of Erie County, City, and Volunteer Fire Departments for time and services rendered in the aftermath of the events of September 11, 2001:

Department of Emergency Services Reimbursement of Claims		Current <u>Budget</u>
<u>Revenue</u>		
SFG 684 Federal Revenue -Other		\$60,355
TOTAL		\$60,355

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Appropriations

SFG 800-000 Personnel Services	\$ 6,000
SFG 825 Long Distance Travel	\$ 2,000
SFG 826 Other Expenses	\$ 2,000
SFG 933 Lab & Tech. Equip.	\$ 5,250
SFG 830 Contractual-Volunteer Fire Companies and City of Buffalo Fire & Emergency Services	<u>\$45,105</u>
TOTAL	\$60,355

and be it further

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

(5-0)

3. Item Page -2003 (Comm. 25E-21)

COUNTY EXECUTIVE

WHEREAS, the District Attorney through the Be Safe Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2002, and

WHEREAS, all grant accounts need to be closed out on the Erie County's general ledger,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Be Safe Grant to reflect actual expenses incurred and to properly close out the grant as of September 30, 2003, to be adjusted as follows:

BE SAFE GRANT -Project 612
October 1, 2002 -September 31, 2003

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 684 0120 Federal Aid	<u>\$ 279,775</u>	<u>\$ -0-</u>	<u>\$279,775</u>
Total Revenue	<u>\$ 279,775</u>	<u>\$ -0-</u>	<u>\$279,775</u>

<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 800 Personal Services	\$159,626	-0-	159,626
Acct. 803 M/C Adjustment	(6,723)	-0-	(6,723)
Acct. 805 Fringe Benefits	28,733	2,460	31,193
Acct. 825 Out of Area Travel	13,220	-0-	13,220
Acct. 826 Other Expenses	6,000	-0-	6,000

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Acct. 830 Contractual Services:			
830 0220 Hispanics United	23,895	-0-	23,895
830 0735 Haven House	45,025	(2,460)	42,565
830 1609 UB Law School	<u>9,999</u>	-0-	<u>9,999</u>
Total Appropriations	<u>\$ 279,775</u>	<u>\$-0-</u>	<u>\$279,775</u>

and be it further,

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

4. Item Page -2004 (Comm. 1E-40)

COUNTY EXECUTIVE

WHEREAS, funds have been received from the New York State Emergency Management Office through the Federal Government to conduct a Hazard Analysis for each of the 44 communities of Erie County, and

WHEREAS, these funds will be used to assist in conducting the All-Hazard Risk Analysis and to prepare a County-Wide All Hazard Mitigation Plan, and

WHEREAS, this plan must be completed by November 2004 in order to comply with the federal mandate, in order to be eligible for FEMA funding after a federal disaster declaration, and

WHEREAS, two student interns have been hired to help with the development of this All-Hazard Mitigation Plan which includes fringe benefits that are covered under the grant funding, and

WHEREAS, the completed All-Hazard Mitigation Plan, once Federal Emergency Management Agency (FEMA) approved, will be enhanced and copied by Ecology and Environment at New York State Government approved labor rates not to exceed the total of \$15,000.

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to amend the All-Hazard Mitigation Grant to cover the fringe benefit costs of the two student interns, and be it further

RESOLVED, that Ecology and Environment, Inc. will enhance and duplicate 50 copies for all municipalities of Erie County through this grant from the New York State Emergency Management Office from the federal government to assist in completion of the All-Hazard Risk Analysis, and be it further

RESOLVED, that funds be utilized to complete the All-Hazard Mitigation Plan to meet the Federal Mandate of November 2004, and be it further

RESOLVED, that the following budgetary accounts be adjusted in order to complete the above tasks:

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Revenue	Department of Emergency Services All-Hazard Mitigation Planning Grant		
	Present Legislation	Proposed New Revision	Grant
SFG684 -Federal Aid -Other	<u>\$40,000</u>	\$ 0	<u>\$40,000</u>
TOTAL	\$40,000	\$ 0	\$40,000
Appropriations			
SFG800 -Personnel Costs	\$16,700	\$ - 4000	\$12,700
SFG805 -Fringe Benefits	0	+ 4000	4,000
SFG825 -Long Distance Travel	500	0	500
SFG826 -Other Expenditures	3,000	0	3,000
SFG830-Contractual	15,000	0	15,000
SFG933 -Lab and Technical Equipment	<u>4,800</u>	<u>0</u>	<u>4,800</u>
TOTAL	\$40,000	\$ 0	\$40,000

and be it further

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

(5-0)

5. Item Page -2004 (Comm. 1E-41)

COUNTY EXECUTIVE

WHEREAS, funds have been received from the New York State Emergency Management Office through the federal government to update the Comprehensive Emergency Management Plan, its annexes and addendum, and

WHEREAS, two student interns have been working under this grant program and fringe benefit costs have been charged for these two individuals, and

WHEREAS, these fringe benefit costs are eligible for funding under this grant program, and

WHEREAS, these funds will also be utilized to purchase emergency management software for the proper handling of emergency incidents by all municipalities of Erie County, and

WHEREAS, these funds will also be used to train Emergency Services personnel in the new incident management software,

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized modify the grant program to cover fringe benefit costs for the present two student interns who are working to accomplish the goals and objectives of this program, and be it further

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RESOLVED, that funds be allocated for training of the new incident management software by Buffalo Computer Graphics, and the existing contract with Buffalo Computer Graphics is hereby increased by an amount not to exceed \$11,000, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to revise the present grant which will assist the Department of Emergency Services:

Department of Emergency Services
 Erie County Comprehensive Emergency Planning Grant

Revenue	Current Budget	Proposed Revision	New Totals
SFG684 -Federal Aid -Other	<u>\$206,209</u>	<u>0</u>	<u>\$206,209</u>
TOTAL	\$206,209	0	\$206,209
Appropriations			
SFG800-000 -Personnel			
(Interns) Fees	\$ 13,000	\$-3000	\$ 10,000
SFG805 -Fringe Benefits	0	+3000	3,000
SFG810 -Office Supplies	1,000	-587	413
SFG821 -Dues and Fees	36,000	-7106	28,894
SFG825 -Long Distance Travel	3,000	-2738	262
SFG826 -Other Expenditures	2,209	-473	1,736
SFG830 -Contractual	145,000	+11,000	156,000
SFG933 -Lab and Tech Equip	<u>6,000</u>	<u>-96</u>	<u>5,904</u>
TOTAL	\$206,209	\$ 0	\$206,209

and be it further

RESERVED, that Ecology and Environment, Inc. will be retained to study the feasibility for an outdoor training facility and develop training programs for Weapons of Mass Destruction (WMD) incidents, and be it further

RESOLVED, that the necessary emergency management software be paid for and distributed to all municipalities of Erie County and training will be conducted for Emergency Services personnel, and be it further

RESOLVED, that the necessary fringe benefits will be covered for the two student interns that are currently working under this grant, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance; the Office of the Comptroller; Lawrence K. Rubin, Commissioner of Department of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; and the Department of Emergency Services.

(5-0)

6. Item Page -2004 (Comm. 1E-42)

COUNTY EXECUTIVE

WHEREAS, funds have been received from the United States Environmental Protection Agency to enhance the Erie County's Local Emergency Planning Committee (LEPC) activities, and

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WHEREAS, these funds will be used to enhance the Erie County Local Emergency Planning Committee's activities, and

WHEREAS, a portion of the funds needs to be transferred from other lines of the grant budget to the fringe benefit line, and

WHEREAS, the funds on the fringe benefit line will allow the Department of Emergency Services to cover the fringe benefits of the present part-time intern to complete the activities of the Erie County Local Emergency Planning Committee (LEPC),

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to revise the grant from the United States Environmental Protection Agency, to allow the Department of Emergency Services to cover the fringe benefits of a part-time intern to allow this person to continue to update the Erie County Local Emergency Planning Committee's activities, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to revise the grant which will assist the Department of Emergency Services for the Erie County Local Emergency Planning Committee:

Department of Emergency Services
 United States Environmental Protection Agency Grant

Revenue	Current Budget	Proposed Revision	New Total
SFG684 -Federal Aid -Other	<u>\$59,400</u>	<u>\$0</u>	<u>\$59,400</u>
TOTAL	<u>\$59,400</u>	<u>\$0</u>	<u>\$59,400</u>
 Appropriations			
SFG800 -Personnel Costs	\$10,000		\$ 10,000
SFG805- Fringe Benefits	0	\$+4,000	4,000
SFG82 I -Dues and Fees	10,000	-4,000	6,000
SFG825 -Long Distance Travel	2,000		2,000
SFG826 -Other Expenditures	5,000		5,000
SFG830 -Contractual	15,000		15,000
SFG933 -Lab and Tech Equip	<u>17,400</u>		<u>17,400</u>
 TOTAL	 \$59,400	 \$0	 \$59,400

and be it further

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

(5-0)

7. Item Page -2004 (Comm. 1E-43)
COUNTY EXECUTIVE

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WHEREAS, Trico Products, Inc. no longer has a need for 5,100 sand bags in its operations,
 and

WHEREAS, the Erie County Department of Emergency Services always has a need for sand bags in times of flooding throughout Erie County, and

WHEREAS, the Erie County Department of Emergency Services would like to accept this donation of 5,100 sand bags and work with the Erie County Department of Public Works-Division of Highways to strategically locate these bags throughout Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Emergency Services be authorized by the Erie County Legislature to accept this donation of 5,100 sand bags from Trico Products, Inc., and be it further

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

8. Item Page -2004 (Comm. 1E-44)

COUNTY EXECUTIVE

WHEREAS, Erie County has the need for personal services to assist the Erie County Department of Central Police Services in overseeing a Public Safety Campus consolidated 911 communications center and radio system and as Mr. Oshier is the FCC chairperson for radio 700 and 800 MHZ coordination in Erie County, in addition to updating and building of the countywide wireless 911 database and implementation of Phases I & II of 911 wireless location technology as mandated by the FCC.

NOW, THEREFORE, BE IT

RESOLVED, that in order to oversee this design and represent the County and local E-911 public safety answering points (PSAP'S) interests, the County Executive is hereby authorized to enter into contract with Louis J. Oshier, and be it further

RESOLVED, that the Erie County Legislature hereby finds that it is impractical to follow RFP procedures and hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code, since this special service must be provided immediately, and be it further

RESOLVED, that funding for this contract is hereby authorized in the 2004 E-911 Fund, Dues and Fees (DAC 230 965650821) in an amount not to exceed \$10,000, and be it further

RESOLVED, that the Public Safety Committee and the Erie County Legislature hereby requests that Louis J. Oshier make himself available to keep the Public Safety Committee and the County Legislature regularly advised regarding the design of a public safety communications system and coordination of E-911 wireless activities, and be it further

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

9. Item Page -2004 (Comm. 4E-18)
COUNTY EXECUTIVE

WHEREAS, funds have been received from the Department of Housing and Urban Development through the federal government to recover and reimburse for damages incurred from the Flood Disaster of 1998, and

WHEREAS, administrative costs recovered through this grant will allow for the hiring of one part- time student intern, and

WHEREAS, a part-time student intern has been working under another grant program which was completed on 12/31/03, and

WHEREAS, fringe benefit costs are also eligible for funding under this grant program, and

WHEREAS, these funds will also be utilized to complete the remainder of the goals and objectives of this grant program.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to modify the grant program to cover personnel and fringe benefit costs to retain a part- time student intern who was working under another grant program which concluded on 12/31/03, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to revise the present grant which will assist the Department of Emergency Services:

Department of Emergency Services
Disaster Recovery Initiative Grant

Revenue	Current Budget	Proposed Revision	New Totals
SFG684 -Federal Aid -Other	<u>\$1,124,550</u>	<u>0</u>	\$1,124,550
TOTAL	\$1,124,550	0	\$1,124,550
Appropriations			
SFG800-000 -Personnel			
(Interns) Fees	\$ 0	\$+4,200	\$ 4,200
SFG805-FringeBenefits	0	+1,175	1,175
SFG810 -Office Supplies	2,000		2,000
SFG821-Dues and Fees	36,964	-5,375	31,589
SFG823 -Repairs and Maintenance	1,000		1,000
SFG826 -Other Expenditures	100,000		100,000
SFG830 -Contractual	934,586		934,586

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SFG933 -Lab and Tech Equip	<u>50,000</u>		<u>50,000</u>
TOTAL	\$1,124,550	\$ 0	\$1,124,550

and be it further

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

(5-0)

10. Item Page -2004 (Comm. 4E-49)

COUNTY EXECUTIVE

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

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

WHEREAS, it is desirable to purchase two new investigative automobiles to be used for surveillance and investigative purposes,

NOW, THEREFORE, BE IT

RESOLVED, that \$30,000.00 in available balances in the Erie County District Attorney's Assets Forfeiture Trust Fund is hereby transferred to the District Attorney's Assets Forfeiture Grant, SFG Project 333, and be it further

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

DISTRICT ATTORNEY ASSET FORFEITURE GRANT
 PROJECT 333 FUND 280

<u>Revenue</u>	<u>Increase</u>
Acct. 502 District Attorney Asset Forfeitures	<u>\$ 30,000</u>
Total Revenue	<u>\$ 30,000</u>

<u>Appropriation</u>	<u>Increase</u>
Acct. 930 Automotive Equipment	<u>\$ 30,000</u>
Total Appropriations	<u>\$ 30,000</u>

and be it further

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

11. Item Page -2004 (Comm. 4E-70)

COUNTY EXECUTIVE

WHEREAS, Erie County has been awarded a grant from the New York State Governor's Traffic Safety Committee(GTSC) for Drunken Driving enforcement, and

WHEREAS, Erie County has been awarded funds for operation of sobriety checkpoints called Police Lifesaver Patrols, and

WHEREAS, the County budget must be amended to include the approved State grant award, and

WHEREAS, the City of Tonawanda has agreed to administer payments to the various police agencies that participate in the Lifesaver Patrol Operations,

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that a Police Lifesaver Patrol grant be established for the period October 1, 2003 through September 30, 2004:

POLICE LIFESAVER PATROL

Project #
 10/1/03 -9/30/04

APPROPRIATIONS

ACCT 830 CONTRACTUAL SERVICES

CITY OF TONAWANDA, PLP \$33,340

ACCT 880 INTERFUND EXPENSE

COUNTY EXEC -STOP-DWI GRANT 1,660

TOTAL \$35,000

REVENUES

ACCT 592 STATE AID DEPT OF
 TRANSPORTATION

\$35,000

TOTAL \$35,000

and be it further

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RESOLVED, that the County Executive is hereby authorized to enter into contract with GTSC for the purpose of receiving the grant, and be it further

RESOLVED, that the County Executive enter into contract with the City of Tonawanda to administer payments to participating police agencies, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, County Executive Office, and the Erie County STOP-DWI Office.

(5-0)

EDWARD J. KUWIK
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

February 12, 2004

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT.

1. Item Page -2004 (Comm. 4E-29)

COUNTY EXECUTIVE

WHEREAS, Erie Community College has identified a need for a capital project involving a heating system at North Campus which was not included as part of the original capital project budget approved by Erie County, and

WHEREAS, the heating system project will allow the College to provide uninterrupted heat for a primary teaching building at North Campus, and

WHEREAS, there currently exists a balance of approximately \$291,000 in ECC's capital chargeback account, and

WHEREAS, all costs incurred up to \$125,000 for this project will be paid out of the capital chargeback account without utilizing operating funds, and

WHEREAS, on November 19, 2003 the ECC Board of Trustees approved the capital project to be submitted for sponsor approval.

NOW, THEREFORE, BE IT

RESOLVED, that ECC is approved to initiate a capital project involving a new heating system at North Campus Kittinger Hall at a cost estimated not to exceed \$125,000 to be funded by the Erie Community College Capital Chargeback Fund, and be it further

RESOLVED, such project will be submitted to New York State for 50% state aid reimbursement, with such reimbursement being placed back into the capital chargeback account, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie Community College, Erie County Department of Public Works and Budget Office, County Comptroller, County Attorney and SUNY.

(5-0)

TIMOTHY M. WROBLEWSKI
CHAIRMAN

MR. WROBLEWSKI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

February 12, 2004

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 1

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

1. RESOLVED, that the following item is hereby received, filed and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item Page -2003 (Intro. 9-6)
 a. **HOLT, SCHROEDER & KUWIK:** EC Support for Buffalo-Niagara Renewal Community.
 (5-0)

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2. RESOLVED, that the following items are hereby received, filed and referred to the FINANCE & MANAGEMENT COMMITTEE.

a. Item Page -2003 (Comm. 24E-14)
COUNTY EXECUTIVE: Staffing Reductions – Re-Engineering County Services.
 (5-0)

b. Item Page -2004 (Comm. 4E-55)
COUNTY EXECUTIVE: OPEN ITEM: ERP Project & Re-engineering Proposal.
 (5-0)

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

a. Item Page -2003 (Intro. 8-8)
DALE: Authorizing Publication of Legislative Newsletter.
 (5-0)

b. Item Page -2003 (Comm. 10E-49)
DALE: Copy of Letter to Director of Fleet Operations.
 (5-0)

c. Item Page -2003 (Comm. 12E-1)
DALE: Copy of Letter to Chairman Swanick Re: 6/5/03 Session.
 (5-0)

d. Item Page -2003 (Comm. 15D-20)
DIRECTOR OF FLEET SERVICES: Copy of Letter to Legislator Dale Re: Questions from Government Affairs Committee Meeting.
 (5-0)

e. Item Page -2003 (Comm. 18M-11)
CINDY MANARINA: Letter to Legislator Marinelli Re: Buffalo News Article.
 (5-0)

f. Item Page -2003 (Comm. 20D-9)
DIRECTOR OF FLEET SERVICES: Copy of Letter to Legislator Dale Re: Questions Raised in Government Affairs Committee.
 (5-0)

g. Item Page -2003 (Comm. 24D-7)
BUDGET DIRECTOR: Employee Layoffs.
 (5-0)

h. Item Page -2003 (Intro. 25-6)
LARSON: Requesting NYS Legislature Adopt & Pass Legislation Prohibiting Elected Public Officials from Specific Courses of Conduct.
 (5-0)

- | | | | | |
|----|---------------------------------|---|----------------|---------------|
| i. | Item
COUNTY ATTORNEY: | Page
Transmittal of New Claims Against Erie County. | -2004
(5-0) | (Comm. 1D-15) |
| j. | Item
TOWN OF COLDEN: | Page
Certified Resolution Re: Opposition to Presidential Commission that Would Reduce Services of US Postal Service. | -2004
(5-0) | (Comm. 1M-3) |
| k. | Item
COUNTY ATTORNEY: | Page
Notice of Claims. | -2004
(5-0) | (Comm. 2D-1) |
| l. | Item
COUNTY ATTORNEY: | Page
Notices of Claim. | -2004
(5-0) | (Comm. 4D-2) |
| m. | Item
COUNTY ATTORNEY: | Page
Notices of Claim. | -2004
(5-0) | (Comm. 4D-12) |
| 4. | Item
COUNTY EXECUTIVE | Page | -2004 | (Comm. 4E-52) |

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

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that effective January 1, 2004 funds appropriated for the Competitive and Non-Competitive Class positions listed below, may be used to pay a trainee or underfill a lesser amount until such employee becomes qualified to fill such positions:

Charge Nurse
 Child Protective Worker

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Computer Operator
Computer Programmer
Interne Personnel Specialist
Probation Officer
Probation Officer (Spanish Speaking)
Investigating Public Health Sanitarian
Senior LPN
Sewage Treatment Plant Operator
Speech Pathologist

and be it further

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

(5-0)

5. Item Page -2004 **AS AMENDED**
(Comm. 4E-53)
COUNTY EXECUTIVE

WHEREAS, the 2004 Erie County Budget stipulates that all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the County Executive, and

WHEREAS, the authorization of variable minimums is crucial to the delivery of medical and other essential public services,

NOW, THEREFORE, BE IT

RESOLVED, that variable minimums are hereby approved for the following titles commencing January 1, 2004, as follows:

<u>DEPARTMENT</u>	<u>TITLE</u>	<u>JG/STEP</u>
Health	Administrative Consultant-County Exec.	9-3
Social Services	Assistant Director of Contract Compliance	14-3
Health	Associate Chief Medical Examiner	19-5
County Clerk	Deputy County Clerk-Legal	13-5
ECMC	Anesthetist	15-4
Environment & Planning	Assistant Chief Treatment Plant Supervisor	13-3
Law	Assistant County Attorney (RPT)	18-4
Law	Assistant County Attorney	16-2
Environment & Planning	Assistant Deputy Commissioner	16-3
Environment & Planning	Assistant Sanitary Engineer	12-3
Legislature	Clerk Typist-Legislature	1-5
Legislature	First Administrative Assistant	13-3
ECMC	Clinical Perfusionist	15-5

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Environment & Planning	Coordinator, Industrial Assistance Program	14-3
Social Services	Counsel-Social Services	14-3
DISS	Deputy Director of Fleet Services	15-2
Health	Dentist	14-3
Health (only)	Dental Assistant	3-3
Health (only)	Dental Hygienist	5-3
Health	Erie County Coordinator-Public Health Preparedness Grant	10-3
ECMC, Home	Licensed Practical Nurse	4-3
ECMC, Home	Licensed Practical Nurse (2nd & 3rd shift)	4-4
Health	Main Frame Manager	16-3
Health	Medical Director (Reproductive Health) (RPT)	18-5
Health	Medical Examiner	15-5
ECMC, Home	Medical Record Administrator	8-3

2004 VARIABLE MINIMUMS

<u>DEPARTMENT</u>	<u>TITLE</u>	<u>JG/STEP</u>
ECMC	Medical Record Technician	6-3
Health, ECMC	Medical Specialist	17-5
ECMC	Nuclear Medicine Technologist	10-5
Sheriff (Holding Center)	Nursing Supervisor -Holding Center	12-3
Health	Occupational Health Coordinator	10-7
ECMC, Home	Occupational Therapist	10-5
Law	Paralegal (Law)	5-5
ECMC, Home	Pharmacist-ECMC	15-5
ECMC, Home	Physical Therapist	10-5
ECMC	Radiologic Technologist	8-5
Probation	Registered Nurse	8-3
Sheriff (Holding Center)	Registered Nurse (Holding Center)	8-3
ECMC	Respiratory Care Practitioner	6-3
Public Works-Hwy.	Senior Civil Engineer	14-4
Legislature	Secretarial Assistant (Leg)	5-5
Legislature	Senior Legislative Secretary	6-5
Legislature	Adm Liason Asst	12-2
ECMC, Home	Senior Licensed Practical Nurse (1st Shift)	5-3
ECMC, Home	Senior Licensed Practical Nurse (2nd & & 3rd shifts only)	5-4
Health	Senior Nurse Practitioner	11-3
ECMC, Home	Senior Pharmacist-ECMC	16-4
Public Works	Senior Project Manager-Federal Aid	14-3
ECMC	Senior Respiratory Care Practitioner	7-3
Legislature	Senior Secretarial Assistant (Leg) Dist. Ofc.	6-5
ECMC	Senior Nuclear Medicine Technologist	11-5

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Health	SMART Volunteer Corps Coordinator	8-3
ECMC	Special Procedures Technologist	9-4
ECMC, Home	Supervising Physical Therapist	12-5
Social Services	Technical Support Systems Director	15-3
Social Services	Utilization Review Nurse	8-3
Environment & planning	Sanitary Engineer	14-3

and be it further

RESOLVED, that once a variable minimum is approved for a particular position or job title, said variable minimum shall be in effect for all employees placed in said position during the year. It is also intended that where a variable minimum is granted for a full time position, the authorization is extended to any regular part-time or part-time position in any department, and be it further

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

(5-0)

LYNN M. MARINELLI
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

February 12, 2004

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 1

ALL MEMBERS PRESENT.

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

- a. Item Page -2003 (Comm. 15M-25)
NYSDOH: Public Comment Draft of Health Consultation – Off-Site Residential Properties
 Former NL Industries Site.
 (5-0)

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- | | | | | |
|----|--|--|-------|---------------|
| | Item | Page | -2003 | (Comm. 25E-4) |
| b. | DUSZA & WEINSTEIN: | Copy of Letter to NYS Commissioner of Health Re: Residential Properties near Former NL Industries Site in Depew.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 1D-9) |
| c. | COUNTY ATTORNEY: | Copy of Letter to Legislator Weinstein Re: Department of Social Services.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 1M-10) |
| d. | NYSDOH: | Copy of Final Version of Health Consultation for Offsite Residential Properties Across from Former NL Industries Site in Erie County.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 4D-10) |
| e. | HEALTH: | Notice of Board of Health Meeting to be held 2/19/04 & Minutes of Meeting Held 11/20/03.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 4D-13) |
| f. | HEALTH: | NYS Clean Indoor Air Act – EC Waiver Criteria & Application Form.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 4E-45) |
| g. | COUNTY EXECUTIVE: | Copy of Letter from Neal Fatin, III Resigning as a Board Member of ECMCC.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 4M-13) |
| h. | EC MENTAL HYGIENE COMMUNITY SERVICES BOARD: | Notice of Meeting to be Held 2/12/04 & Minutes of Meeting Held 1/15/04.
(5-0) | | |

- | | | | | |
|----|-------------------------|------|-------|-------------------|
| | | | | AS AMENDED |
| 2. | Item | Page | -2003 | (Comm. 22E-8) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, the Erie County Medical Examiner Division has become a regional entity in providing autopsies to county coroners and other agencies throughout the Western New York region, and

WHEREAS, Chautauqua County wishes to enter into an agreement for performance of autopsies by the Erie County Medical Examiner's Office on a lump-sum basis of \$55,000 per year for up to 55 autopsies per year.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature authorizes entering into an agreement with Chautauqua County whereby Erie County will receive \$55,000 for up to 55 autopsies per year, and be it further

RESOLVED, that for each autopsy performed beyond the 55 cases per year Chautauqua County will pay Erie County fees set forth in Schedule A (a copy of which is attached) for services provided on a case-by-case basis, and be it further

RESOLVED, that the term of this agreement shall be August 1, 2003 through July 31, 2004 with up to two one-year extensions at a sum as mutually agreed to by both parties, and be it further

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

(5-0)

3. Item Page -2004 (Comm. 1E-29)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates the WIC Program under a grant from the New York State Health Department, and

WHEREAS, the purpose of this program is to provide nutrition related services to pregnant women, infants and children, and

WHEREAS, budgetary adjustments are necessary in order to balance the budget, due to the mandatory contribution rate increase to the New York State Retirement Fund and increased employee health insurance costs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the New York State Department of Health for a revised grant which is budgeted as follows:

SUPPLEMENTAL FOOD (WIC) PROGRAM

10/1/03- 9/30/04

PROJECT #867

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
440	Local Source	\$ 4,000	\$ -4,000	\$ 0
549	Misc. Dept Inc	800	0	800
575	State Aid	<u>2,723,811</u>	<u>-106,172</u>	<u>2,617,639</u>
	TOTAL	<u>\$ 2,728,611</u>	<u>\$ 110,172</u>	<u>\$ 2,618,439</u>

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EXPENSES				
800	Personal Services	\$ 1,970,993	\$-154,054	\$ 1,816,939
801	Overtime	0	0	0
805	Fringe Benefits	531,774	118,083	649,857
810	Office Supplies	5,100	-1,670	3,430
814	Medical Supplies	500	5,730	6,230
816	Maintenance Supplies	500	0	500
821	Dues & Fees	1,500	-750	750
822	Rental Charges	46,028	-32,759	13,269
823	Repairs & Maintenance	3,000	-2,200	800
824	Travel & Mileage	12,240	-4,240	8,000
825	Travel - Conf	10,965	-6,986	3,979
826	Other Expenses	6,000	0	6,000
880-1200	I/F-Comptroller.	17,022	0	17,022
880-2700	I/F - ECHD	61,055	0	61,055
880-5100	I/F - DISS	50,000	-19,742	30,258
931	Maintenance Equipment	500	-500	0
932	Furniture, Equipment	3,549	-3,549	0
933	Technical Equipment	<u>7,885</u>	<u>-7,535</u>	<u>350</u>
	TOTAL	<u>\$ 2,728,611</u>	<u>\$-110,172</u>	<u>\$ 2,618,439</u>

and be it further

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

(5-0)

4. Item Page -2004 (Comm. 1E-31)

COUNTY EXECUTIVE

WHEREAS, the Public Health Division of the Erie County Health Department provides management of numerous information systems throughout the Department, and

WHEREAS, the Health Department currently contracts with the UNISYS Corporation to provide various consultant services related to these information systems, and

WHEREAS, in order to efficiently meet the needs of the Department and reduce costs, it is necessary to create one full time position of Mainframe Manager, JGXVI, Step 3, and

WHEREAS, in order to recruit a highly qualified individual, it is necessary to authorize a variable minimum Step 3, and

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WHEREAS, funds are available in the 2004 adopted budget through transfer from account 830-0776 UNISYS.

NOW, THEREFORE BE IT

RESOLVED, that one position of Mainframe Manager, JG XVI, Step 3 is hereby created, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes a variable minimum Step 3, for the position of Mainframe Manager, JG XVI.

The following personnel detail is hereby submitted:

TITLE: Mainframe Manager

JG: XVI

STEP: 3

ANNUAL SALARY: \$77,432

ANNUAL BENEFITS: \$28,487

CIVIL SERVICE: Pending Classification

CIVIL SERVICE LIST: NO

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of the Department of Health:

Decrease Account 830-0776 UNISYS	\$97,092
Increase Account 800 Personal Services	\$70,979
Increase Account 805 Fringe Benefits	\$26,113

and be it further

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

(4-1) Legislator Schroeder voted in the negative.

5. Item Page -2004 (Comm. 1E-33)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services seeks authorization to enter into an agreement with Citicorp Payment Services to enable the acceptance of credit cards from clients for payment of debts due the County, and

WHEREAS, these payments are related to public assistance overgrants, fraud or other reasons, and

WHEREAS, the Department issued a Request for Proposals (RFP) for the provision of credit card processing services, and

WHEREAS, the sole respondent to the RFP was Citicorp Payment Services, and

WHEREAS, there is no fiscal impact to the 2004 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are authorized to enter into a contract with Citicorp Payment Services, Inc for the provision of credit card processing services, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
 (5-0)

6. Item Page -2004 (Comm. 1E-34)

COUNTY EXECUTIVE

WHEREAS, the Reach Out Program of the Erie County Health Department is designed to comprehensively train adolescent peer educators regarding HIV / AIDS in order to help adolescents in Erie County protect themselves from contracting HIV and/or spreading the virus, and

WHEREAS, the American Red Cross, Buffalo Chapter, utilizes an approved HIV / AIDS curriculum to train peer educators, and

WHEREAS, funds are available in Account 821, Dues and Fees, in the Health Department's 2004 adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract effective January 1,2004 through December 31,2004, with the American Red Cross, Buffalo Chapter, in an amount not to exceed \$35,000, to provide peer educators and peer education leaders, and be it further

RESOLVED, that rates paid under this contract shall be as follows:

Peer Educator	\$6.60 per hour
Peer Navigator	\$8.80 per hour
Senior Peer Leader	\$11.00 per hour

and be it further

RESOLVED, that the contract with the American Red Cross is for special services that must be provided immediately and continuously, and therefore the Request for Proposal procedure required by Section 19.08 of the Administrative Code is hereby waived, and be it further

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

7. Item Page -2004 (Comm. 1E-54)

COUNTY EXECUTIVE

WHEREAS, public health law requires the reporting of HIV infection and HIV related disease in addition to AIDS, and

WHEREAS, HIV surveillance data is used to monitor trends in the epidemic, to evaluate resource needs and to target prevention efforts, and

WHEREAS, the identification of partners at risk of exposure to HIV enables access to HIV counseling and testing and care, and

WHEREAS, in Erie County the HIV Surveillance and Partner Notification program (HIV PNP) is conducted by New York State Health Department staff assisted by three Erie County Health Department positions funded by the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to accept a revised grant award from the New York State Health Department which is budgeted as follows:

HIV PARTNER NOTIFICATION

10/1/02 -9/30/03

PROJECT #713

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	State Aid Other	\$ 211,787	\$ 0	\$ 211,787
	TOTAL	\$ 211,787	\$ 0	\$ 211,787
	EXPENSES			
800	Personal Services	\$ 122,191	\$ -17,127	\$ 105,064
801	Overtime	0	97	97
805	Fringe Benefits	40,715	346	41,061
810	Office Supplies	685	-47	638
814	Medical Supplies	3,000	0	3,000
824	Travel & Mileage	1,000	0	1,000
825	Out of Area Travel	1,000	0	1,000
826	Other Expenses	346	0	346
880-2700	I/F-Health Grants	0	16,731	16,731
880-4000	I/F-ECMC	37,350	0	37,350
880-5100	I/F- DISS	3,000	0	3,000
933	Lab & Tech Equip	2,500	0	2,500
	TOTAL	\$ 211,787	\$ 0	\$ 211,787

Department of Health

SFG	REVENUE			
685-2709	I/F-Health Grants	\$ 0	\$ 16,731	\$ 16,731
	EXPENSES			
932	Office Equipment	\$ 0	\$ 16,731	\$ 16,731

and be it further

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

(5-0)

8. Item Page -2004 (Comm. 1E-55)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department operates a Tuberculosis Control Elimination Activities Program, and

WHEREAS, the Erie County Department of Health has received revised grant award in the amount of \$236,676 for the enhancement of the Tuberculosis Elimination Activities Program by providing services to inmates at the Erie County Holding Center and Erie County correctional facilities, and to incoming refugees to provide directly observed therapy incentives to encourage patients to complete the course of treatment for TB infection, and

WHEREAS, the purposes of this program include: follow up of active TB cases, suspect cases, persons receiving preventive therapy for TB and persons exposed to TB; outreach services, and targeted screening and preventive therapy for at-risk groups including incoming refugees and inmates at Erie County correctional facilities needing preventive therapy.

NOW, THEREFORE, BE IT

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

Tuberculosis Elimination Activities Program
2/1/03 -1/31/04
Project #869

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
582	State Aid Tuberculosis	\$ 236,676	\$ 0	\$ 236,676
	TOTAL	<u>\$ 236,676</u>	<u>\$ 0</u>	<u>\$ 236,676</u>

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EXPENSES

800	Personal Services	\$ 144,416	\$ 1,185	\$ 145,601
805	Fringe Benefits	37,696	2,135	39,831
810	Office Supplies	3,300	-290	3,010
814	Medical Supplies	4,796	400	5,196
824	Travel & Mileage	7,050	0	7,050
826	Other Expenses	13,655	0	13,655
830	Contractual Services	2,000	-2,000	0
880-2700	Interfund -Health Grants	11,393	0	11,393
880-5100	Interfund -DISS	120	0	120
933	Lab & Technical Equipment	12,250	-1,430	10,820
	TOTAL	\$ 236,676	\$0	\$ 236,676

and be it further

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

9. Item Page -2004 (Comm. 1E-56)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health currently operates a Lead Poisoning Prevention Program, and

WHEREAS, the purpose of this grant is to support and enhance local efforts to reduce the prevalence of elevated blood lead levels in children under six years of age through the implementation of a comprehensive program of primary and secondary prevention which includes: public and professional outreach and education; and medical and environmental case management and follow up, and

WHEREAS, the New York State Health Department recently awarded the Erie County Department of Health a revised grant in the amount of \$627,084 which authorizes budgetary adjustments in order to balance the accounts in the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised contract with the New York State Health Department which authorizes the following budgetary adjustments:

Childhood Lead Poisoning Prevention Program

1/1/03 – 12/31/03

Project #852

	CURRENT		REVISED
SFG REVENUE	BUDGET	CHANGES	BUDGET

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521	Other Unclassified Revenue	\$ 5,000	\$ 0	\$ 5,000
553	State Aid Other	<u>627,084</u>	<u>0</u>	<u>627,084</u>
	TOTAL	<u>\$ 632,084</u>	<u>\$ 0</u>	<u>\$ 632,084</u>

EXPENSES

800	Personal Services	\$ 402,436	\$ -5,936	\$ 396,500
801	Overtime	2,500	500	3,000
805	Fringe Benefits	108,578	15,422	124,000
810	Office Supplies	1,800	-500	1,300
811	Clothing Supplies	1,800	-1,700	100
814	Medical Supplies	5,000	-3,806	1,194
821	Dues & Fees	1,865	0	1,865
823	Repairs & Maintenance.	7,800	-435	7,365
824	Travel & Mileage	18,000	0	18,000
825	Out Of Area Travel	3,800	-1,200	2,600
826	Other Expenses	21,705	-705	21,000
830	Contractual	30,000	0	30,000
932	Furniture, Fixtures	1,800	-1,800	0
933	Lab & Tech Equipment	25,000	160	25,160
	TOTAL	<u>\$ 632,084</u>	<u>\$ 0</u>	<u>\$ 632,084</u>

and be it further

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

(5-0)

10. Item Page -2004 (Comm. 1E-57)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health administers programs for immunizations,
and

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WHEREAS, polio, diphtheria, tetanus, pertussis, measles, mumps, rubella, Haemophilus influenza type B and hepatitis B all can cause significant morbidity among children. However, they all are preventable with appropriate vaccination.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a revised grant award for the Immunization Action Plan Program in the amount of \$128,399 which is funded 100% from the New York State Health Department which includes budgetary adjustments as follows:

Immunization Action Plan
4/1/03 – 3/31/04
Project #873

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	State Aid Other	\$ 128,399	\$ 0	\$ 128,399
	TOTAL	\$ 128,399	\$ 0	\$ 128,399
	EXPENSES			
800	Personal Services	\$ 81,481	\$ -2,762	\$ 78,719
801	Overtime	203	-53	150
805	Fringe Benefits	22,148	-4,565	17,583
810	Office Supplies	1,209	-44	1,165
811	Clothing Supplies	44	0	44
821	Dues & Fees	3,793	-3,793	0
822	Rental Charges	34	0	34
824	Travel & Mileage	1,620	0	1,620
825	Out Of Area Travel	2,500	-675	1,825
826	Other Expenses	7,171	8,454	15,625
880-2700	I/F-ECHD	4,396	0	4,396
880-5100	I/F-DISS	1,300	3,438	4,738
932	Furniture, Fixtures	500	0	500
933	Lab & Tech Equipment	2,000	0	2,000
	TOTAL	\$ 128,399	\$ 0	\$ 128,399

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of the Department of Health:

Increase Account 685-2709 Interfund Health Grants	\$4,396
Increase Account 932 – Office Equipment	\$4,396

and be it further

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

11. Item Page -2004 (Comm. 1E-58)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department has received a revised grant award from the New York State Department of Health to fund the Healthy Neighborhoods Program, and

WHEREAS, the purpose of the grant is to provide preventive health services and to improve environmental health in various target areas within the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept a revised grant award from the New York State Department of Health to be budgeted as follows:

Healthy Neighborhoods
10/1/02 – 9/30/03
Project #715

		CURRENT		REVISED
SFG	REVENUE	BUDGET	CHANGES	BUDGET
553	State Aid Other	\$ 204,221	\$ 0	\$ 204,221
	TOTAL	\$ 204,221	\$ 0	\$ 204,221
EXPENSES				
800	Personal Services	\$ 151,930	\$ -9,905	\$ 142,025
801	Overtime	3,000	-911	2,089
805	Fringe Benefits	42,915	-3,125	39,790
810	Office Supplies	0	6	6
824	Travel & Mileage	3,876	215	4,091
826	Other Expenses	2,500	-161	2,339
880-2700	I/F-Health Grants	0	13,881	13,881
	TOTAL	\$ 204,221	\$ 0	\$ 204,221

Department of Health

SFG	REVENUE				
685-2709	I/F-Health Grants	\$	-	\$ 13,881	\$ 13,881
		<hr/>			
	EXPENSES				
932	Office Equipment	\$	-	\$ 13,881	\$ 13,881
		<hr/>			

and be it further

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

(5-0)

12. Item Page -2004 (Comm. 1E-59)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department has determined that adjustments are necessary in Account 800 – Personal Services, Account 805 – Fringe Benefits, Account 821 – Dues and Fees, Account 825 – Out of Area Travel, Account 830 – Contractual, and Account 933 – Laboratory and Technical Equipment to more efficiently and effectively meet the requirements of the Enhanced Drinking Water Protection Program, and

WHEREAS, the New York State Department of Health has agreed to extend this contract for one additional year, from 4/1/03 – 3/31/04, and

WHEREAS, the Erie County Department of Health wishes to contract with SUNYAB School of Engineering for the provision of ground water analyses services in the amount of \$12,144 for the purpose of GWUDI (Ground Water Under Direct Influence of Surface Water) Assessment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from the New York State Department of Health for providing a Local Enhanced Drinking Water Protection Program Grant to be budgeted as follows:

Department of Health
Enhanced Drinking Water Protection Program
4/1/03 – 3/31/04
Project #855

SFG	REVENUE	CURRENT	CHANGES	REVISED
		BUDGET		BUDGET
553	State Aid	<u>\$250,000</u>	<u>\$0</u>	<u>\$250,000</u>
	TOTAL	<u>\$250,000</u>	<u>\$0</u>	<u>\$250,000</u>

EXPENSES			
800	Personal Expenses	\$161,904	\$6,886 \$168,790
805	Fringe Benefits	43,682	6,467 50,149
821	Dues & Fees	4,000	-4,000 0
825	Out of Area Travel	2,000	2,000 4,000
830	Contractual – SUNYAB	0	12,144 12,144
933	Lab & Technical Equipment	<u>38,414</u>	<u>-23,497</u> <u>14,917</u>
	TOTAL	<u>\$250,000</u>	<u>\$0</u> <u>\$250,000</u>

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with SUNYAB School of Engineering for the provision of ground water analyses services in the amount of \$12,144 for the purpose of GWUDI (Ground Water Under Direct Influence of Surface Water) Assessment, and be it further

RESOLVED, that the contract with SUNYAB School of Engineering is a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

13. Item Page -2004 (Comm. 1E-60)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has a contract with the New York State Department of Environmental Conservation (DEC) for the purpose of reviewing plans and specifications and inspections of wastewater systems for facilities handling less than 10,000 gallons per day, and reviewing plans and specifications and providing inspection services for sanitary sewer extensions, and

WHEREAS, the Department of Health has determined that budgetary adjustments are necessary in Account 810 – Office Supplies, Account 553 – State Aid, Account 826 – Other Expenses, Account 932 – Office Equipment, and Account 933 – Lab and Technical Equipment, to more effectively meet the requirements of the program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to implement the budgetary adjustments to the contract with the New York State Department of Environmental Conservation for the period April 1, 2000 through March 31, 2004 as follows:

DEC Quality Plan Review Grant
4/1/00 – 3/31/04
Project #512

		Current		Revised
SFG	REVENUE	Budget	Changes	Budget
553	State Aid – Other	<u>\$14,880</u>	<u>\$- 289</u>	<u>\$14,591</u>
	TOTAL	<u>\$14,880</u>	<u>\$- 289</u>	<u>\$14,591</u>
	EXPENSES			
810	Office Supplies	\$ 1,000	\$-1,000	\$ 0
821	Dues & Fees	1,000	-1,000	0
825	Out of Area Travel	1,000	0	1,000
826	Other Expenses	9,880	-8,880	1,000
932	Office Equipment	1,000	-1,000	0
933	Lab & Technical Equipment	<u>1,000</u>	<u>11,591</u>	<u>12,591</u>
	TOTAL	<u>\$14,880</u>	<u>\$ -289</u>	<u>\$14,591</u>

and be it further

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

14. Item Page -2004 (Comm. 1E-61)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has a contract with the New York State Department of Environmental Conservation (DEC) for the purpose of reviewing plans and specifications and inspections of wastewater systems for facilities handling less than 10,000 gallons per day, and reviewing plans and specifications and providing inspection services for sanitary sewer extensions, and

WHEREAS, the Department of Health has determined that budgetary adjustments are necessary in Account 810 – Office Supplies, Account 553 – State Aid, Account 826 – Other Expenses, Account 932 – Office Equipment, and Account 933 – Lab and Technical Equipment, to more effectively meet the requirements of the program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to implement the budgetary adjustments to the contract with the New York State Department of Environmental Conservation for the period April 1, 2000 through March 31, 2004 as follows:

DEC Quality Plan Review Grant
4/1/00 – 3/31/04
Project #387

		Current		Revised
SFG	REVENUE	Budget	Changes	Budget
553	State Aid – Other	<u>\$14,880</u>	<u>\$-3,400</u>	<u>\$11,480</u>
	TOTAL	<u>\$14,880</u>	<u>\$-3,400</u>	<u>\$11,480</u>
	EXPENSES			
810	Office Supplies	\$ 880	\$- 880	\$ 0
821	Dues & Fees	0	2,000	2,000
825	Out of Area Travel	3,000	0	3,000
826	Other Expenses	1,000	585	1,585
932	Office Equipment	5,000	-5,000	0
933	Lab & Technical Equipment	<u>5,000</u>	<u>- 105</u>	<u>4,895</u>
	TOTAL	<u>\$14,880</u>	<u>\$ 3,400</u>	<u>\$11,480</u>

and be it further

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

(5-0)

15. Item Page -2004 (Comm. 1E-62)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health received a grant award in the amount \$20,000 for the purpose of funding ovarian cancer awareness and professional education activities in Erie, Niagara, Chautauqua, Allegany and Cattaraugus counties for the period 9/1/03 – 8/30/04, and

WHEREAS, the Partners for Life, Ovarian Cancer Awareness Partnership, is made up of a coalition of concerned community agencies and health care providers, funded by grants from the New York State Health Department, and

WHEREAS, the Erie County Health Department is the fiscal intermediary for this project, and

WHEREAS, it will be necessary to contract with the American Cancer Society in the amount of \$19,000 for the period of 9/01/03 – 8/30/04 for the purpose of fulfilling the requirements of the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the grant award from the New York State Health Department, to be budgeted as follows:

Ovarian Cancer Awareness
 9/1/03 – 8/30/04

SFG	REVENUE	BUDGET
553	State Aid NYSDOH	<u>\$20,000</u>
	TOTAL	<u><u>\$20,000</u></u>
	EXPENSES	
830-987	Contractual – American Cancer	\$19,000
825	Out of Area Travel	<u>1,000</u>
	TOTAL	<u><u>\$20,000</u></u>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the American Cancer Society in the amount of \$19,000 for the period of 9/01/03 – 8/30/04 for the purpose of fulfilling the grant requirements, and be it further

RESOLVED, that the contract with the American Cancer Society is a special service which must be provided immediately and continuously, and therefore the RFP procedure require under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

(5-0)

16. Item Page -2004 (Comm. 1E-63)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates an Employee Health and Safety Wellness Program which promotes the physical, mental, social and environmental well-being and occupational effectiveness of workers through prevention and management of occupational and environmental injury, illness and disability, and

WHEREAS, Employee Health and Safety Wellness conducts a common injury/illness reporting system and provides a program of wellness offerings to all County employees, and

WHEREAS, in order to efficiently meet the needs of the Department and reduce costs, it is necessary to delete one vacant full-time position of Registered Nurse (SFG position number 132120, SAP position number 7715) and create two part-time positions of Registered Nurse.

NOW, THEREFORE, BE IT

RESOLVED, that one vacant full-time position of Registered Nurse (SFG position number 132120, SAP position number 7715) is hereby deleted and two part-time positions of Registered Nurse are hereby created.

The following personnel detail is hereby submitted:

TITLE: Registered Nurse – Part Time
 JG: 8
 STEP: 1
 HOURLY RATE: \$16.312

CIVIL SERVICE: Yes - Non Competitive
 CIVIL SERVICE LIST: No

and be it further

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

17. Item Page -2004 (Comm. 1E-64)
COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department has a contract with the New York State Department of Health to conduct an Enhanced Drinking Water Protection Program, and

WHEREAS, the Erie County Health Department has received a revised grant award in the amount of \$250,000 from the New York State Health Department which authorizes budgetary adjustments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from the New York State Department of Health for providing a Local Enhanced Drinking Water Protection Program Grant to be budgeted as follows:

Department of Health
Enhanced Drinking Water Protection Program
4/1/00 – 3/31/03
Project #691

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	Other Revenue	\$ 250,000	\$0	\$ 250,000
	TOTAL	\$ 250,000	\$0	\$ 250,000
EXPENSES				
800	Personal Services	\$ 151,315	\$0	\$ 151,315
805	Fringe Benefits	26,418	-934	25,484
821	Dues And Fees	1,500	-360	1,140
824	Travel & Mileage	1,500	950	2,450
825	Out Of Area Travel	1,300	-947	353
932	Office Equipment	4,000	-4,000	0

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933	Lab & Tech Equipment	<u>63,967</u>	<u>5,291</u>	<u>69,258</u>
	TOTAL	<u>\$ 250,000</u>	<u>\$ 0</u>	<u>\$ 250,000</u>

and be it further

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

(5-0)

18. Item Page -2004 (Comm. 4E-5)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant award from the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control in the amount of \$950,000 for continuing the Erie County Healthy Homes Initiative, and

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

WHEREAS, this will be accomplished through home inspection, distribution of intervention products, provision of services and implementation of an education curriculum for property owners and tenants in Erie County, and

WHEREAS, in order to meet the requirements of this program it will be necessary to create one full-time position of Supervising Public Health Sanitarian, JG XI, and one regular part-time position of Senior Environmental Education Specialist, JG XI, and

WHEREAS, it will be necessary to enter into a subcontracts with SUNYAB Research Foundation – Family Medicine for an amount not to exceed \$31,068 for the period 10/1/03 through 9/30/06 for the purpose of providing statistical analysis of project data and assistance with project evaluation; a subcontract with Cortese Brothers Construction, Inc. for an amount not to exceed \$15,000 for the period 10/1/03 through 9/30/06 for the purpose of designing and providing periodic “hands-on” training courses for property owners on “Preventive Maintenance”; a subcontract with Environmental Education Associates, Inc. for an amount not to exceed \$20,000 for the period 10/1/03 through 9/30/06 for the purpose of providing periodic training courses for property owners on Mold Awareness and Risk Management and related activities; a subcontract with HomeTest Laboratories for an amount not to exceed \$24,500 for the period 10/1/03 through 9/30/06 for the purpose of providing materials for and analysis of lead in dust samples.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control to accept the grant budgeted as follows:

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
640-500	Federal Aid - HUD	\$ 773,786	\$176,214	\$ 950,000
	TOTAL	<u>\$ 773,786</u>	<u>\$176,214</u>	<u>\$ 950,000</u>
EXPENSES				
800	Personal Services	\$ 173,602	\$334,246	\$ 507,848
801	Overtime	11,000	1,000	12,000
805	Fringe Benefits	67,915	91,678	159,593
810	Office Supplies	7,900	-700	7,200
811	Clothing Supplies	2,000	-580	1,420
814	Medical Supplies	6,000	-6,000	0
821	Dues & Fees	12,000	-5,635	6,365
822	Rental Charges	2,400	-2,400	0
823	Repairs And Maintenance	1,000	-250	750
824	Travel & Mileage	12,960	0	12,960
825	Out Of Area Travel	10,320	0	10,320
826	Other Expenses	216,215	-97,532	118,683
830	Contractual	94,500	-94,500	0
830-1368	Contract - SUNYAB	67,535	-36,467	31,068
830-1511	Contract - Env. Ed. Assoc.	0	20,000	20,000
830-1887	Contract -Cortese Bros	0	15,000	15,000
830-1888	Contract-Home Test Inc	0	24,500	24,500
880-2700	Interfund - Health	24,539	-24,539	0
880-2720	Interfund - PH Lab	15,000	-9,000	6,000
880-5100	Interfund - DISS	8,100	-2,000	6,100
880-6200	Interfund - Env & Plan	26,300	-18,800	7,500
932	Office Equipment	4,500	-3,292	1,208
933	Lab & Tech Equipment	<u>10,000</u>	<u>-8,515</u>	<u>1,485</u>
	TOTAL	<u>\$ 773,786</u>	<u>\$ 176,214</u>	<u>\$ 950,000</u>

and be it further

RESOLVED, one full-time position of Supervising Public Health Sanitarian, JG XI and one regular part-time position of Senior Environmental Education Specialist, JG XI, are hereby created.

The following personnel detail is hereby submitted:

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TITLE: Supervising Public Health Sanitarian
 JG: XI
 STEP: 0
 ANNUAL SALARY: \$40,244
 ANNUAL BENEFITS: \$12,476

FUNDING: 100% Federally Funded
 CIVIL SERVICE: Yes
 CIVIL SERVICE LIST: yes

TITLE: Senior Environmental Education
 Specialist RPT
 JG: XI
 STEP: 0
 ANNUAL SALARY: \$20,122
 ANNUAL BENEFITS: \$6,238

FUNDING: 100% Federally Funded
 CIVIL SERVICE: Yes
 CIVIL SERVICE LIST: Yes

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with SUNYAB Research Foundation Family Medicine for an amount not to exceed \$31,068 for providing statistical analysis of project data and assistance with project evaluation; Cortese Brothers Construction, Inc. for an amount not to exceed \$15,000 for the purpose of designing and providing periodic "hands-on" training courses for property owners on "Preventive Maintenance"; Environmental Education Associates, Inc. for an amount not to exceed \$20,000 for the purpose of providing periodic training courses for property owners on Mold Awareness and Risk Management and related activities; and HomeTest Laboratories, Inc. for an amount not to exceed \$24,500 for the purpose of providing materials for and analysis of lead in dust samples, and be it further

RESOLVED, that the subcontracts with SUNYAB Research Foundation – Family Medicine, Cortese Brothers Construction, Inc., Environmental Education Associates, Inc. and HomeTest Laboratories, Inc. are special services which must be provided immediately and continuously, and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

19. Item Page -2004 (Comm. 4E-6)
COUNTY EXECUTIVE

WHEREAS, the Centers for Disease Control and Prevention (CDC) funds a grant in the amount of \$141,511 to the Erie County Department of Health for the purpose of integrating viral hepatitis prevention services into existing Western New York health departments' services, and

WHEREAS, the regional Integration of Hepatitis Prevention Services project will provide hepatitis prevention counseling to patients at high risk, testing for Hepatitis C and B, vaccination for Hepatitis A and B, referral of infected patients to appropriate substance abuse and medical specialist services, staff training and project evaluation, and

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WHEREAS, budgetary adjustments are necessary to balance the accounts within the program and extend the existing contract with the SUNY Department of Social & Preventive Medicine in order to complete the analysis of data collected throughout the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to make the budgetary adjustments necessary to balance the accounts within the program as follows:

Integration of Hepatitis Prevention
9/30/02 – 3/31/04
Project #718

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
521	Over Revenues	<u>\$ 141,511</u>	<u>\$0</u>	<u>\$ 141,511</u>
	TOTAL	<u>\$ 141,511</u>	<u>\$0</u>	<u>\$ 141,511</u>
EXPENSES				
800	Personal Services	\$ 65,235	\$-10,992	\$ 54,243
805	Fringe Benefits	15,533	0	15,533
810	Office Supplies	300	-250	50
814	Medical Supplies	1,100	-130	970
821	Dues & Fees	23,383	0	23,383
824	Travel & Mileage	3,860	-2,360	1,500
825	Out Of Area Travel	2,500	-2,000	500
826	Other Expenses	4,400	-1,775	2,625
880-2700	Interfund - Health	3,807	0	3,807
880-2720	Interfund - PH Lab	19,693	17,507	37,200
880-5100	Interfund - DISS	1,200	0	1,200
933	Lab & Technical Equipment	<u>500</u>	<u>0</u>	<u>500</u>
	TOTAL	<u>\$141,511</u>	<u>\$0</u>	<u>\$ 141,511</u>

and be it further

RESOLVED, that the existing contract with SUNY Buffalo Department of Social & Preventive Medicine is hereby extended through March 31, 2004 in order to complete work on this project, and be it further

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

(5-0)

20. Item Page -2004 (Comm. 4E-7)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a revised grant award in the amount of \$80,000 from the New York State Health Department to support the promotion of healthy nutrition and physical activity in order to reduce the prevalence of overweight and related risk factors for chronic disease in preschool-age children, and

WHEREAS, national data has indicated a dramatic increase in pediatric obesity that can have a negative influence on long-term health and result in the development of chronic diseases, and

WHEREAS, nutrition and physical activity are identified as two of the twelve priority areas for public health action in New York State, and

WHEREAS, it is necessary to enter into subcontracts with the Cornell Cooperative Extension Service of Erie County in the amount of \$41,960, Cornell Cooperative Extension of Allegany & Cattaraugus Counties in the amount of \$16,870, YWCA of Jamestown, in the amount of \$8,435, and Healthy Community Alliance in the amount of \$8,435 for the purpose of implementing program objectives.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from the New York State Health Department to be budgeted as follows:

**Eat Well, Play Hard Youth Physical Initiative
and Nutrition Improvement Grant
10/1/03 – 9/30/04
Project #868**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	State Aid	\$ 78,000	\$2,000	\$80,000
	TOTAL	<u>\$ 78,000</u>	<u>\$2,000</u>	<u>\$80,000</u>
EXPENSES				
825	Out Of Area Travel	\$0	\$300	\$300
830-186	Contract-Cornell Co-Op	72,100	-30,140	41,960
830-204	Contract-Wellness Institute	2,000	-2,000	0

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830-1186	Contract-Healthy Comm. Alliance	0	8,435	8,435
830-1889	Contract-CCE of Alleg. & Catt. Co	0	16,870	16,870
830-1890	Contract-YWCA of Jamestown	0	8,435	8,435
882-2709	ID - Health Dept	0	4,000	4,000
932	Office Equipment	1,900	-1,900	0
933	Lab & Tech Equip	<u>2,000</u>	<u>-2,000</u>	<u>0</u>
	TOTAL	<u>\$78,000</u>	<u>\$2,000</u>	<u>\$80,000</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with the Cornell Cooperative Extension Service of Erie County in the amount of \$41,960, Cornell Cooperative Extension of Allegany & Cattaraugus Counties in the amount of \$16,870, YWCA of Jamestown, in the amount of \$8,435, and Healthy Community Alliance in the amount of \$8,435 for the purpose of implementing program objectives, and be it further

RESOLVED, that the subcontracts with the Cornell Cooperative Extension Service of Erie County, Cornell Cooperative Extension of Allegany & Cattaraugus Counties, YWCA of Jamestown, and the Healthy Community Alliance are special services which must be provided immediately and continuously, and therefore the RFP procedure required under Section 19.08 of the Administrative Code is hereby waived, and be it further

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

(5-0)

21. Item Page -2004 (Comm. 4E-8)

COUNTY EXECUTIVE

WHEREAS, diabetes is a major cause of death and disability for Western New Yorkers, and

WHEREAS, the Erie County Department of Health has been a leader, through the Western New York Public Health Coalition, in addressing regional public health concerns, and

WHEREAS, the Erie County Department of Health received a revised grant award from the New York State Health Department in the amount of \$80,000 on behalf of the Western New York Coalition for Diabetes Prevention, and

WHEREAS, it is necessary to enter into subcontracts with Kaleida Health in the amount of \$18,000, Healthy Community Alliance in the amount of \$27,000, the Lake Plains Community Care Network in the amount of \$21,000 and the Catholic Health Systems of WNY in the amount of \$3,000 for planning of diabetes education and screening events.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a revised grant award from the New York State Health Department to be budgeted as follows:

**WESTERN NEW YORK COALITION
 FOR DIABETES PREVENTION
 4/1/03 – 3/31/04
 Project #863**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	State Aid	\$ 75,000	\$ 5,000	\$ 80,000
	TOTAL	\$ 75,000	\$ 5,000	\$ 80,000
EXPENSES				
825	Out Of Area Travel	\$ 2,000	\$1,000	\$ 3,000
830-1095	Contract - Kaleida Health	21,000	-3,000	18,000
830-1186	Contract-Healthy Comm. Alliance	27,000	0	27,000
830-1187	Contract-Lake Plains	21,000	0	21,000
830-1736	Contract-Catholic Health Systems	0	3,000	3,000
880-5100	I/F - DISS	500	-500	0
882-2709	I/D - Health Grants	0	8,000	8,000
932	Office Equipment	1,500	-1,500	0
933	Lab & Tech Equip	2,000	-2,000	0
	TOTAL	\$ 75,000	\$ 5,000	\$ 80,000

**PARTNERS FOR PREVENTION
 04/1/03- 03/31/04
 PROJECT #865**

SFG	EXPENSES	
800	Personal Services	8,000
883-2709	I/D-Health Grants	-8,000
	TOTAL	\$ 0

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with Kaleida Health in the amount of \$18,000, Healthy Community Alliance in the amount of \$27,000, the Lake Plains Community Care Network in the amount of \$21,000 and the Catholic Health Systems of WNY in the amount of \$3,000 for planning of diabetes education and screening events, and be it further

RESOLVED, that the subcontracts with Kaleida Health, Healthy Community Alliance, the Lake Plains Community Care Network and the Catholic Health System of WNY are special services

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which must be provided immediately and continuously, and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

(5-0)

22. Item Page -2004 (Comm. 4E-9)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has recently received a revised grant award from the New York State Health Department in the amount of \$515,165 for the provision of family planning services, operated at various Women's Health Services clinic locations throughout Erie County, and

WHEREAS, the purpose of the grant is to provide comprehensive family planning services to at-risk adolescents and other medically indigent women and men in areas where infant mortality, morbidity, adolescent pregnancy and out-of-wedlock birth rates are high.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Health Department to accept the amended grant which is budgeted as follows:

Women's Health Services
4/1/03 – 3/31/04
Project #879

SFG		CURRENT		REVISED
CODE	REVENUE	BUDGET	CHANGES	BUDGET
326	INTEREST & EARNINGS	\$ 60,000	\$ -60,000	\$ 0
386	PRIVATE PAY	1,504	+371	1,875
387	MEDICAID	321,907	+145,933	467,840
549-138	PRIOR YEARS ROLLOVER	790,519	+36,383	826,902
549-166	INSURANCE	53,781	- 17,781	36,000
551-100	STATE AID-BDCC	35,296	- 35,296	0
553	STATE AID-OTHER	507,367	+7,798	515,165
685-2700	INTERFUND-NON SUBSIDY	71,908	0	71,908
	TOTAL REVENUE	\$ 1,842,282	\$ +77,408	\$ 1,919,690

APPROPRIATIONS

800	PERSONAL SERVICES	\$ 905,870	\$ +116,973	\$ 1,022,843
805	FRINGE BENEFITS	244,404	+59,256	303,660
810	OFFICE SUPPLIES	11,000	0	11,000

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814	MEDICAL SUPPLIES	122,000	+6,664	128,664
816	MAINT SUPPLIES	2,500	0	2,500
821	DUES & FEES	325,000	- 171,402	153,598
822	RENTAL CHARGES	500	- 410	90
823	REPAIRS & MAINT	20,000	+17,226	37,226
824	LOCAL MILEAGE	12,000	- 590	11,410
825	TRAVEL-OUT OF AREA	10,000	+2,000	12,000
826	OTHER EXPENSES	60,000	+13,430	73,430
880-2700	INTERFUND-HEALTH DEPT. INTERFUND-PUB. HEALTH	31,374	0	31,374
880-2720	LAB	40,043	0	40,043
880-4000	INTERFUND-ECMC	16,500	0	16,500
880-5100	INTERFUND-DISS INTERDEPT-HEALTH	17,000	0	17,000
883-2709	GRANTS BUILDINGS & GROUNDS	- 909	0	- 909
931	EQUIP	0	+22,000	22,000
932	OFFICE EQUIPMENT LAB & TECHNICAL	5,000	+12,261	17,261
933	EQUIPMENT	20,000	0	20,000
	TOTAL APPROPRIATIONS	\$ 1,842,282	\$ +77,408	\$ 1,919,690

and be it further

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

(5-0)

23. Item Page -2004 (Comm. 4E-14)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Heating and Energy Assistance Program (HEAP) and the Weatherization Referral and Packaging Program (WRAP-DSS) for the period October 1, 2002 to September 30, 2003, and for the Weatherization Referral and Packaging Program (WRAP-SOFA) for the periods October 1, 2002 to November 30, 2003 and October 1, 2003 to September 30, 2004, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of an additional \$17,411 in federal weatherization funds for the 2003/2004 program year, and

WHEREAS, the Department has compared grant budgets to actual expenditures and desires to revise the energy grant budgets to cover all costs and to increase the amount available to seniors for Last Resort weatherization packaging services, and

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WHEREAS, the grant budgets are in need of revision, and

WHEREAS, no additional County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept the additional \$17,411 in federal funds for the WRAP-SOFA grant for the period October 1, 2003 to September 30, 2004, and be it further

RESOLVED, that the HEAP grant, Project 661, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
800	Personal Services	\$366,600	-\$11,597	\$355,003
805	Fringe Benefits	82,080	-1,981	80,099
810	Office Supplies	3,000	-45	2,955
821	Dues & Fees	400	-74	326
824	Local Mileage	6,526	-2,530	3,996
825	Out of Area Travel	500	-390	110
826	Other Expenses	3,200	-62	3,138
880/5100	Interfund Expenses	38,100	16,769	54,869
933	Lab & Tech Equipment	850	-90	760
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the WRAP-DSS grant, Project 664, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
826	Other Expenses	\$14,762	-\$1,235	\$13,527
880/5100	Interfund Expenses	600	<u>1,235</u>	1,835
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the WRAP-SOFA grant, Project 665, be revised as follows:

CURRENT		AMENDED
BUDGET	CHANGES	BUDGET

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APPROPRIATIONS

Account	Description			
800	Personal Services	\$171,942	-\$125	\$171,817
805	Fringe Benefits	\$47,762	-427	47,335
810	Office Supplies	\$1,997	-1,067	930
824	Local Mileage	\$4,903	624	5,527
825	Out of Area Travel	\$500	221	721
826	Other Expenses	\$62,192	2,159	64,351
880/5100	Interfund Expenses	\$4,200	-824	3,376
932	Furniture & Fixtures	10,000	-561	9,439
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the WRAP-SOFA grant, Project 783, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
655 Federal Aid - Weatherization	\$285,785	<u>\$17,411</u>	\$303,196
TOTAL CHANGE		<u>\$17,411</u>	

APPROPRIATIONS

800	Personal Services	\$180,527	-\$7,727	\$172,800
805	Fringe Benefits	46,314	14,598	60,912
824	Travel & Mileage	3,500	1,000	4,500
825	Out of Area Travel	640	-140	500
826	Weatherization Services	48,000	9,984	57,984
880/5100	Interfund Expenses	3,500	300	3,800
932	Furniture & Fixtures	1,304	-604	700
	TOTAL CHANGE		<u>\$17,411</u>	

and be it further

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

24. Item Page -2004 (Comm. 4E-15)

COUNTY EXECUTIVE

WHEREAS, the Department maintains contracts with community agencies to provide mentoring and other services to public school students and their families, and

WHEREAS, at the time the appropriations for 2004 contracts were established, the Department did not have sufficient allocation of Temporary Assistance to Needy Families (TANF) dollars to fund all programs, and it was necessary to present a budget recommendation that did not continue funding to some prior period contractors, and

WHEREAS, funding for these contract renewals is now made available through the use of United Way funds as the local match to State Preventive Services funding, and

WHEREAS, there is no fiscal impact to this change.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive and/or Commissioner of Social Service are authorized to execute contracts with Life Transitions Center, Joan A. Male Family Support Center and WNY United Against Drug and Alcohol Abuse, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 adopted budget:

Department of Social Services

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
830-0290	Life Transitions Centers	\$30,890
830-0549	Joan A. Male Family Support Center	98,905
830-1432	WNY United Against Drug and Alcohol Abuse	<u>42,655</u>
	Total Appropriations	<u>\$172,450</u>
447	Donated Funds	\$55,450
606	State Aid – Services for Recipients	<u>116,700</u>
	Total Revenues	<u>\$172,450</u>

and be it further

RESOLVED, that because the selection of agencies to provide these special services was determined through a Request for Proposals (RFP) process, the County Administrative Code requirement in Section 19.08 for any further RFP is hereby waived, and be it further

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

(5-0)

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25. Item Page -2004 (Comm. 4E-16)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Senior Services (Department) has partnered with the New York State Office for the Aging to participate in the Administration on Aging Performance Outcomes Measurement Project (POMP), and

WHEREAS, this federal demonstration project has been continued into an expanded phase for 2003/2004, and

WHEREAS, the New York State Office for the Aging (SOFA) has made available a grant in the amount of \$4,000 to conduct POMP activities for the period from September 30, 2003 through September 29, 2004, and

WHEREAS, the Department desires to use a the POMP funds to cover the costs of activities relating to this project (telecommunications, printing, supplies, postage, photocopying) and to cover POMP-related seminar/conference costs incurred by the local coordinator, and

WHEREAS, no additional County funds are required, and

WHEREAS, the Erie County Legislature has already appropriated funds for the Operation Restore Trust (ORT) grant for the period October 1, 2003 to September 30, 2004, which provides information and education on Medicare and Medicaid waste, abuse and fraud, and

WHEREAS, SOFA decreased the funding for ORT by \$8,500 and revised the grant period to July 1, 2003 to June 30, 2004, and

WHEREAS, the ORT contract with the American Red Cross needs to be amended to reflect the decreased funding (\$6,000 federal funds and \$2,000 subcontractor match) for the period July 1, 2003 to June 30, 2004, and

WHEREAS, the budget for the ORT grant, Project No. 786, needs to be revised.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept the grant from SOFA to operate the Performance Outcomes Measures Project, and be it further

RESOLVED, that the budget for the POMP grant for the period September 30, 2003 through September 29, 2004 be established as follows:

<u>Account</u>	<u>Description</u>	<u>Initial Budget</u>
REVENUES		
640	Federal Aid	<u>\$4,000</u>
APPROPRIATIONS		

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810	Office Supplies	\$1,000
825	Out of Area Travel	1,200
826	Other Expenses	600
880/5100	Interfund Expenses	<u>1,200</u>
	Total	<u>\$4,000</u>

and be it further

RESOLVED, that the budget for the ORT grant, Project No. 786 reflect the revised grant period July 1, 2003 through June 30, 2004 and be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
443	In-Kind Contributions	\$5,667	-\$2,833	\$2,834
664	Federal Aid	17,000	<u>-8,500</u>	8,500
	TOTAL CHANGE		<u><u>-\$11,333</u></u>	
APPROPRIATIONS				
800	Personal Services	\$0	\$834	\$834
810	Office Supplies	0	100	100
822	Rental Charges	0	1,400	1,400
826	Other Expenses	9,067	-8,567	500
830418	American Red Cross	13,600	-5,600	8,000
880/5100	Interfund Expenses	0	<u>500</u>	500
	TOTAL CHANGE		<u><u>-\$11,333</u></u>	

and be it further

RESOLVED, that the County Executive be and hereby is authorized to amend the contract with the American Red Cross as specified herein, and be it

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

(5-0)

26. Item Page -2004 (Comm. 4E-17)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (AAA), the Congregate Dining (III-C-1) and the Elder Caregiver Support (III-E) grants for the period January 1, 2004 through December 31, 2004, and

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WHEREAS, Health Research, Inc. wishes to contract with the Department of Senior Services (Department) to operate an Arthritis Intervention Program for older adults in Erie County for the period January 1, 2004 through June 29, 2004, and

WHEREAS, the Department wishes to subcontract with the Arthritis Foundation Upstate New York Chapter to implement the People with Arthritis Can Exercise (PACE) program in selected senior centers in the county, and

WHEREAS, the Department wishes to subcontract with the Jewish Center to provide kosher meals for the Stay Fit dining program under the III-C-1 grant, and

WHEREAS, the Department wishes to enhance III-E services and programs available to caregivers and the elderly care recipients throughout Erie County, and

WHEREAS, the Department desires to contract with Theatre For Change, Inc. to provide performances and presentations during 2004 addressing elder caregiver support, and

WHEREAS, the grant budgets for these grants are in need of revision, and

WHEREAS, no additional County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept \$3,250 from Health Research, Inc. for the AAA grant to operate an Arthritis Intervention Program for the period January 1, 2004 through June 29, 2004, and be it further

RESOLVED, that the County Executive be and hereby is authorized to enter into contract with the Arthritis Foundation Upstate New York Chapter in the amount of \$2,750 to operate the People with Arthritis Can Exercise Program (PACE) in selected senior centers for the period January 1, 2004 to June 29, 2004, and be it further

RESOLVED, that the County Executive be and hereby is authorized to enter into contract with the Jewish Center in the amount of \$75,547 for food preparation and clean-up and escort services for the period January 1, 2004 to December 31, 2004, and be it further

RESOLVED, that the County Executive be and hereby is authorized to enter into contract with Theatre for Change, Inc. in the amount of \$2,200 for the period January 1, 2004 to June 30, 2004, and be it further

RESOLVED, that the AAA grant, Project 149, be revised as follows:

	CURRENT	AMENDED
REVENUES	BUDGET	CHANGES BUDGET

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Account	Description			
518	Miscellaneous Revenue	\$6,000	<u>\$3,250</u>	\$9,250
	TOTAL CHANGE		<u><u>\$3,250</u></u>	

APPROPRIATIONS

830/xxxx	Arthritis Foundation Upstate	\$0	\$2,750	\$2,750
932	Furniture & Fixtures	2,000	<u>500</u>	2,500
	TOTAL CHANGE		<u><u>\$3,250</u></u>	

and be it further

RESOLVED, that the III-C-1 grant, Project 144, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
826	Other Expenses	\$1,185,679	-\$75,547	\$1,110,132
830/303	Jewish Center	0	<u>75,547</u>	75,547
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

RESOLVED, that the III-E grant, Project 152, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
830/385	Other Projected Agencies	\$51,996	-\$2,200	\$49,796
830/1630	Theatre for Change	0	<u>2,200</u>	2,200
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

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

(5-0)

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WHEREAS, New York State requires that the Medical Examiner's Toxicology Laboratory maintains forensic laboratory accreditation, and

WHEREAS, the New York State Legislature appropriated funds to help laboratories pay the costs associated with attaining and maintaining accreditation required by Executive Law Article 49-B, and

WHEREAS, the Medical Examiner's Division has received a grant in the amount of \$13,500 from the Division of Criminal Justice Services National Forensic Sciences Improvement Act for the purchase of computer workstations.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the Division of Criminal Justice Services to accept the grant budgeted as follows:

Department of Health
 Criminal Justice Services National Forensic Improvement Act
 10/1/03 – 9/30/04

SFG	REVENUE	AMOUNT
627	Criminal Justice Services	<u>\$13,500</u>
	TOTAL	<u>\$13,500</u>
	EXPENSES	
933	Lab & Technical Equipment	<u>\$13,500</u>
	TOTAL	<u>\$13,500</u>

and be it further

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

(5-0)

28. Item Page -2004 (Comm. 4E-47)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is requesting authorization to amend the 2004 Adopted Budget by providing funding to Goodwill Industries of Western New, and

WHEREAS, this program will provide employment services including training and adaptive equipment to individuals for whom a special accommodation is necessary to enable entry into the workforce, and

WHEREAS, there is no fiscal impact to the 2004 Adopted Budget.

NOW, THEREFORE, BE IT

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RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Fund 282, Department 200, Project 233

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
830-1428	Goodwill Industries of Western New York	<u>\$75,000</u>
	Total Appropriations	<u>\$75,000</u>
649	Federal Aid – TANF	<u>\$75,000</u>
	Total Revenue	<u>\$75,000</u>

and be it further

RESOLVED, that because these special services are needed immediately and due to the fact that the contractor selection was made by New York State, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

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

(5-0)

DEMONE A. SMITH
CHAIRMAN

MR. SMITH moved to separate item #1d and moved the approval of the balance of the report. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved to refer item #1d back to the HUMAN SERVICES COMMITTEE. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 26 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59
 February 12, 2004

ECONOMIC DEVELOPMENT
 COMMITTEE

REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is hereby received, filed and referred to the PUBLIC SAFETY COMMITTEE.

	Item	Page	-2003	(Comm. 2E-17)
a.	COUNTY EXECUTIVE:			
	OPEN ITEM: New Central Police Public Safety Campus.			
	(5-0)			

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

	Item	Page	-2003	(Intro 9-7)
a.	DALE:			
	Request for Information on County Highway Property Found on Private Property.			
	(5-0)			

	Item	Page	-2003	(Comm. 14E-10)
b.	DALE:			
	Copy of Letter to County Executive Re: Intro 6-3 (2002).			
	(5-0)			

	Item	Page	-2003	(Comm. 22M-3)
c.	CANADIAN CONSULATE GENERAL:			
	Copy of Letter to Legislator Weinstein Re: Intro 18-14 (2003).			
	(5-0)			

	Item	Page	-2003	(Comm. 24E-1)
d.	DALE:			
	Copy of Letter to County Attorney Re: FOIL Request.			
	(5-0)			

	Item	Page	-2003	(Intro. 5-1)
3.	HOLT, SMITH, MARINELLI & FISHER			

WHEREAS, the State of New York took steps to ensure the inclusion of men and women of all races and backgrounds when Article 15-A of the Executive Law was enacted on July 19, 1988, and

WHEREAS, under Article 15-A, state agencies are charged with establishing employment and business participation goals for minorities and women, and

WHEREAS, Article 15-A authorized the establishment of the state Division of Minority and Women's Business Development, which implements a statewide program to assist the development of MBEs and WBEs and facilitates their access to state contracting opportunities and promotes equal employment opportunity, and

WHEREAS, under Article 15-A, the Division of Minority and Women's Business Development promulgates and disseminates rules and regulations applicable to equal employment of minorities and women on state contracts, and

WHEREAS, Article 15-A opened the door for many minority and women owned businesses to participate in government contracts, and once these businesses were certified they were able to expand their businesses, create jobs in urban communities, and increase access to other business opportunities, and

WHEREAS, the original legislation that created Article 15-A contained a sunset provision, meaning that the original statute will expire on December 31, 2003, and

WHEREAS, reauthorization of Article 15-A will ensure that this economic door of opportunity remains open during the difficult fiscal times facing New York State,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to economic development in all communities in Erie County and does reaffirm its commitment to equal opportunity for all people, and be it further

RESOLVED, that this Honorable Body does hereby memorialize the New York State Legislature to reauthorize Article 15-A of the Executive Law, to ensure the state's provisions concerning MBEs and WBEs are continued, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the Western New York delegation to the New York State Assembly and Senate, the New York State Division of Minority and Women's Business Development, and to the Director of the Erie County Division of Equal Employment Opportunity.

Fiscal Impact: None for Resolution
 (5-0)

4. Item Page -2003 (Intro. 5-15)
DALE, HOLT, KUWIK, SCHROEDER, FISHER, DEBENEDETTI, SMITH, DUSZA & MARINELLI

WHEREAS, Buffalo, Erie County and Western New York has been blessed with well trained and effective working men and women, and

WHEREAS, many of these men and women have worked hard as members of collective bargaining units -union members -having built our roads and bridges upon which we drive, the buildings within which we work, and the homes in which we live, and

WHEREAS, working men and women are those individuals without whom our infrastructure would never be built and maintained, public works would not be completed, and our goals for economic development could not be realized, and

WHEREAS, the State of New York has enacted various laws to ensure that men and women who work under contracts with the state receive wages and benefits that meet the prevailing rate for the same trade or occupation in the locality within the state, and

WHEREAS, New York State laws, including the labor law and the general municipal law, provide that assurance to working men and women, and

WHEREAS, Governor Pataki's 2003 budget seeks to revise provisions of these laws, which would in effect destroy prevailing wage and benefit protections for working people, and

WHEREAS, it is equally important that those individuals or corporations, that meet state requirements, have an impartial opportunity to bid on state contracts, facilitating the support of individuals employed under those contracts,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the unique and special contributions made to Buffalo, Erie County and Western New York by the working men and women of this community, and be it further

RESOLVED, that this Honorable Body does hereby reaffirm its commitment to the working men and women of our community, and be it further

RESOLVED, that this Honorable Body does hereby reaffirm its support for the various provisions of the New York State Labor Law and the New York State General Municipal law that seek to protect the wages and benefits of working men and women in New York State, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the Western New York delegation to the State Assembly and State Senate, the President of the Buffalo Building and Construction Trades Council, and to the President of the Buffalo AFL-CIO Council.

Fiscal Impact: None for Resolution.
 (5-0)

5.	Item	Page	-2003	AS AMENDED (Intro. 9-4)
	HOLT, SMITH, SCHROEDER			

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) offers a program, the Dollar Homes Initiative, that allows local governments to purchase qualified HUD-owned single-family houses for \$1 each in order to help create housing for families in need while benefiting neighborhoods, and

WHEREAS, HUD offers houses to local governments for \$1 as a result of foreclosure actions and when HUD is unable to sell the houses for six months, and

WHEREAS, the Dollar Homes Initiative makes it possible for local governments and their non-profit community development partners to improve neighborhoods, develop affordable and sustainable homeownership, and serve as catalysts for community redevelopment, and

WHEREAS, the local governments and their non-profit partners resell the Dollar Homes at lower costs for low and middle-income residents, often first-time homebuyers, and thus benefiting the community, and

WHEREAS, Erie County has previously entered into a Dollar Home agreement with HUD, and involving its community partners, Belmont Shelter Corporation and Key Bank, and

WHEREAS, Erie County then transfers ownership and all responsibilities to its non-profit agency-partner who assumes ownership and responsibility for the property, including rehabilitating, if necessary, the property, and selling it to eligible homebuyers, and

WHEREAS, under the Dollar Homes agreement, Erie County assumes limited responsibility and liability in the transfer of the houses, and

WHEREAS, Belmont Shelter Corp. purchased a HUD Dollar Home for the first time in July 2002 in West Seneca, and

WHEREAS, separately of Erie County, the Town of Cheektowaga has purchased three vacant and deteriorating homes from HUD under the Dollar Home program, and is rehabilitating the houses for later sale to income-eligible homebuyers, and

WHEREAS, Erie County can play a major role in the improvement and development of neighborhoods and homeownership in communities in Erie County,

NOW THEREFORE BE IT

RESOLVED, the Erie County Legislature supports the Dollar Home Initiative and Erie County's agreement with HUD, and be it further

RESOLVED, that the Erie County Legislature supports the extension and application of this program to more houses and communities in Erie County, and specifically in the City of Buffalo, and be it further

RESOLVED, that the Erie County Legislature urges the Commissioner for Environment and Planning to continue to acquire more HUD houses through the Dollar Home program and continue work with community partners to offer those homes to eligible homebuyers, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Joel Giambra, Erie County Commissioner of Planning and Environment Laurence Rubin, the Mayors and Councils of the Cities of Buffalo, Lackawanna, and Tonawanda, the Supervisors and Councils of all Erie County Towns, the Mayors and Trustees of all Erie County Villages, the Buffalo regional office of the U.S. Department of Housing and Urban Development, and the local Congressional delegation.

Fiscal Impact: Highly beneficial for Erie County neighborhoods.

(5-0)

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6. Item Page -2004 (Comm. 4E-11)

COUNTY EXECUTIVE

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a Year 2004 consolidated application to the federal Department of Housing and Urban Development (HUD) for the 2004 Program Year having an estimated dollar amount as indicated.

1. Erie County Consortium Community Development Block Grant Program:	\$3,720,000
2. Emergency Shelter Grant Program:	\$ 114,000
3. HOME Investment Partnership Program:	\$1,245,733
4. American Dream Downpayment Initiative:	\$ 136,925
5. Town of Hamburg Community Development Block Grant Program:	\$ 500,000

and be it further

RESOLVED, that the County Executive is authorized to make adjustments to the application based on final 2004 budget figures received by HUD; and be it further

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

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

(5-0)

7. Item Page -2004 (Comm. 4E-26)

COUNTY EXECUTIVE

WHEREAS, engineering design services are required for the Erie County Home Water Service Modifications, and

WHEREAS, the firm of Bergmann Associates presently has a contract with the County of Erie to provide design services for various projects,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Bergmann Associates in an amount not to exceed \$30,000, including testing, reimbursables, and miscellaneous expenses relative to engineering design services required for the Erie County Home Water Service Modifications, and be it further,

RESOLVED, that the \$30,000 fee allocation be taken from Project 293, Fund 410, and be it further,

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

(5-0)

8. Item Page -2004 (Comm. 4E-27)

COUNTY EXECUTIVE

WHEREAS, in a resolution, being Comm. No. 13E-47, dated July 10, 2003, your Honorable Body authorized entering into a contract with Siemens Building Technologies related to instituting Performance Contracting on the Sheriff's facilities and two health care facilities, and

WHEREAS, in a resolution, being Resolution 476-2003, dated July 10, 2003, authorized the sale of a bond in the amount of \$3,500,000 to pay for that work, and

WHEREAS, the Department of Public Works wishes to include energy-saving construction work at the Sheriff's Bunker in that contract, and

WHEREAS, the Department of Public Works wishes to integrate the EMS, fire and security systems, where feasible, at these and other County-owned facilities to one central location located at 1084 Harlem Road,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes a change order be made to Siemens Building Technologies for up to \$500,000 for services related to their work in implementing the construction phase of a Performance Contract at the Sheriff's Bunker, as well as integrating the HVAC, Fire and Security Systems, where feasible, at these and other County facilities to one central facility located at 1084 Harlem Road, contingent upon approval of a revision of the bond description, from Project 449, Fund 410, and be it further,

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

(5-0)

9. Item Page -2004 (Comm. 4E-28)

COUNTY EXECUTIVE

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WHEREAS, the 2003 and 2004 budgets contain funding for Roof Replacement & Waterproofing of Various County Facilities, and

WHEREAS, the firm of Stievater & Associates: Architects is already engaged by the Department of Public Works under an Architect/Engineer contract for the Roof Replacement, Waterproofing & Exterior Rehabilitation of Various County Facilities, and

WHEREAS, it is now also desired to start design of this project immediately so it can be bid in April 2004,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to issue a supplemental agreement to Stievater & Associates: Architects to prepare contract documents and provide inspection services for the Roof Replacement, Waterproofing and Exterior Building Rehabilitation of Various County Facilities, and be it further,

RESOLVED, that the total amount paid for consulting services will be on a percentage of construction basis, not to exceed \$150,000, including reimbursables, and be it further,

RESOLVED, that the fee allocation be taken from Project 399, Fund 410, Roofing & Waterproofing capital funds, and be it further,

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

10. Item Page -2004 (Comm. 4E-59)

COUNTY EXECUTIVE

WHEREAS, the 2003 Capital Budget contains funding for Erie County Parks & Recreation Master Plan Improvements, and

WHEREAS, the firm of LiRo Kassner, Inc. is already engaged by the Department of Public Works under an Engineering contract, and

WHEREAS, on December 12, 2002, at Meeting Number 25, Communication Number 25E-24, your Honorable Body authorized the County Executive to enter into an engineering contract covering General Highway/Bridge Engineering Services with LiRo Kassner, Inc., and

WHEREAS, it is now also desired to start design of Chestnut Ridge Park Bridge so this project can be bid in 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a supplemental agreement to LiRo Kassner, Inc. to prepare contract documents and provide inspection services for the Erie County Parks & Recreation Chestnut Ridge Park Bridge, and be it further,

RESOLVED, that the total amount paid for consulting services shall be in an amount not to exceed \$90,000.00, including reimbursables, and be it further

RESOLVED, that the fee allocation be taken from Project 445, Fund 441, 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; one copy to the Office of the Comptroller; and one copy to the Department of Parks & Recreation.
 (5-0)

11. Item Page -2004 (Comm. 4E-60)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Northrup Road Bridge 728, Joint and Approach Slab Rehabilitation, Project Number BR-06-03, Town of Elma, on December 11, 2003, and the low bidder was Donald J. Braasch, Inc. of Lakeview, New York, at a low bid amount of \$120,996.51.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number BR 06-03 for the Northrup Road Bridge 728 Joint and Approach Slab Rehabilitation Project and the low bidder, Donald J. Braasch, Inc., at a low bid amount of \$120,996.51, and be it further

RESOLVED, that an amount of \$120,996.51 be allocated from the 2003 Preservation of Bridges, Dams and Culverts Program (SFG 420-356), and be it further

RESOLVED, that an additional amount of \$12,100.00 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 \$12,100.00 from the 2003 Preservation of Bridges, Dams and Culverts Program (SFG 420-356), 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 Commissioner of Public Works and one copy to the Erie County Comptroller.
 (5-0)

12. Item Page -2004 (Comm. 4E-67)
COUNTY EXECUTIVE

WHEREAS, Title II of the National Affordable Housing Act of 1990, authorizes the Secretary of the United States Department of Housing and Urban Development (HUD) to make grants to units of general local government through the federal HOME Investment Partnership Program (HOME); and

WHEREAS, the Erie County/Town of West Seneca/Town of Hamburg HOME Consortium has been designated a participating jurisdiction for the HOME program for the 2004, 2005 and 2006 Program Years; and

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WHEREAS, Erie County has established a First Time Home Buyer Program (FTHB) through funding assistance from the federal HOME Investment Partnership Program; and

WHEREAS, the County desires to enter into an agreement with a preferred lender for the purpose of providing home mortgages and related services to applicants participating in the First Time -Home Buyer Program; and

WHEREAS, the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the process is attached to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with M & T Mortgage Corporation for the purpose of serving as a preferred home mortgage lender under the Erie County First Time Home Buyer Program; and be it further

RESOLVED, that said contract shall extend through March 31, 2007; and be it further

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

(5-0)

13. Item Page -2004 (Comm. 4E-68)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Reconstruction of the Zoeller Road Bridge 348-2, over Ellicott Creek, BIN 3-32870-0, in the Town of Alden, on October 30, 2003, and the low bidder was The L.C. Whitford Company, Inc. of Wellsville, New York, at a low bid amount of \$688,260.00

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 348-2-03 (NYS PIN 5755.91) for the Reconstruction of the Zoeller Road Bridge 348-2, over Ellicott Creek, BIN 3-32870-0, in the Town of Alden, and the low bidder, The L.C. Whitford Company, Inc. at a low bid amount of \$688,260.00, and be it further

RESOLVED, that an amount of \$688,260.00 be allocated from the 2000 Various Federal Aid Road and Bridge Design and Construction Program (SFG 420-153), and be it further

RESOLVED, that an additional amount of \$68,000.00 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 \$68,000.00 from the 2000 Various Federal Aid Road and Bridge Design and Construction Program (SFG 420-153), 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 Commissioner of Public Works and one copy to the Erie County Comptroller.

(5-0)

14. Item Page -2004 (Comm. 4E-69)

COUNTY EXECUTIVE

WHEREAS, your Honorable Body approved a contract for the 2003 Mill & Fill Project No. MF-02-03 between Amherst Paving and the County of Erie, in Meeting No. 15, held on September 11, 2003, 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 mill and fill overlay for the Erie County Parks Department, and

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

WHEREAS, the cost for this work was approved in the 2003 Capital Budget under a bonded project for EC Parks Roadways,

NOW, THEREFORE, BE IT,

RESOLVED, that the contingency fund amount be increased from \$80,537.00 to \$280,537.00 allocated from the EC Parks Roadway 2003 budget, Project 427, Fund 410, and be it further,

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

(5-0)

15. Item Page -2004 (Intro. 4-13)

HOLT, SCHROEDER, DEBENEDETTI, WROBLEWSKI, ET AL

WHEREAS, in August 2003, Oneida Ltd., the parent company of Buffalo China, announced plans to close its Buffalo factory, ending a 103-year tradition in Buffalo and resulting in the layoff of close to 400 employees, and

WHEREAS, over the past five years, Buffalo China has received a myriad of federal, state and county financial and other assistance, including bond financing; property and sales tax abatement; federal tariff removal; grants for new equipment, energy improvements and employee training; low-cost hydroelectricity; and placement in Empire Zones, and

WHEREAS, government has an interest in assisting Buffalo China or its successor company to remain in Buffalo and employing local residents, and

WHEREAS, in January 2003, an entity, BC Acquisition Co., led by Buffalo China's Buffalo factory general manager, announced a plan to purchase the Buffalo factory, retain hundreds of jobs, and maintain an operation in Buffalo, and

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WHEREAS, as a part of those discussions, BC Acquisition is seeking government support and incentives, including grants, loans and other inducements from state and county government and has stated that its purchase is premised on governmental aid,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the local managers and employees of Buffalo China in their efforts to purchase the Buffalo factory and retain its operations in our community, and be it further

RESOLVED, that this Honorable Body expresses its interest in assisting the new owners and employees through various appropriate means and measures, and be it further

RESOLVED, that the Erie County Legislature requests that the Deputy County Executive, the President of the ECIDA, representatives from Empire State Development, New York State Power Authority, Niagara Mohawk, and NYS Assemblyman Brian Higgins, appear at a future meeting of the Legislature's Economic Development Committee to discuss the County's and ECIDA's roles in this matter and ECIDA or County financial assistance for BC Acquisition Co., and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive, Deputy County Executive, ECIDA President (275 Oak Street, Buffalo, NY 14203), New York State Power Authority, Empire State Development, Niagara Mohawk, and Assemblyman Brian Higgins.

Fiscal Impact: None for this Resolution.
 (5-0)

MARK J. F. SCHROEDER
CHAIRMAN

MR. SCHROEDER moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

February 12, 2004

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT.

1. Item Page -2004 **AS AMENDED**
(Comm. 1D-21)

BUDGET, MANAGEMENT & FINANCE

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

WHEREAS, the Erie County Director of Real Property Tax Services has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 204029 through 204062 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2004 Petition No. **204029**

 ASSESSOR **Cancel** \$279.71

S-B-L 99.60-7-1 **140200 BUFFALO**

 Acct. No. 112 \$279.71 County
 Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : **140200 BUFFALO** **\$0.00**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 101,900 AND SHOULD BE 45,000. RPTL 550(2)A

FISCAL YEAR Petition No. **204030**

 Cancel

S-B-L

 Acct. No. 112 \$0.00 County
 Acct. No. 132 Town/SpecialDist/School
Charge To : **140200 BUFFALO** **\$0.00**

REFUND - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD BE ASSESSED AT 5,400. RPTL 550(2)A
CHECK FOR: CYNTHIA DAWIDOWICZ

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FISCAL YEAR 2004 Petition No. **204031**

ASSESSOR **Cancel** \$7.48

S-B-L 132.20-1-4./A **140200 BUFFALO**

Acct. No. 112 \$7.48 County
 Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : **140200 BUFFALO** **\$0.00**

CANCEL - UNLAWFUL ENTRY, STATE BOARD HAS SET THE ASSESSED VALUE AT 12,936,393 AND SHOULD BE 12,934,839. RPTL 550(7)E

FISCAL YEAR 2004 Petition No. **204032**

ASSESSOR **Cancel** \$417.23

S-B-L 28.04-2-12 **142289 AMHERST**

Acct. No. 112 \$158.77 County
 Acct. No. 132 \$258.46 Town/SpecialDist/School

22029 SWORMSVILE FIRE PROTECTION \$47.55

Charge To : **142289 AMHERST** **\$210.91**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY. THE ASSESSMENT WAS 75,000 AND SHOULD BE 40,000. RPTL 550(2)A

FISCAL YEAR 2004 Petition No. **204033**

ASSESSOR **Refund** \$184.57

S-B-L 41.02-2-8.1 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$184.57 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$184.57**

REFUND - CLERICAL ERROR, THIS PROPERTY WAS CHARGED FOR THREE UNITS OF REFUSE WHEN IT SHOULD ONLY BE CHARGED FOR TWO UNITS. RPTL 550(2)E

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Charge To : 142289 AMHERST \$210.12

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 205,000 AND SHOULD BE 175,000. RPTL 550(2)A

FISCAL YEAR 2004 Petition No. 204037

ASSESSOR Cancel \$221.42

S-B-L 54.03-1-12/A 142289 AMHERST

Acct. No. 112 \$100.72 County
 Acct. No. 132 \$120.70 Town/SpecialDist/School

Charge To : 142289 AMHERST \$120.70

CANCEL - UNLAWFUL ENTRY, THE STATE BOARD SET THE ASSESSED VALUE AT 331,300. RPTL 550(7)E

FISCAL YEAR 2004 Petition No. 204038

ASSESSOR Cancel \$1,095.40

S-B-L 54.364-1-3.1 142289 AMHERST

Acct. No. 112 \$385.61 County
 Acct. No. 132 \$709.79 Town/SpecialDist/School

22035 NORTH BAILEY FIRE PROTECTION \$196.98

Charge To : 142289 AMHERST \$512.81

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 225,000 AND SHOULD BE 140,000. RPTL 550(2)A

FISCAL YEAR 2004 Petition No. 204039

ASSESSOR Refund \$587.16

S-B-L 55.12-4-23 142289 AMHERST

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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$587.16	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$587.16
	Relevy School	\$587.16	142203 WILLIAMSVILLE CENT

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ASSESSMENT WAS 158,000 AND SHOULD BE 128,000. RPTL 550(2)A
CHECK FOR: LOUIS A LENOCI

FISCAL YEAR 2004 Petition No. **204040**

ASSESSOR **Cancel** \$374.42

S-B-L 55.12-4-23 **142289 AMHERST**

	Acct. No. 112	\$136.10	County
	Acct. No. 132	\$238.32	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$238.32

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 158,000 AND SHOULD BE 128,000. RPTL 550(2)A

FISCAL YEAR 2004 Petition No. **204041**

ASSESSOR **Cancel** \$12.58

S-B-L 55.20-6-23 **142289 AMHERST**

	Acct. No. 112	\$4.54	County
	Acct. No. 132	\$8.04	Town/SpecialDist/School
	22033 WILLIAMSVILLE FIRE PROTECTION	\$1.03	
<u>Charge To :</u>	142289 AMHERST		\$7.01

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 146,000 AND SHOULD BE 145,000. RPTL 550(2)A

FISCAL YEAR 2004 Petition No. **204042**

MEETING NO. 5
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ERIE COUNTY LEGISLATURE

ASSESSOR **Cancel** \$330.06

S-B-L 56.06-1-56 142289 AMHERST

Acct. No. 112 \$122.48 County
Acct. No. 132 \$207.58 Town/SpecialDist/School

Charge To : 142289 AMHERST \$207.58

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TX ROLL. THE ASSESSMENT WAS 300,000 AND SHOULD BE 273,000. RPTL 550(2)A

FISCAL YEAR 2004 Petition No. 204043

ASSESSOR **Cancel** \$89.19

S-B-L 68.13-5-21 142289 AMHERST

Acct. No. 112 \$41.13 County
Acct. No. 132 \$48.06 Town/SpecialDist/School

Charge To : 142289 AMHERST \$48.06

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 21,158 SHOULD BE 30,225. RPTL 550(2)B

FISCAL YEAR 2004 Petition No. 204044

ASSESSOR **Cancel** \$777.06

S-B-L 69.16-6-1./43 142289 AMHERST

Acct. No. 112 \$284.89 County
Acct. No. 132 \$492.17 Town/SpecialDist/School
22031 MAIN TRANSIT FIRE PROTECTION \$91.31

Charge To : 142289 AMHERST \$400.86

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 357,800 AND SHOULD BE 265,000. RPTL 550(2)A

FISCAL YEAR 2004 Petition No. 204045

ASSESSOR **Cancel** \$86.87

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S-B-L 80.05-6-29

142289 AMHERST

Acct. No. 112	\$30.61	County
Acct. No. 132	\$56.26	Town/SpecialDist/School
22021 SNYDER # 7 FIRE DISTRICT	\$9.44	
<u>Charge To :</u>	142289 AMHERST	\$46.82

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 105,000 AND SHOULD BE 96,000.
 RPTL 550(2)A

FISCAL YEAR 2004

Petition No. **204046**

ASSESSOR **Cancel** \$302.48

S-B-L 80.10-11-32

142289 AMHERST

Acct. No. 112	\$139.50	County
Acct. No. 132	\$162.98	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$162.98

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 30,750 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004

Petition No. **204047**

ASSESSOR **Cancel** \$200.40

S-B-L 43.12-2-7.21

143200 CLARENCE

Acct. No. 112	\$133.18	County
Acct. No. 132	\$67.22	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE	\$67.22

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 30,000 FOR THE COUNTY AND 37,500 FOR THE TOWN WA OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004

Petition No. **204048**

ASSESSOR **Cancel** \$868.10

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S-B-L 45.00-2-11.111 143200 CLARENCE

	Acct. No. 112	\$618.37	County
	Acct. No. 132	\$249.73	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE	\$249.73	

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 99,766 AND SHOULD BE IN THE AMOUNT OF 239,059. RPTL 550(2)B

FISCAL YEAR 2004 Petition No. **204049**

ASSESSOR **Cancel** \$151.27

S-B-L 58.05-1-4.1 143200 CLARENCE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$151.27	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE	\$151.27	

CANCEL - CLERICAL ERROR, THE SEWER SHOULD BE CHARGED 11.5% OF THE ASSESSED VALUE. RPTL 550(2)E

FISCAL YEAR 2004 Petition No. **204050**

ASSESSOR **Refund** \$107.10

S-B-L 235.19-2-40.1 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$107.10	Town/SpecialDist/School
	44077 ERIE CO SEWER DIST	\$107.10	
<u>Charge To :</u>	144489 EVANS	\$0.00	

REFUND - CLERICAL ERROR, THE FRONTAGE ON THE SEWER TAX WAS MISCALCULATED. RPTL 550(2)E

CHECK IN FAVOR OF: DAVID L HOSLER

FISCAL YEAR 2004 Petition No. **204051**

ASSESSOR **Cancel** \$235.00

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S-B-L 250.17-1-16 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$235.00	Town/SpecialDist/School
	44071 ERIE CO SEWER EX1	\$235.00	
<u>Charge To :</u>	144489 EVANS		\$0.00

CANCEL - CLERICAL ERROR, PARCEL WAS CHARGED FOR TWO UNITS OF REFUSE WHEN IT SHOULD BE CHARGED FOR ONLY ONE UNIT. RPTL 550(2)E

FISCAL YEAR 2004 Petition No. **204052**

ASSESSOR **Cancel** \$133.69

S-B-L 104.16-9-18.2 145289 LANCASTER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$133.69	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER		\$133.69

CANCEL - CLERICAL ERROR, PARCEL CHARGED FOR REFUSE IN ERROR. THIS IS VACANT LAND ONLY. RPTL 550(2)E

FISCAL YEAR 2004 Petition No. **204053**

ASSESSOR **Cancel** \$1,421.91

S-B-L 66.79-2-12 146489 TONAWANDA

	Acct. No. 112	\$187.38	County
	Acct. No. 132	\$1,234.53	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA		\$1,234.53
	Relevy School	\$887.90	146401 KEN-TON UNION FREE

CANCEL - CLERICAL ERROR, THE RPTL 520 WAS PLACED ON THIS PARCEL IN ERROR. THERE WERE NO EXEMPTIONS ON THIS PROPERTY. RPTL 550(2)E

FISCAL YEAR 2003 Petition No. **204054**

ASSESSOR **Refund** \$283.55

S-B-L 133.20-1-13 146800 WEST SENECA

MEETING NO. 5
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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$283.55	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$283.55	
	Relevy School	\$283.55	146801 WEST SENECA CENT

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 9,500 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: PATRICIA FERRICK

FISCAL YEAR 2004 Petition No. **204055**

ASSESSOR **Cancel** \$285.72

S-B-L 133.20-1-13 **146800 WEST SENECA**

	Acct. No. 112	\$133.23	County
	Acct. No. 132	\$152.49	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$152.49	

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 16,625 COUNTY 9,500 TOWN WAS OMITTED FROM THE TAX ROLL.
 RPTL 550(2)C

FISCAL YEAR 2004 Petition No. **204056**

ASSESSOR **Cancel** \$800.21

S-B-L 134.08-1-57 **146800 WEST SENECA**

	Acct. No. 112	\$266.47	County
	Acct. No. 132	\$533.74	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$533.74	

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 14,250,
 THE COMBAT VETERAN'S EXEMPTION 11,875 AND THE WAR VETERAN'S
 EXEMPTION
 IN THE AMOUNT OF 7,125 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2003 Petition No. **204057**

ASSESSOR **Refund** \$3,793.60

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ERIE COUNTY LEGISLATURE

S-B-L 134.20-2-28.1

146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$3,793.60	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$3,793.60	
	Relevy School	\$3,793.60	146801 WEST SENECA CENT

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS 314,100 AND SHOULD BE 187,000. RPTL 550(2)A
 CHECK FOR: HOWARED BENATOVICH ETAL

FISCAL YEAR 2004

Petition No. **204058**

ASSESSOR **Cancel** \$4,093.38

S-B-L 134.20-2-28.1

146800 WEST SENECA

	Acct. No. 112	\$1,018.63	County
	Acct. No. 132	\$3,074.75	Town/SpecialDist/School
	68025 W SENECA FIRE #6	\$259.46	
<u>Charge To :</u>	146800 WEST SENECA	\$2,815.29	

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON
 THE TAX ROLL. THE ASSESSMENT WAS 314,100 AND SHOULD BE 187,000.
 RPTL 550(2)A

FISCAL YEAR 2003

Petition No. **204059**

ASSESSOR **Refund** \$4,106.99

S-B-L 134.20-2-30

146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$4,106.99	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$4,106.99	
	Relevy School	\$4,106.99	146801 WEST SENECA CENT

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 THE ASSESSMENT WAS 310,000 AND SHOULD BE 172,400. RPTL 550(2)A
 CHECK IN FAVOR OF: KENNETH BERNAS & JOHN BRAY

MEETING NO. 5
February 19, 2004

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FISCAL YEAR 2004 Petition No. **204060**

ASSESSOR **Cancel** \$4,177.08

S-B-L 134.20-2-30 **146800 WEST SENECA**

Acct. No. 112 \$1,102.78 County
 Acct. No. 132 \$3,074.30 Town/SpecialDist/School

68025 W SENECA FIRE #6 \$280.89

Charge To : **146800 WEST SENECA** **\$2,793.41**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 310,000 AND SHOULD BE 172,400. RPTL 550(2)A

FISCAL YEAR 2004 Petition No. **204061**

ASSESSOR **Cancel** \$127.36

S-B-L 134.20-4-7 **146800 WEST SENECA**

Acct. No. 112 \$42.38 County
 Acct. No. 132 \$84.98 Town/SpecialDist/School

Charge To : **146800 WEST SENECA** **\$84.98**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION WAS 4,627 AND SHOULD BE 9,915. RPTL 550(2)C

FISCAL YEAR 2004 Petition No. **204062**

ASSESSOR **Cancel** \$114.00

S-B-L 38.10-2-44 **144600 GRAND ISLAND**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$114.00 Town/SpecialDist/School

Charge To : **144600 GRAND ISLAND** **\$114.00**

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

(5-0)

ALBERT DEBENEDETTI
CHAIRMAN

MR. DEBENEDETTI moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

Re: Urging NYS Legislature to Provide the
 Graycliff Conservancy with Requested Funds.
 (Intro. 5-1)

A RESOLUTION SUBMITTED BY
LEGISLATOR CHASE

WHEREAS, the Erie County Legislature has been an ardent and vocal supporter of the Graycliff Conservancy and its mission “to restore and maintain Graycliff as a self-sustaining concern while maintaining the structure and ideological integrity of the site in keeping with Frank Lloyd Wright’s original design of a summer house for the Martin family”, and

WHEREAS, Erie County and the Erie County Legislature have made significant contributions towards the restoration of the Graycliff Estate, which is a New York State landmark listed on the National Register of Historic Places and an official site on the Seaway Trail, New York State's only National Scenic Byway, and

WHEREAS, the Graycliff Conservancy has humbly requested that NYS provide funds to the Conservancy for one or more of the following undertakings: \$150,000 toward the design and implementation of a period furnishings plan for the Main House and the Foster House; \$72,600 to hire a full-time executive director; and/or \$50,000 for permanent and temporary exhibits for the Estate's Visitor Center, and

WHEREAS, Graycliff, Frank Lloyd Wright's only commission in 1927, was one of only five completed Wright in the period 1925-1935, and

WHEREAS, due to this fact, the Graycliff Estate marks an important milestone in Wright's overall career, and

WHEREAS, Graycliff has similarities to Wright's own home, Taliesin, in Spring Green, Wisconsin and to his most famous design, Fallingwater, in Mill Run, Pennsylvania, and

WHEREAS, thousands of visitors from all over the world have come to visit Graycliff since tours began in 1998 and more than 8,000 visitors toured Graycliff in 2003, and

WHEREAS, the Graycliff Conservancy is working in close collaboration with the Darwin D. Martin House in Buffalo, the historic Roycroft Inn in East Aurora, and the Penn Dixie Paleontological and Outdoor Education Center to attract tour groups to the region, and

WHEREAS, Graycliff is an important heritage tourism partner in the Buffalo Niagara Region and is a founding partner of a joint marketing effort that promotes attractions of Western New York,

NOW, THEREFORE, BE IT

RESOLVED, that Erie County and the Erie County Legislature continue to be supportive of Graycliff and the Graycliff Conservancy in its undertakings to restore and maintain the Graycliff Estate, and be it further

RESOLVED, that the members of the Erie County Legislature do hereby urge and encourage our colleagues in the Western New York delegation to the Assembly and Senate to make every effort necessary to secure funds to assist the Graycliff Conservancy in its efforts to restore this international architectural treasure, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Western New York delegation to the U.S. House of Representatives, NYS Senators Schumer and Clinton, Governor Pataki, the Western New York delegation to the Assembly and Senate, County Executive Giambra, the Graycliff Conservancy, Inc. (P.O. Box 823, Derby, NY 14047) and Eli Mundy & Associates, Ltd. (P.O. Box 333, Colden, New York 14033).

FISCAL IMPACT: Positive for the Graycliff Conservancy and Graycliff Estate.

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

CARRIED UNANIMOUSLY.

- **ADD** the following **RESOLVE** Clause as the third (3rd) **RESOLVE**:

RESOLVED, that the Erie County Legislature expresses its desire that Richard Geiger, the President and Chief Executive Officer of the Buffalo Niagara Convention and Visitors Bureau (BNCVB) attend a future meeting of the Legislature's Community Enrichment Committee to discuss the BNCVB's tourism and visitor priorities, initiatives and outreach campaigns in 2004, and be it further

- **DELETE** the original third (3rd) **RESOLVE** in its entirety and **ADD** the following **RESOLVE** Clause as the fourth (4th) **RESOLVE**:

RESOLVED, that certified copies of this resolution be forwarded to the Western New York delegation to the U.S. House of Representatives, U.S. Senators Schumer and Clinton, Governor Pataki, the Western New York delegation of the New York State Legislature, County Executive Giambra, the Graycliff Conservancy (P.O. Box 823, Derby, NY 14047), Eli Mundy & Associates, Ltd. (P.O. Box 333, Colden, NY 14033), and Richard Geiger of the BNCVB (617 Main Street, Suite 400, Buffalo, NY 14203-1496).

MR. RANZENHOFER moved to further amend the resolution to include Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

Re: Re-Establishing the EC Charter
Revision Commission. (Intro. 5-2)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT & MARINELLI

WHEREAS, the Erie County Charter is the governing law of the County of Erie, establishing the form of County government and the powers and duties of the County's officers, and

WHEREAS, Article I, section 101 of the Charter states: “among the purposes of this charter are the accomplishment of greater efficiency, economy and responsibility in county government; the securing of all possible county home rule; and the separation of county legislative and executive functions,” and

WHEREAS, since the Charter’s original passage, whilst numerous changes in Erie County and in Erie County government were underway, modifications or amendments to the Charter and Administrative Code have been made through the adoption of Local Laws as provided under Article XX, section 2002, and

WHEREAS, the Charter is in dire need of reform and update, reflected by numerous changes in Erie County and Erie County government, such as, for instance, the reduction of the Erie County Legislature from twenty (20) legislative districts to seventeen (17) legislative districts, and recently, to fifteen (15) districts, and

WHEREAS, other articles and sections of the Charter are out-of-date and need updating and revision, such as renaming the Department of Social Welfare as the Department of Social Services; taking into account the new public benefit status of Erie County Medical Center and the many

changes of its governance and legal status within the County; renaming the Erie County Technical Institute as Erie Community College; deleting reference to the Erie County Home Commissioner; addressing the defunct Erie and Niagara Counties Regional Planning Board; and revising all articles and sections of the Charter to make them gender-neutral, and

WHEREAS, under Article XIX, section 1907, “the county legislature shall create a charter revision commission in March, nineteen hundred eighty. The commission shall study the operation of the county to determine whether the charter and code continue to be an effective framework for the county government and shall submit a final report, including recommendations for appropriate action, to the legislature by June first of the year following its creation. The commission shall be provided with adequate funding for staff and costs as deemed necessary by the legislature. The commission shall have twenty-seven members: one member to be appointed by each district legislator, two members to represent the legislature, and five members to be appointed by the county executive. The legislature shall act on recommendations, either approving or disapproving each recommendation separately, within three months of the date of submission,” and

WHEREAS, by way of comparison, the City of Buffalo reconstituted its own Charter Review Commission in 1998 and other local municipalities have created review bodies for their charters, and

WHEREAS, as discussion continues and begins in earnest concerning the future of our community and county and our governance structures, it is essential that we review and revise the principal document establishing and guiding our County government and structure

NOW, THEREFORE, BE IT

RESOLVED, that under the powers granted to it under Article XIX, section 1970 of the Erie County Charter, the Erie County Legislature hereby re-establishes the Erie County Charter Revision Commission, in order to fully review the Erie County Charter and modify, revise and update the Charter as necessary, and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive, County Comptroller, County Clerk, District Attorney, and Sheriff.

Fiscal Impact: None for this resolution.

MS. MARINELLI moved to amend the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the Sixth (6th) **WHEREAS** Clause and **REPLACE** with the following:

WHEREAS, under Article XIX, section 1907, the Legislature has the power and ability to create a charter revision commission and to designate the powers and membership of said commission, and

- **DELETE** the First (1st) **RESOLVE** Clause and **REPLACE** with the following:

RESOLVED, the Erie County legislature expresses its desire and intention to re- establish the Erie County Charter Revision Commission through the appropriate legal process, such as the subsequent passage and adoption of a local law, and be it further

MR. RANZENHOFER moved to further amend the resolution to include Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

Re: Opposition to Governor Pataki's
 Proposed New Fees for New & Renewal
 Hand Gun Licenses. (Intro. 5-3)

WHEREAS, Governor Pataki's proposed 2004-2005 New York State Budget contains numerous "hidden taxes," occurring through significant increases in fees, surcharges and assessments totaling nearly \$1 billion, and

WHEREAS, one such fee increase Governor Pataki has proposed in his budget is included in amendments to Section 400.00 of the Penal Law, and

WHEREAS, under this proposal, current pistol licensees would have to pay a \$100 fee to renew their license every five years, and

WHEREAS, current law stipulates that gun licensees must qualify for a license once, and hold that license unless or until it is revoked, and

WHEREAS, these amendments, if approved by the State Legislature and signed into law, would impose additional such licensing fees on law-abiding citizens of the State of New York, to wit: a new \$100.00 fee for state licensing for all new and renewal hand gun licenses; a 25.00 fee on duplicate licensees; and a \$25.00 fee on license transfers, and

WHEREAS, these proposed amendments would establish a five (5) year expiration for handgun licenses issued outside of New York City, Long Island and Westchester County, thereby requiring all current holders of "lifetime" licenses to be re-certified, resulting in the additional \$100 renewal fee, and

WHEREAS, members and leaders of the New York State Legislature have voiced concern regarding these proposals, suggesting that the proposal hits more than one million law-abiding upstate citizens who have qualified for licenses, and

WHEREAS, these additional renewal requirements will require the County Clerk to hire additional support staff to implement these unfunded state mandates resulting in greatly increased costs to the county which will have to be passed on to the law abiding permit holders as an additional fee, and

WHEREAS, these additional state revenue generating proposals unduly burden law-abiding permit holders residing in Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its opposition to the institution of new fees by state government and the institution of new state mandated costs by state government onto county government, and be it further

RESOLVED, that this Honorable Body does hereby express its opposition to Governor Pataki's proposed new handgun fees for new and the mandate for currently licensed owners to renew handgun licenses, and be it further

RESOLVED, that this Honorable Body urges the New York State Legislature to reject Governor Pataki's proposed new hand gun fees for new and renewal hand gun licenses, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, members of the Western New York Delegation to the New York State Legislature, County Executive Joel Giambra and County Clerk David Swarts.

FISCAL IMPACT: Impact of Fee Increases Is Negative For State Residents.

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

CARRIED UNANIMOUSLY.

- **ADD** the following co-sponsors: MINORITY CAUSUS.

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

CARRIED UNANIMOUSLY.

Item 31 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.
 GRANTED.

Intro. 5-4 From LEGISLATORS SWANICK, KUWIK & WROBLEWSKI Re: Requesting that NYS Grant Counties Three (3) Sales Tax Exemption Weeks.

Item 32 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-5 From LEGISLATOR RANZENHOFER and the MINORITY CAUCUS Re: Erie County's Excellence in Financial Reporting.

Item 33 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 5-6 From LEGISLATOR WEINSTEIN Re: TANF Surplus for NYS SFY 2004 - 2005.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

Re: Transfer of Public Benefit Funds.
(Intro. 5-7)

A RESOLUTION SUBMITTED BY LEGISLATOR DEBENEDETTI,
DUSZA, KUWIK & MINORITY CAUCUS

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

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

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$100,004 from the 2003 Legislature- Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants- Public Benefit Services (110921301830) for payment to the following agencies:

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<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
City of Lackawanna (Police Department)	830/0315	\$2,550	KUWIK
Northwest Buffalo Community Center Inc.	830/0356	\$42,500	DEBENEDETTI
Brant Volunteer Fire Company	830/0675	\$3,000	CHASE
City of Lackawanna Youth Board & Youth Bureau	830/0677	\$2,500	KUWIK
Kids Voting WNY	830/0900	\$17,000	MINORITY
Akron/ Newstead Senior Citizens Inc.	830/1122	\$15,000	RANZENHOFER
21st Ward Independence Day Association, Inc.	830/1844	\$6,000	DEBENEDETTI
Kenmore Tonawanda Union Free School District - Edison Elementary School	830/1848	\$2,000	CUSACK
Town Park Homeowners Association Inc.	830/1873	\$1,500	DUSZA
Cedar Grove Taxpayers Association	830/	\$1,000	DUSZA
North Collins EMS	830/	\$1,454	CHASE
Town of Cheektowaga Council Office	830/	\$5,000	DUSZA
F.I.S.H. of East Aurora, Inc.	830/	\$2,000	McCARVILLE
Holy Cross Church	830/	\$2,500	DEBENEDETTI
TOTAL		\$100,004	

And be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Crystal L. Quick- Assistant Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Reallocation of 2003 Budgeted Funds

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

Re: Consideration for Public Benefit Funding. (Intro. 5-8)

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

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

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

WHEREAS, on February 5, 2004, the Erie County Legislature unanimously approved as amended Intro 4-8 designating both Excalibur Leisure Skills Center and Literacy Volunteers of America to each receive an application for \$1,200 in Public Benefit Funding, and be it further

NOW, THEREFORE, BE IT

RESOLVED, that the designation of \$1,200 for both Excalibur Leisure Skills Center and Literacy Volunteers of America per Intro 4-8 be reallocated and added to a new allocation and designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Excalibur Leisure Skills Center	\$10,700	SWANICK, RANZENHOFER, CHASE, WEINSTEIN, McCARVILLE, CUSACK & MARSHALL
Kids Voting WNY	\$7,000	SWANICK, RANZENHOFER, CHASE, WEINSTEIN, McCARVILLE, CUSACK & MARSHALL
Literacy Volunteers of America	\$10,700	RANZENHOFER, CHASE, WEINSTEIN, McCARVILLE, CUSACK & MARSHALL
Meals on Wheels of Buffalo & Erie County	\$6,000	CHASE, McCARVILLE, & CUSACK
H.E.A.R.T., Inc.	\$6,000	RANZENHOFER, CHASE, WEINSTEIN, McCARVILLE, CUSACK & MARSHALL
Amherst Drug Court	\$8,000	RANZENHOFER, WEINSTEIN, & CUSACK
TOTAL	\$48,400	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited

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agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl – Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

- **DELETE** the Second **RESOLVED** Clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Excalibur Leisure Skills Center	\$10,700	SWANICK, RANZENHOFER, CHASE, WEINSTEIN, McCARVILLE, CUSACK & MARSHALL
Kids Voting WNY	\$7,000	SWANICK, RANZENHOFER, CHASE, WEINSTEIN, McCARVILLE, CUSACK & MARSHALL
Literacy Volunteers of America	\$10,700	RANZENHOFER, CHASE, WEINSTEIN, McCARVILLE, CUSACK & MARSHALL
Meals on Wheels of Buffalo & Erie County	\$6,000	CHASE, McCARVILLE, & CUSACK
H.E.A.R.T., Inc.	\$6,000	RANZENHOFER, CHASE, WEINSTEIN, McCARVILLE, CUSACK & MARSHALL
Amherst Drug Court	\$8,000	RANZENHOFER, WEINSTEIN, & CUSACK
Economic Development Group, Inc.	\$9,000	SWANICK & WEINSTEIN
TOTAL	\$57,400	

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

Re: Calling for a Public Hearing to
 Increase Maximum Allowance Income
 Levels for Senior Citizen Real Property
 Tax Exemption. (Intro. 5-9)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK, KUWIK,
 RANZENHOFER, CHASE, WEINSTEIN, McCARVILLE, CUSACK,
 SCHROEDER, WROBLEWSKI & MARSHALL

WHEREAS, state legislation has been enacted allowing municipalities to increase the maximum income eligibility for senior citizens to receive a real property tax exemption, and

WHEREAS, pursuant to state law, eligible senior citizens are those persons 65 years of age or older who have owned their property for the past 12 consecutive months prior to filing for the exemption and who have incomes that do not exceed the maximum level set by law, and

WHEREAS, senior citizens, in order to be eligible for the property tax exemption, must list their property as their legal address and must also reside there, and

WHEREAS, pursuant to Section 467, paragraph 1(a) of the State Real Property Tax Law, as amended, a public hearing must be scheduled, advertised and held by the Erie County Legislature on the proposal to increase the maximum income eligibility level,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, is interested in participating in the local option to increase the maximum income eligibility for senior citizens to receive a real property tax exemption, and be it further

RESOLVED, that upon evaluation of the public hearing, this Honorable Body proposes granting an exemption from the County of Erie real property taxes so as to increase the maximum eligibility levels to the extent of fifty per centum (50%) of the assessed valuation of real property owned by persons 65 years of age or older who qualify therefore under said section, provided said persons do not have incomes in excess of twenty-four thousand dollars (\$24,000) for the income tax year immediately preceding the date of application for said exemption and to the extent provided in the following schedule:

Annual Income

Percentage of Assessed Valuation
 Exempt from Taxation By the County of Erie

Up to \$24,000	50 per centum
More than \$24,000 but less than \$25,000	45 per centum
\$25,000 or more, but less than \$26,000	40 per centum
\$26,000 or more, but less than \$27,000	35 per centum
\$27,000 or more, but less than \$27,900	30 per centum

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\$27,900 or more, but less than \$28,800	25 per centum
\$28,800 or more, but less than \$29,700	20 per centum
\$29,700 or more, but less than \$30,600	15 per centum
\$30,600 or more, but less than \$31,500	10 per centum
\$31,500 or more, but less than \$32,400	5 per centum

and be it further,

RESOLVED, that the Erie County Legislature hereby applies aforesaid exemption schedule to all taxable status dates assessment rolls in Erie County, applying to rolls prepared on taxable status dates after January 1, 2004/ and be it further

RESOLVED, that the Clerk and the Chairman of the Erie County Legislature are hereby directed to organize, advertise, and hold a public hearing in the Chambers of the Erie County Legislature on the proposal to increase the maximum eligibility level for senior citizens to receive a real property tax exemption within 30 days following the adoption of this resolution, and be further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, Budget Director Joseph Passafiume, Deputy Commissioner of Real Property Tax Joseph Maciejewski, County Attorney Frederick A. Wolf, Senior Services Commissioner Pamela Krawczyk and to the Assessors of each city, town and village in Erie County.

FISCAL IMPACT: To be determined.

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

CARRIED UNANIMOUSLY.

Item 37 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

Re: Consideration for Public Benefit
Funding. (Intro. 5-10)

A RESOLUTION SUBMITTED BY
LEGISLATOR SWANICK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

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

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Buffalo Music Hall of Fame	\$9,500	SWANICK
City of Tonawanda Fire Department	\$5,000	SWANICK
TOTAL	\$14,500	

And be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl – Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

- **DELETE** the First **RESOLVED** Clause in its entirety and **REPLACE** with:

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Buffalo Music Hall of Fame	\$9,500	SWANICK
City of Tonawanda Fire Department	\$5,000	SWANICK
Village of Kenmore	\$10,000	SWANICK
Amherst Community Foundation (Chamber)	\$3,000	RANZENHOFER
Clarence Chamber of Commerce	\$3,000	RANZENHOFER

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Akron Chamber of Commerce	\$3,000	RANZENHOFER
Cheektowaga Chamber of Commerce	\$3,000	RANZENHOFER
Clarence Hollow Merchants Association	\$3,000	RANZENHOFER
Amherst Soccer Association	\$3,000	WEINSTEIN
TOTAL	\$42,500	

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

CARRIED UNANIMOUSLY.

Item 38 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-11 From LEGISLATOR DEBENEDETTI Re: Erie Tobacco Asset Securitization Corporation & Erie County's Tobacco Proceeds.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

Re: Quarterly Reports Concerning Status of EC Vehicle Fleet. (Intro. 5-12)

A RESOLUTION SUBMITTED BY
 LEGISLATOR DEBENEDETTI

WHEREAS, between January 2000 and September 2003, the County of Erie purchased 258 cars, SUVs, pickup trucks, vans, and big trucks at a cost of \$7,631,324.79, and

WHEREAS, in September 2002 County Executive Giambra proposed, and in November 2002, the Legislature approved by a vote of 9 for and 7 against, the creation of a new Director of Fleet Operations position in the Division of Information and Support Services (DISS) at a variable minimum, job grade 16, step 2, and

WHEREAS, the role of that position and incumbent was to manage and control the vehicle fleet “in order to achieve operating efficiencies and reduce costs,” and to “allow for more consistent and efficient management of the County fleet at a reduced cost,” and

WHEREAS, the County hired Robert Bartholomew of Tops Markets, a transportation specialist, to serve as the Director of Fleet Operations, and

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WHEREAS, in 2002, DISS also created a new Bureau of Fleet Services whose budget has increased from \$66,625 in 2002 to \$1,714,157 in 2004, and

WHEREAS, the Erie County vehicle fleet has been the subject of an audit by the Erie County Comptroller, a comprehensive review by consultants Lumsden & McCormick and CGR, and other close scrutiny by the Legislature since 2000, and

WHEREAS, in creating the new Bureau of Fleet Services and Director of Fleet Operations position, this Honorable Body expressed its desire and was assured that the Director of Fleet Operations would provide quarterly reports to the Legislature regarding the vehicle fleet and his modernization and restructuring of that area, and

WHEREAS, since November 2002, the Director of Fleet Operations has only provided one written report to the Legislature in May 2003,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for internal measures and processes designed to reduce waste, limit spending and improve the quality of services for County taxpayers, and be it further

RESOLVED, that this Honorable Body expresses its desire that the Director of Fleet Operations shall hereby provide quarterly reports (January, April, July, October), to the Legislature's Finance and Management Committee concerning the size of the County's vehicle fleet, its composition, the location of vehicles (by department and garaging site), the identity of those who drive 24-hour take home vehicles and which vehicles they drive, the status of the Fleet Director's efforts to reduce the number of vehicle maintenance garages across the County and so forth, and be it further

RESOLVED, that the Director of Purchase in DISS is hereby directed to provide quarterly reports to the Legislature's Finance and Management Committee concerning all vehicle purchases in each quarter (January, April, July, October), including copies of all purchase orders for all vehicles, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Director of DISS, Director of Fleet Operations, and Director of Purchase.

Fiscal Impact: Positive for Erie County Taxpayers

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

Re: Repeating Request for Audit of
 County Credit/ Fuel Cards. (Intro. 5-13)

A RESOLUTION SUBMITTED BY
 LEGISLATOR DEBENEDETTI

WHEREAS, in 2001, Erie County Comptroller Nancy Naples conducted an audit of the County's vehicle fleet that in part, examined fuel cards and found that the Division of Information and Support Services had "not maintained adequate control over the use of County fuel cards," and

WHEREAS, Department of Public Works Commissioner Maria Lehman may have conducted an internal review, inquiry, or investigation at some point in the past 3 ½ years concerning her department's employees' use of county-issued credit and fuel cards, and

WHEREAS, in 2002 and 2003, reports surfaced that Erie County employees may have been using their county-issued credit and/or fuel cards for personal purposes and personal gain, and

WHEREAS, on October 23, 2003, then-Erie County Legislator David Dale requested that Erie County Comptroller Nancy Naples initiate an audit of credit and fuel cards, and

WHEREAS, on November 10, 2003, Comptroller Naples declined to initiate an audit, citing other priorities, and

WHEREAS, in mid-December 12, 2003, following reports in a local newspaper concerning the County's purchasing practices of furniture, Comptroller Naples initiated an audit of that area,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, responsible to the citizens of Erie County and acting in its role as a fiscal watchdog over the executive branch, respectfully requests that Comptroller Naples initiate, by second quarter 2004, an audit of all County-issued credit and fuel cards, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Comptroller, and County Executive.

Fiscal Impact: None for this resolution.

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

CARRIED UNANIMOUSLY.

Item 41 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 70

Re: Consideration for Public Benefit
 Funding. (Intro. 5-14)

A RESOLUTION SUBMITTED BY
 LEGISLATORS DUSZA AND WROBLEWSKI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

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

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following **WHEREAS** Clause as the third (3rd) Whereas:

WHEREAS, on February 5, 2004, the Erie County Legislature unanimously approved as amended, Intro. 4-20, designating the Community Action Organization to receive an application for \$38,000 in Public Benefit Funding; and Jusendo to receive an application for \$49,500 in Public Benefit Funding,

- **ADD** the following **RESOLVE** Clauses:

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Buffalo Fire Historical Society	\$500	DUSZA
American Legion Depew Post #1528	\$1,000	DUSZA
Chopin Singing Society	\$4,000	DUSZA
Doyle Hose Fire Co. #2	\$1,500	DUSZA
West Seneca Rotary Foundation Inc.	\$25,000	WROBLEWSKI
Southtowns YMCA	\$2,000	WROBLEWSKI
Excalibur Leisure Skills Center	\$1,200	WROBLEWSKI
United Irish American Assoc. of Erie County	\$1,000	WROBLEWSKI
Majority Staff of Erie County Legislature	\$13,000	SMITH
Literacy Volunteers of America	\$1,000	SMITH
Fillmore Leroy Area Residents	\$3,500	SMITH
Coalition for Economic Justice	\$1,000	SMITH
TOTAL	\$54,700	

And be it further

RESOLVED, that the designation of \$38,000 for Community Action Organization as per Intro. 4-20 be amended and reduced to \$24,000 and be it further

RESOLVED, that the designation of \$49,500 for Jusendo as per Intro. 4-20 be amended and reduced to \$46,000 and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 42 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

Re: Support for Erie Community
College. (Intro. 5-15)

A RESOLUTION SUBMITTED BY
LEGISLATORS HOLT AND MARINELLI

WHEREAS, in 2001 and 2003, the Erie County Executive sought and received Legislature approval for two separate studies of Erie Community College, including reviews of its facilities and separate campuses and the creation of a facilities master plan, and

WHEREAS, those studies cost the County \$1,027,000, and

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the first two **WHEREAS** clauses and **REPLACE** in their entirety with the following **WHEREAS** clauses:

WHEREAS, Erie Community College (ECC) is the county-sponsored, State University of New York-chartered junior college in Erie County, and

WHEREAS, ECC, operating from campuses in Amherst, Orchard Park-Hamburg, and Buffalo, educates approximately 12,000 students in the Fall and Spring semesters, with more than 50% of the students studying at the Amherst (North) Campus, roughly 30% studying at the Orchard Park (South) Campus, and roughly 20% studying at the Buffalo (City) Campus, and

WHEREAS, in 2001 and 2003, the Erie County Executive sought and received legislature approval for two separate studies of ECC, including reviews of its facilities and separate campuses and the creation of a facilities master plan at a total cost of \$1,027,000, and

WHEREAS, the first study was released in May 2002, with the independent consultant recommending the retention and expansion of a multi-campus, regional, community college system, and

WHEREAS, the second study's draft generic environmental impact statement (DGEIS) has recently been released to the ECC Board of Trustees, with three distinct alternatives for ECC provided in which one of the three alternatives proposes the closure of ECC's suburban campuses and the creation of a new consolidated campus in downtown Buffalo, and

WHEREAS, the County Executive has proposed closing the suburban campuses and consolidating all ECC students and faculty at a new campus in downtown Buffalo,

NOW, THEREFORE, BE IT

- **ADD** the following **RESOLVE** clauses:

RESOLVED, that the Erie County Legislature expresses its support for Erie Community College and expresses its commitment to assisting the college in its mission of educating local residents in an affordable, quality environment, and be it further

RESOLVED, that this Honorable Body expresses its desire to, and requests that the County Executive work cooperatively with the Legislature and the ECC Board of Trustees, ECC administration, ECC faculty and staff, ECC students, New York State officials, and the public to explore the DGEIS, reexamine the Resultants 2002 study, and develop open and public processes for discussing and determining the future of ECC, including its facilities and campus locations, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the local delegation of the New York State Legislature, the ECC President, ECC Board of Trustees and the Erie County Executive.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 43 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

Re: Appointment to Board of Directors
of Erie County Soil & Water
Conservation District. (Intro. 5-16)

A RESOLUTION SUBMITTED BY
LEGISLATORS HOLT & MARINELLI

WHEREAS, pursuant to state law, the Erie County Legislature must appoint members to the Erie County Soil & Water Conservation District Board of Directors, and

WHEREAS, there is a vacancy on the Board in the position formerly held by Legislator David Dale,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County legislature does hereby appoint:

Hon. Raymond K. Dusza
12 Philip Drive
Cheektowaga, NY 14227

and be it further

RESOLVED, that Legislator Dusza is hereby appointed to serve the remainder of the term formerly held by Legislator Dale and reappointed to serve a new term taking effect April 10, 2004 and expiring on April 10, 2005, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Soil & Water Conservation District (50 Commerce Way, East Aurora, NY 14052).

Fiscal Impact: None.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 44 – MS. MARINELLI moved to discharge the REGIONALISM AD HOC COMMITTEE from further consideration of Intro. 13-8 (2003). MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

Intro 13-8 From LEGISLATOR HOLT Re: Potential Casino in Buffalo's Historic Central Terminal.

Received and filed.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR SWANICK

Item 45 – (Comm. 5E-1) FOIL Request for Copy of Audio Tape from Session #4 (2004).

Received and filed.

FROM THE COMPTROLLER

Item 46 – (Comm. 5E-2) Investment Earnings Report for 2003.

Item 47 – (Comm. 5E-3) Cost of Borrowing Report & Scheduled Maturities Chart for Pension Serial Bonds & Public Improvement Bonds Sold 12/03 & 1/04.

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

FROM THE COUNTY EXECUTIVE

Item 48 – (Comm. 5E-4) Information on FEMA Integrated Emergency Management Course - Consequences of Terrorism Scheduled for 5/17 -5/21/04.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 49 – (Comm. 5E-5) Revised Communication Appointing Health Commissioner the Official Doctor for the Holding Center & Correctional Facility.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 50 – (Comm. 5E-6) Appointment of EC Commissioner of Social Services.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 51 – (Comm. 5E-7) Home Rule Request for Authorization to Arrange for the Underwriting & Private Sale of Bonds or Notes Through Negotiated Agreement.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR McCARVILLE

Item 52 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

Re: Lease for Legislative Office Space.
 (Comm. 5E-8)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between The Village of Gowanda located at 27 East Main Street, Gowanda, New York, and Erie County for Legislative Office Space for Erie County Legislator Steven P. McCarville at a cost of \$0 per month.

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

CARRIED UNANIMOUSLY.

FROM CHAIRMAN HOLT

Item 53 – (Comm. 5E-9) Copy of Letter to Majority Leader Marinelli Re: Notice of First Meeting of the Newly Established Urban Caucus.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 54 – (Comm. 5E-10) 2004 State of the County Message.

Received and filed.

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FROM CHAIRMAN HOLT

Item 55 – (Comm. 5E-11) Response to FOIL Request Dated 2/6/04.

Received and filed.

FROM THE COMPTROLLER

Item 56 – (Comm. 5E-12) Copy of Memo to Purchasing Director Re: Furniture Purchases.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR RANZENHOFER

Item 57 – (Comm. 5E-13) Minority Appointment of Non-Voting Representative to ECMCC Board of Directors.

RECEIVED, FILED & PRINTED.

February 12, 2004

Jody Lomeo
 Chairman, Erie County Medical Center Corporation Board
 462 Grider Street
 Buffalo, New York 14202

Re: Minority Appointment of its Non-Voting Representative to the Erie County Medical Center Corporation Board of Directors.

Dear Chairman Lomeo:

Pursuant to Section 3628(2) of Article 10-C, Title 6 of the N.Y. Public Authorities Law, which created the Erie County Medical Center Corporation, the Minority Caucus of the Erie County Legislature wishes to notify you of its appointment of a Non-Voting Representative to Erie County Medical Center Corporation Board of Directors. The name of the appointee is set forth herein:

APPOINTEE

TERM

Scott D. Marchant
 8941 Michael Douglas Drive
 Clarence Center, New York 14032

One (1) year

Therefore, we would ask that this letter be Received, Filed and Printed by the Erie County Legislature to allow Mr. Marchant to begin his service on Erie County Medical Center Corporation Board of Directors.

Very truly yours,

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Michael H. Ranzenhofer
 Minority Leader, Erie County Legislature
 Legislator -4th District

CC: Erie County Legislature
 Mr. Roger E. Kaiser, Jr., MD, ECMCC CEO
 Hon. Joel A. Giambra, Erie County Executive

FROM LEGISLATOR SCHROEDER

Item 58 – (Comm. 5E-14) Consolidation of Items Related to LL Intro. No.1 – 2003 – MBE/WBE. Utilization Commitment Act.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR SWANICK

Item 59 – (Comm. 5E-15) Notice of Receipt of Response to FOIL Request Dated 2/6/04.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 60 – (Comm. 5E-16) Health- TB Elimination Activities Program 9/1/03 – 1/31/05.

Item 61 – (Comm. 5E-17) Health – Public Health Preparedness Response to Bioterrorism 9/1/03 – 8/31/04.

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

Item 62 – (Comm. 5E-18) Increase to EC Soil & Water Conservation District Agreement – Stream Bank Maintenance Program.

Item 63 – (Comm. 5E-19) Parks -Master Plan Implementation – Engineer Supplemental Agreement.

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

Item 64 – (Comm. 5E-20) District Attorney – Elder Abuse Training Program Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 65 – (Comm. 5E-21) ECSD Nos. 2, 4 & 6 – Contract Close-Out – Kandey Company.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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Item 66 – (Comm. 5E-22) District Attorney - STOP DWI Grant.

Item 67 – (Comm. 5E-23) Go Safe Grant – Revision for 2004.

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

Item 68 – (Comm. 5E-24) Indigent Defense Funding.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 69 – (Comm. 5E-25) Appointment to EC Traffic Safety Advisory Board.

RECEIVED, FILED & PRINTED.

February 9, 2004

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

Re: Appointment to Erie County Traffic Safety Advisory Board

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 43, New York Vehicle and Traffic Law, Section 16-12, do hereby appoint the following individual to the Traffic Safety Advisory Board, for the term stated.

APPOINTMENT

NAME AND ADDRESS

TERM EXPIRATION

LuAnne Palma
 7054 Derby Road
 Derby, New York 14047

December 31, 2006

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/dar
 cc: Ms. LuAnne Palma
 John Sullivan, Director, Erie County Stop DWI

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Item 70 – (Comm. 5E-26) Reappointments to EC Mental Hygiene Community Services Board.

RECEIVED, FILED & PRINTED.

February 17, 2004

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

**Re: Reappointments to the Erie County
 Mental Hygiene Community Services Board**

Dear Honorable Members:

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

Appointment -At Large Member

<u>Name</u>	<u>Term Expires</u>
Dr. David Heffler WNY Children's Psychiatric Center 1010 East West Road West Seneca, New York 14224	December 31, 2006

Reappointments - At Large Members

<u>Name</u>	<u>Term Expires</u>
Ms. Dorothy Pappas 108 Depew Avenue Buffalo, New York 14214	December 31. 2005
Mr. Charles Syms 145 Cedar Road Buffalo, New York 14215	December 31.2005

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Reappointments - Representatives to the CSB
Mental Retardation/Developmental Disabilities Subcommittee

<u>Name</u>	<u>Term Expires</u>
Mr. David Chudy 449 Colvin Avenue Buffalo, New York 14216	December 31, 2005
Mr. Donald Enslin 86 Theresa Drive Cheektowaga, New York 14227	December 31, 2005

Reappointments Mental Retardation/Developmental Disabilities Subcommittee

<u>Name</u>	<u>Term Expires</u>
Ms. Betty Brady 3 Eagles Trace Williamsville, New York 14221	December 31, 2005
Ms. Joyce Drzewiecki 103 Cindy Drive Williamsville, New York 14221	December 31, 2005
Mr. Kevin Nowak 740 Colvin Blvd. Kenmore, New York 14217	December 31, 2005
Ms. Elizabeth Polisoto 4702 Red Oak Court Hamburg, New York 14075	December 31, 2005

Reappointment- Representative to CSB
Alcoholism/Substance Abuse Subcommittee

<u>Name</u>	<u>Term Expires</u>
Ms. Jan Palya 633 W. Delevan Avenue Buffalo, New York 14222	December 31, 2006

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Reappointments -Alcoholism/Substance Abuse Subcommittee

<u>Name</u>	<u>Term Expires</u>
Mr. Anthony D' Amore 25 Matthews Drive Lancaster, New York 14086	December 31, 2006
Dr. John Gillick VA Medical Center 3495 Bailey Avenue Buffalo, New York 14215	December 31, 2006
Mr. Peter Mouow 160 North Street Buffalo, New York 14201	December 31, 2006

Appointment -Representative to CSB Mental Health Subcommittee

<u>Name</u>	<u>Term Expires</u>
Ms. Terri Cochran Action for Mental Health 1585 Kenmore Avenue Kenmore, New York 14217	December 31, 2006

Reappointments- Mental Health Subcommittee

<u>Name</u>	<u>Term Expires</u>
Ms. Vicky McCarthy 6773 Prescott Drive Derby, New York 14047	December 31, 2006
Dr. Carole Segal 101 Carriage Circle Williamsville, New York 14221	December 31, 2006
Ms. Sharon Simpson New Options EC Adult Mgmt. 570 Forest Avenue Buffalo, New York 14222	December 31, 2006

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

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JAG/dar

cc: Appointees
 Michael Weiner, Commissioner, Mental Health

Item 71 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

Re: Appointment of the EC Records
 Management Officer. (Comm. 5E-27)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Hon. David J. Swarts of 100 Oaknoll, Elma, NY 14059 as the Erie County Records Management Officer for an unexpired term.

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

CARRIED UNANIMOUSLY.

Item 72 – (Comm. 5E-28) Health – Clean Indoor Air Act Smoking Waiver Fees.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 73 – (Comm. 5E-29) EMS – Revision to Resolution for World Trade Center Grant for Federal Disaster Declaration #1391 of 9/11/01.

Item 74 – (Comm. 5E-30) EMS – Revision of the Resolution for the Citizens Corps Council Grant.

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

Item 75 – (Comm. 5E-31) ECSD No. 3 – A/E Agreement Dated 1/13/04 Engineering Change Order No. 1 – Malcolm Pirnie.

Item 76 – (Comm. 5E-32) ECSD No. 1 – Contract #17 – Change Order #1 – Losson Subtrunk Sanitary Sewer Contract.

Item 77 – (Comm. 5E-33) Pollution Prevention Technical Assistance Program.

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

Item 78 – (Comm. 5E-34) Senior Services – Authorization to Amend Seven Project Budgets.

Item 79 – (Comm. 5E-35) Senior Services – Authorization to Amend RSVP Grant Budget.

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Item 80 – (Comm. 5E-36) Senior Services – Authorization to Amend C-1 Grant Budget.

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

FROM CHAIRMAN HOLT

Item 81 – (Comm. 5E-37) Appointment to EC Development Coordination Board.

Received and filed.

FROM THE SHERIFF

Item 82 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

Re: Personnel Adjustments.
 (Comm. 5E-38)

WHEREAS, the Erie County Sheriffs Office has identified the need to reorganize the supervisory and support staffs of the Erie County Sheriff's Office requiring personnel adjustments in both the Sheriff's and Holding Center Divisions and,

WHEREAS, funding for these position adjustments will be offset by the positions deleted and positions that will remain vacant throughout 2004 therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create one First Deputy Superintendent Sheriff, Job Grade 15, one Executive Assistant to the Sheriff, Job Grade 10, one Technical Sergeant Job Grade 9, and one Receptionist Job Grade 3, and be it further,

RESOLVED, that the Erie County Sheriff' Office be authorized to upgrade the position of Administrative Coordinator Sheriff from a Job Grade 15 to a Job Grade 16, upgrade the position of Chief Deputy Sheriff Civil from a Job Grade 14 to a Job Grade 15, and upgrade the position of Director of Public Accountability from a Job Grade 12 to a Job Grade 14, and be it further,

RESOLVED, that the Erie County Sheriffs Office be authorized to delete two Deputy Superintendent Sheriffs, one to be effective April 1, 2004, delete one Food Service Manager, delete one Assistant Bookkeeper Civil and, delete one Junior Secretary Sheriff, and be it further,

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECC

Item 83 – (Comm. 5D-1) Notice of Trustees Meeting to be Held 2/25/04.

Received and filed.

FROM ECMCC

Item 84 – (Comm. 5D-2) Notice of Meeting Held 2/18/04.

Received and filed.

FROM DEP

Item 85 – (Comm. 5D-3) ECSD No. 3 – Increase & Improvement of Facilities – Notice of Public Hearing.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 86 – (Comm. 5D-4) Copy of Letter to Chairman Holt Detailing Residual Payments.

Item 87 – (Comm. 5D-5) Copy of Letter to Chairman Holt Re: Cost for Rebuilding East Side Transfer Station.

Item 88 – (Comm. 5D-6) Copy of Letter to Legislator DeBenedetti Re: Erie Tobacco Asset Securitization Corporation.

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

FROM THE COUNTY ATTORNEY

Item 89 – (Comm. 5D-7) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BOARD OF ELECTIONS

Item 90 – (Comm. 5D-8) Memo Re: Help America Vote Act.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DPW

Item 91 – (Comm. 5D-9) Information Related to the Federal Reauthorization of Transportation Funding.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NFTA

Item 92 – (Comm. 5M-1) Minutes of Board Meeting Held 12/22/03.

Received and filed.

FROM THE NYS DORMITORY AUTHORITY

Item 93 – (Comm. 5M-2) SEQR – Negative Declaration Notice for Canisius College Dormitory Project.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NY POWER AUTHORITY

Item 94 – (Comm. 5M-3) Updated Information on Niagara Relicensing Website.

Received and filed.

FROM THE TOWN OF BRANT

Item 96 – (Comm. 5M-4) Copies of Certified Resolutions.

Received and filed.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 97 – (Comm. 5M-5) Revised Copy of Agricultural Districts Law.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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FROM NFTA

Item 98 – (Comm. 5M-6) Request for Qualifications for the Development of Buffalo's Outer Harbor.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 99 – (Comm. 5M-7) Notice of Meeting Held 2/17/04 & Minutes of 1/20/04 Meeting.

Received and filed.

FROM THE NY POWER AUTHORITY

Item 100 – (Comm. 5M-8) Notice of Additional Information Posted on Niagara Relicensing Website.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM XSPAND

Item 101 – (Comm. 5M-9) Copy of Letter to Chairman Holt Re: Resolution Titled “Allowing Property Owners to Make Payments & Avoid Foreclosure.”

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM SAP AG

Item 102 – (Comm. 5M-10) SAP – Public Sector Solution MAP 2004.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM SENATOR VOLKER

Item 103 – (Comm. 5M-11) Acknowledgement of Receipt of Resolution.

Received and filed.

MEMORIAL RESOLUTIONS

Item 104 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Former Council Member Beverly Gray.

Item 105 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Ann Oliver.

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Item 106 – Mr. Swanick requested that when the Legislature adjourns, it do so in memory of Allan McGamwell.

Item 107 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Manuel Norman.

Item 108 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Thomas Fortunato.

Item 109 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Arlene Budding.

Item 110 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Cyril Schultz.

ADJOURNMENT

Item 111 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, March 4, 2004.
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 4, 2004 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK