

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

ERIE COUNTY LEGISLATURE
MEETING NO. 11
May 23, 2002

The Legislature was called to order by Chairman DeBenedetti.

All Members Present except Legislator Greenan.

The invocation was led by Michael Devlin, St. Francis & Joseph Heins, St. Joe's.

The Pledge of Allegiance was led by Mr. Swanick.

Item 1 – MR. RANZENHOFER moved to reconsider Comm. 9E-38. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

Re: Ralph Wilson Stadium 2002 Improvements
 – Outdoor Artificial Grass Practice Field – Sub-
 Base & Drainage.

WHEREAS, the Department of Public Works received bids on April 5, 2002 for the Ralph Wilson Stadium – 2002 Improvements – Artificial Grass Outdoor Practice Field, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Ralph Wilson Stadium – 2002 Improvements – Artificial Grass Outdoor Practice Field, and

WHEREAS, the County of Erie is required to provide Capital Lease Improvements to the stadium facilities pursuant to the Lease Agreement,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2002 Improvements --- Artificial Grass Outdoor Practice Field, as follows:

GENERAL CONSTRUCTION WORK

Birch Grove Landscaping & Nursery, Inc.

Base Bid	\$135,700.00
----------	--------------

and be it further,

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that the sum of \$14,300 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2002 Ralph Wilson Stadium Capital Improvements Budget, Fund 410, Project 284, in the total amount of \$150,000,000, and be it further,

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

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

CARRIED UNANIMOUSLY.

DELETE the 4th RESOLVED clause and ***REPLACE*** with the following:

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2002 Ralph Wilson Stadium Capital Improvements Budget, Fund 410, Project 284, in the total amount of \$150,000.00, and be it further

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

CARRIED UNANIMOUSLY.

Item 2 – CHAIRMAN DeBENEDETTI directed that Comm. 13E-45 (2001) remain on the table.

MR. RANZENHOFER moved the approval of the minutes of Meeting No. #27 of 2001. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 3 – MR. RANZENHOFER presented a resolution Recognizing 5/23/02 as Catholic Youth Government Day in Erie County. MR. SWANICK seconded.

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

Item 4 – MR. SWANICK presented a resolution Honoring Fallen US Marine Harry Jay Kordasiewicz. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 5 – MS. CUSACK presented a resolution Honoring John & Mary's 50th Anniversary in Business. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. SCHROEDER presented a resolution Congratulating Interns of 2nd District of Spring of 2002 for Their Efforts. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. HOLT presented a resolution Honoring Daniel Robertson a Turner/Carroll High School Graduate of 2002. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. WEINSTEIN presented a resolution Recognizing Boys & Girls Club of Buffalo for Their Help with Buffalo Public School Students. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. DUSZA presented a resolution Honoring the Cheektowaga Lions Club Upon the Occasion of Its 50th Anniversary. MR. DALE seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. DUSZA presented a resolution Honoring Michael Debergalis Upon His Attainment of the Rank of Eagle Scout. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 11 – MS. PEOPLES presented a resolution Honoring Rural/Metro Medical Services for Diversity in the Work Force. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Item 12 – MS. CHASE presented a resolution Honoring William Feasley as He is Honored by the Eden Republican Committee. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. WEINSTEIN presented a resolution Honoring the Sisters of St. Francis. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. RANZENHOFER presented a resolution Honoring Peter Sigurdson. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 15 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 16 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 17 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 18 – CHAIRMAN DeBENEDETTI directed that Local Law No. 10 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 19 – CHAIRMAN DeBENEDETTI directed that Local Law No. 3 (Print #1) 2002 remain on the table.

Item 20 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #1) 2002 remain on the table.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

May 16, 2002

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT.

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

	Item	Page	-2002	AMENDMENT TO (Comm. 3E-29)
a.	COUNTY EXECUTIVE OPEN ITEM: AS AMENDED:			Federal Aid Projects. (Open Item Comm. 3E-29 remains on the table, only the amendment was received and filed.)
				(5-0)

	Item	Page	-2002	(Comm. 10E-18)
b.	COUNTY EXECUTIVE:			ECMC Smith Auditorium Renovations – Supplemental Agreement to General A/E Contract.
				(5-0)

	Item	Page	-2002	(Comm. 10E-14)
2.	COUNTY EXECUTIVE			

WHEREAS, Pursuant to New York State Highway Law, Article 6, Section 118A, the Commissioner of Public Works, Division of Highways, recommends to abandon to the adjacent property owner a portion of existing right-of-way on Niagara Falls Boulevard in the Town of Tonawanda that is no longer needed for highway purposes.

NOW, THEREFORE BE IT

RESOLVED, that upon the recommendation of the Commissioner of Public Works, a portion of the existing right-of-way at the southwest corner of Niagara Falls Boulevard, a state highway and Creekside Drive, CR 521, as shown on the attached map be abandoned to the adjacent land owner known to be Benderson Development Company for consideration of \$5000.00 as determined by the Division of Budget, Management and Finance, payable to the County of Erie. The area of the abandonment being 0.173 acres, more or less, and be it further

RESOLVED, that the County Executive be authorized to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed of the aforementioned land so to be abandoned, and be it further

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

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

(5-0)

3. Item Page -2002 **AS AMENDED**
(Comm. 10E-15)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on April 17, 2002 for the Erie Community College North & South Campuses - Medium Voltage Switch Replacement project, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with Ferguson Electric Construction Co., Inc. for the Erie Community College North & South Campuses - Medium Voltage Switch Replacement project as follows:

ELECTRICAL CONTRACT

Ferguson Electric Construction Co., Inc.

Base Bid	\$280,800.00
----------	--------------

and be it further,

RESOLVED, that the sum of \$28,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payments from Project 813, Fund 480, in the amount of \$64,800 and Project 227, Fund 480, in the amount of \$244,000, and be it further,

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

(5-0)

4. Item Page -2002 (Comm. 10E-17)
COUNTY EXECUTIVE

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, the Department of Public Works received bids on April 17, 2002 for the Roof Replacement at the Aurora Maintenance Garage, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder for the Roof Replacement at the Aurora Maintenance Garage,

NOW, THEREFORE, BE IT,

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

Aurora Maintenance Garage

Jameson Roofing

Base Bid:

\$263,000.00

and be it further,

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

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

RESOLVED, that the sum of \$40,000 be allocated for additional Architectural/Engineering fees, testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payment from 2002, Project 296, Fund 410, and be it further,

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

(5-0)

5.	Item	Page	-2002	AS AMENDED (Comm. 10E-19)
	COUNTY EXECUTIVE			

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, the Department of Public Works received bids on April 16, 2002 for the Ralph Wilson Stadium – 2002 Improvements – Mid-Level Restroom Tower Work, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Ralph Wilson Stadium – 2002 Improvements – Mid-Level Restroom Tower Work, and

WHEREAS, the County of Erie is required to provide Capital Lease Improvements to the stadium facilities pursuant to the Lease Agreement,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2002 Improvements – Mid-Level Restroom Tower Work, as follows:

GENERAL CONSTRUCTION WORK

Summit Construction Co.

Base Bid	\$276,000.00
----------	--------------

PLUMBING WORK

W.C. Roberson Plumbing & Construction Co.

Base Bid	\$107,000.00
----------	--------------

HVAC WORK

John W. Danforth Co.

Base Bid	\$ 97,777.00
----------	--------------

ELECTRICAL WORK

Tunney Electric

Base Bid	<u>\$ 33,333.00</u>
----------	---------------------

Total Award of Contracts:	\$514,110.00
---------------------------	--------------

and be it further,

RESOLVED, that the sum of \$65,890.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2002 Ralph Wilson Stadium Capital Improvements Budget, Fund 410, Project 284, in the total amount of \$580,000.00, and be it further,

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

(5-0)

**MICHAEL H. RANZENHOFER
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

May 16, 2002

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

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

a.

Item	Page	-2002	(Comm. 10E-1)
------	------	-------	---------------

COMPTROLLER: Apportionment & Distribution of Four Percent (4%) Sales Tax Received by Erie County from NYS.
(5-0)

b.

Item	Page	-2002	(Comm. 10E-3)
------	------	-------	---------------

COMPTROLLER: Overview of 2001 Unaudited Financial Results.
(5-0)

Item	Page	-2002	(Comm. 10E-8)
------	------	-------	---------------

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

- c. **COMPTROLLER:** Quarterly Investment Report 1/1/02 – 3/31/02.
(5-0)

2. Item Page -2002 (Comm. 10E-24)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from Michael and Dolores Pietrzak who own property adjoining the above County owned parcel of land to purchase this land, and

WHEREAS, this parcel was reviewed and approved for sale by the Advisory Review Committee, and

WHEREAS, this office has received no other interests in this property as a result of the canvass letters sent to other adjacent property owners,

NOW, THEREFORE, BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Michael and Dolores Pietrzak, 9460 Fairview, Angola, New York 14006 for the sum of Four Hundred and 00/100 Dollars (\$ 400.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York being part of Farmlot 81, Township 8, Range 9, Sublots 11472 – 11474 as filed on Map Cover 1347 at the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 250.080-5-25 (Roanoke Avenue 60.00 x 100.00). Intending to convey land acquired by Erie County as Serial No. 759 in the County In Rem Tax Foreclosure Action No. 143, and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described properties to the aforesaid purchaser, and be it further

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

(5-0)

3. Item Page -2002 (Comm. 10E-25)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from Joseph W. and Bernice Kleinfelder who own property adjoining the above County owned parcel of land to purchase this land, and

WHEREAS, this parcel was reviewed and approved for sale by the Advisory Review Committee, and

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, this office has received no other interests in this property as a result of the canvass letters sent to other adjacent property owners,

NOW, THEREFORE, BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Joseph W. and Bernice Kleinfelder, 76 Florence Avenue, West Seneca, New York 14224 for the sum of Two Hundred and 00/100 Dollars (\$ 200.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Sublot 26, Block "E" as filed in Map Cover 1322 at the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.740-2-27 (Milton Avenue 25.00 x 90.00). Intending to convey land acquired by Erie County as Serial No. 1448 in the County In Rem Tax Foreclosure Action No. 146, and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described properties to the aforesaid purchaser, and be it further

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

DALE W. LARSON
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

May 16, 2002

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 7

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

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

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

- Item Page -2002 (Comm. 10D-5)
 a. **DEP:** SEQR – Solicitation for Lead Agency Status – Union Road Pumping Station & Forcemain & Hyland Avenue Pump Station Elimination.
 (6-0) Chairman DeBenedetti present as Ex-Officio Member.

- Item Page -2002 (Comm. 10E-13)
 b. **COUNTY EXECUTIVE:** EC Sport Fishery Promotion Program – 2001 Annual Report.
 (6-0) Chairman DeBenedetti present as Ex-Officio Member.

- Item Page -2001 (Comm. 2E-36)
 2. **COUNTY EXECUTIVE**

WHEREAS, the Erie County Sewer District No. 2 Board of Managers desires to construct a new sewer line to eliminate two (2) existing sewage pumping stations in Erie County Sewer District No. 2; 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	193.00-1-2.111	Evans
2	193.00-1-4	Evans
2	193.09-1-1.3	Evans
2	193.00-1-6	Evans

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, and Gregory J. Dudek, Assistant County Attorney.

(5-1) Legislator Chase in the Negative. Chairman DeBenedetti Present as Ex-Officio Member.

- Item Page -2002 (Comm. 10E-12)
 3. **COUNTY EXECUTIVE**

WHEREAS, Erie County Environmental Education Institute Inc., (ECEEI) is a not-for-profit organization dedicated to the education of teachers, students, and the community on environmental issues; and

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

WHEREAS, a collaboration of over twenty not-for-profit organizations, agencies, and private entities was developed and organized by the ECEEI to provide equitable access to environmental programming to students and residents from urban-rural-suburban areas in public, private, and charter schools districts throughout Western New York; and

WHEREAS, supporting on-site and distance environmental programs at places like Tift Nature Preserve through programs such as WNY: Connecting To Learn, will benefit our local economy by promoting and expanding cultural tourism; and

WHEREAS, the collaborative environmental education effort will expand learning opportunities by assisting students to see the cultural, ecological and environmental value of watersheds, the Great Lakes, and associated habitats in Western New York; and

WHEREAS, the ECEEI has requested that the County provide \$100,000 to provide a framework for collaborative efforts and to increase the level of environmental education opportunities in this region.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds to this organization for purposes noted above, and be it further

RESOLVED, that funds in the amount of \$100,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to the following subaccount under Public Benefit Agencies, as monitored by the Department of Environment and Planning:

1021	Erie County Environmental Education Institute	\$100,000
------	---	-----------

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; 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 Attorney; and the Board of Directors of Erie County Environmental Education Institute, 7 Porter Avenue (P. O. Box 56), Buffalo, New York 14205. (6-0) Chairman DeBenedetti present as Ex-Officio Member.

JOHN W. GREENAN
CHAIRMAN

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

CARRIED UNANIMOUSLY.

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 228

May 16, 2002

PUBLIC SAFETY
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

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

a. Item Page -2001 (Comm. 19M-8)
NIAGARA COUNTY LEGISLATURE: Niagara County & WNY Program for Bio-Terrorism Preparedness.
(5-0)

b. Item Page -2002 (Comm. 4M-12)
ELLWOOD FIRE COMPANY: Letter to Legislator Marinelli Re: Service Awards Program.
(5-0)

**JEANNE Z. CHASE
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 229

May 16, 2002

HUMAN SERVICES
COMMITTEE
REPORT NO. 7

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

1. Item Page -2002 (Comm. 10E-9)
COUNTY EXECUTIVE

WHEREAS, the FY 2003 Human Services Public Benefit Funding Application will, for the first time, require applicants to identify specific results or outcomes, and

WHEREAS, the Human Services Advisory Committee (HSAC) will evaluate FY 2003 applicants on how their outcomes will help to achieve the three community outcomes identified in the application, and

WHEREAS, the United Way has been a pioneer and great advocate of the outcome based funding approach, and

WHEREAS, the Human Services Advisory Committee has reviewed an application from the United Way of Buffalo and Erie County for the training request and has recommended funding, and

WHEREAS, based on the application of the United Way of Buffalo and Erie County and the recommendation of the Human Service Advisory Committee, the County will provide \$10,000 in support of training for applicants and HSAC members regarding the outcome based funding approach.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds to this organization for purposes noted above; and be it further

RESOLVED, that the funds, in the amount of \$10,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to the following subaccount under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

339 - United Way of Buffalo and Erie County	\$10,000
---	----------

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, and the Executive Director of United Way of Buffalo and Erie County, 742 Delaware Ave., Buffalo, New York 14209.

(4-0) Legislator Holt absent.

2. Item Page -2002 (Comm. 10E-23)
COUNTY EXECUTIVE

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$146,434 under the Juvenile Justice Formula Grant program with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that authorization is hereby provided to establish two positions of Probation Officers, job group 11, in the Juvenile Justice Formula Grant, and be it further

RESOLVED, that authorization is hereby provided to establish a new grant in the Probation Department to implement this program as follows:

Grant Fund
Department 260-Probation
Juvenile Justice Formula Grant Program
6/01/02-05/31/02

<u>Revenue</u>	<u>Increase</u>
Acct. 627-State Criminal Aide	\$146,434
Total Revenue	\$146,434

<u>Appropriation</u>	<u>Increase</u>
Acct 800-Personnel Services	\$102,544
Acct 805-Fringe Benefits	26,660
Acct 810-Office Supplies	2,000
Acct 821-Dues and Fees	1,650
Acct 824-Local Travel	1,280
Acct 825-Out of Area Travel	4,700
Acct 933-Lab and Technical Equipment	<u>7,600</u>
Total Appropriation	\$146,434

and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Probation and Youth Detention Services, the Youth Bureau, the Office of the Comptroller, the Division of Budget, Management and Finance, and the County Attorney's Office.

(4-0) Legislator Holt absent.

3. Item Page -2002 (Comm. 10E-26)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has been awarded \$623,520 over five years by the United States Department of Housing and Urban Development (HUD) to provide

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

rental assistance and supportive services for homeless persons disabled by serious mental illness or AIDS and related illnesses, and their families living in Erie County, New York, under the McKinney Homeless Shelter Plus Care Program, and

WHEREAS, no County funds will be required for Erie County to accept these Federal funds to serve homeless persons disabled by serious mental illness or AIDS and related illnesses, and their families living in Erie County, New York.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be hereby authorized to enter into a five-year Grant Agreement with the United States Department of Housing and Urban Development (HUD) in the amount of \$623,520 to provide rental assistance for homeless persons disabled by serious mental illness or AIDS and related illnesses, and their families living in Erie County, New York, and be it further

RESOLVED, that the following grant project and budget are hereby established in the Erie County Department of Mental Health to provide rental assistance and supportive services for homeless persons disabled by serious mental illness or AIDS and related illnesses, and their families living in Erie County, New York, for the period January 1, 2002 through December 31, 2002, which represents year one of the five year period:

Department of Mental Health Grant Funds
Project Title: Mental Health Homeless Shelter Plus Care V Program

<u>Account</u>	<u>Description</u>	<u>Increase</u>
830	Contract Agencies	124,704
640	Federal Aid	124,704

and be it further

RESOLVED, that the Erie County Department of Mental Health is hereby authorized to recommend the transfer of funds in order to execute a contract(s) with a specific provider agency(ies) on the basis of proposals received in response to a Request for Proposals (RFP) pursuant to the requirements of Section 19.08 of the Erie County Administrative Code. Such recommendations to transfer funds and to execute specific contracts shall be submitted for Legislative approval, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance. (4-0) Legislator Holt absent.

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has been awarded \$406,419 over three years by the United States Department of Housing and Urban Development (HUD) to continue providing rental assistance and supportive housing services for up to eighteen (18) homeless persons and/or families disabled by serious mental illness or dually disabled by serious mental illness and chemical abuse under the McKinney Homeless Supportive Housing Program, and

WHEREAS, the Erie County Legislature has already authorized the County and the Erie County Department of Mental Health to contract with the United States Department of Housing and Urban Development, and Living Opportunities of DePaul during 2002, to provide this service, and

WHEREAS, no County funds will be required for Erie County to accept these Federal funds to serve homeless persons and/or families disabled by serious mental illness or dually disabled by serious mental illness and chemical abuse under the McKinney Homeless Supportive Housing Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to contract with the United States Department of Housing and Urban Development in the amount of \$406,419 over a three year period to continue providing rental assistance and supportive housing services through a contract between the Erie County Department of Mental Health and Living Opportunities of DePaul for up to eighteen (18) homeless persons and/or families disabled by serious mental illness or dually disabled with serious mental illness and chemical abuse, and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance. (4-0) Legislator Holt absent.

5. Item Page -2002 (Comm. 10E-28)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has been awarded \$333,255 over three years by the United States Department of Housing and Urban Development (HUD) to provide rental assistance and supportive services for homeless persons and/or families disabled by serious mental illness under the McKinney Homeless Supportive Housing Program, and

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Legislature has already authorized the County and the Erie County Department of Mental Health to contract with the United States Department of Housing and Urban Development, and Transitional Services, Inc., during 2002 to provide this service, and

WHEREAS, no County funds will be required for Erie County to accept these Federal funds to serve homeless persons and/or families disabled by serious mental illness.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to contract with the United States Department of Housing and Urban Development in the amount of \$333,255 over a three year period to provide rental assistance and supportive housing services through a contract between the Erie County Department of Mental Health and Transitional Services, Inc., for up to twenty-two (22) homeless persons and/or families disabled by serious mental illness, and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance. (4-0) Legislator Holt absent.

6. Item Page -2002 (Comm. 10E-29)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has been awarded \$513,452 over three years by the United States Department of Housing and Urban Development (HUD) to provide rental assistance and supportive services for individuals dually disabled by mental illness and chemical abuse (MICA) disorders under the HUD Supportive Housing Program, and

WHEREAS, no County funds will be required for Erie County to accept these Federal funds to serve homeless persons disabled by serious mental illness and chemical abuse.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be hereby authorized to enter into a three-year Grant Agreement with the United States Department of Housing and Urban Development (HUD) in the amount of \$513,452 to provide rental assistance and supportive services for homeless individuals dually disabled by serious mental illness and chemical abuse, and be it further

RESOLVED, that the following grant project and budget are hereby established in the Erie County Department of Mental Health to provide rental assistance and supportive services for homeless individuals dually disabled by serious mental illness and chemical abuse for the period January 1, 2002 through December 31, 2002, which represents year one of the three year period:

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Department of Mental Health Grant Funds
Project Title: Mental Health Homeless Supported Housing Program

<u>Account</u>	<u>Description</u>	<u>Increase</u>
830	Contract Agencies	171,150
640	Federal Aid	171,150

and be it further

RESOLVED, that the Erie County Department of Mental Health is hereby authorized to recommend the transfer of funds in order to execute a contract(s) with a specific provider agency(ies) on the basis of proposals received in response to a Request for Proposals (RFP) pursuant to the requirements of Section 19.08 of the Erie County Administrative Code. Such recommendations to transfer funds and to execute specific contracts shall be submitted for Legislative approval, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance. (4-0) Legislator Holt absent.

BARRY WEINSTEIN, MD
CHAIRMAN

MR. WEINSTEIN moved to separate items #1 & #2 and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved to send item #1 back to the HUMAN SERVICES COMMITTEE. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved to amend item #2. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

DELETE the following in the third RESOLVE clause:

Grant Fund
 Department 260-Probation
 Juvenile Justice Formula Grant Program
 6/01/02-05/31/02

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

and REPLACE with the following:

Grant Fund
 Department 260-Probation
 Juvenile Justice Formula Grant Program
 06/01/02-05/31/03

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 230

May 16, 2002

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT.

1. Item Page -2002 (Comm. 10E-21)

COUNTY EXECUTIVE

WHEREAS, on March 21, 2002 the Erie County Legislature authorized the County Executive to sign a lease with Nextel Communications, a/k/a Nextel Partners, Inc. (“Nextel”) for the purpose of placing a transmission antenna on the cell tower at the ECC North Campus (Reference: Comm. 5E-50); and

WHEREAS, Nextel now desires to obtain from the County of Erie a utility easement and an ingress/egress easement on the ECC North Campus for the purpose of constructing, maintaining and servicing the above-referenced transmission antenna and equipment; and

WHEREAS, the easements requested by Nextel are not exclusive and will allow the County, ECC and other entities to use the land protected by the easements so long as such use does not interfere with the use of Nextel.

NOW, THEREFORE, BE IT

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature hereby grants authority to the County Executive to sign a utility easement and an ingress/egress easement with Nextel, such easements being incidental to Nextel's lease on the ECC North Campus cell tower; and be it further

RESOLVED, that the Department of Public Works shall determine the best location for said easements so that such easements shall not interfere with present or known future operations of the County and ECC; and be it further

RESOLVED, that the easement documents shall be subject to the review and approval of the County Attorney; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Commissioner of Public Works, Comptroller, County Attorney and President of Erie Community College.

(5-0)

2. Item Page -2002 (Comm. 10E-22)

COUNTY EXECUTIVE

WHEREAS, in a resolution dated February 7, 2002, the Erie County Legislature authorized the County Executive to sign an easement with Verizon New York, Inc. ("Verizon") to lay cable in the vicinity of the ECC South Campus cell tower (Reference: Comm. 4E-35); and

WHEREAS, the above-referenced resolution indicated that the required easement would be rather small in size; and

WHEREAS, subsequent to the Legislature's enactment of the above-referenced resolution, it was determined that the easement would have to be quite larger than what was originally anticipated; and

WHEREAS, the larger size of the easement, which is now estimated to be approximately 10 feet wide and 230 feet long, was due to certain obstructions located in the vicinity of the cell tower which were not known at the time the above-referenced resolution was enacted; and

WHEREAS, personnel from ECC and the Department of Public Works have examined the plans for the larger easement and have determined that it will not adversely affect the operations of ECC or the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby grants authority to the County Executive to sign an easement with Verizon which is larger in size than the easement which was originally approved by the Legislature on February 7, 2002 (Reference: Comm. 4E-35); and be it further

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

RESOLVED, that the easement documents shall be subject to the review and approval of the County Attorney; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, County Attorney, Director of Budget, Management & Finance, Commissioner of Public Works and President of Erie Community College.

(5-0)

**ELISE M. CUSACK
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

May 16, 2002

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

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

a.	Item	Page	-2002	(Comm. 10D-1)
	COUNTY ATTORNEY: Notice of Claims.			
	(5-0)			

b.	Item	Page	-2002	(Comm. 10D-2)
	COUNTY ATTORNEY: Notice of Claims.			
	(5-0)			

2.	Item	Page	-2002	(Comm. 9E-46)
	COUNTY EXECUTIVE			

WHEREAS, the Erie County Personnel Department's Interne Personnel Specialist requires specialized training and experience which is difficult to obtain or unavailable outside of County service, and

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, the Personnel Department currently employs a trained and experienced individual in this position, who previously worked in this job and had reached Step IV and,

WHEREAS, the Personnel Department wishes to compensate him at the appropriate level of pay and,

WHEREAS, if the Personnel Department was unable to retain this individual it would impede our ability to schedule and process Civil Service examinations on a timely basis, and

NOW, THEREFORE, BE IT

RESOLVED, that effective April 18, 2002, the Personnel Department may establish a variable minimum hiring rate for the position Interne Personnel Specialist at a Job Group IX, Step 4 (\$40,015), and be it further

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

3. Item Page -2002 (Intro. 9-4)

SWANICK

WHEREAS, the Erie County Legislature adopts Rules of Order on an annual basis, and

WHEREAS, many rules have not changed in several years, and

WHEREAS, one such rule is Rule 24, which covers votes to abstain on the part of Legislators in committee meetings and legislative sessions, and

WHEREAS, said rule currently reads as follows:

RULE 24: ABSTENTIONS

“Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chairman 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 Local Law No. 7 - 1973, as amended, constituting the Erie County Code of Ethics, Section 2, Subsection c thereof. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chairman shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.”

And

WHEREAS, this rule makes reference to Erie County Local Law No. 7 – 1973, as amended, which, at the time, constituted the Erie County Code of Ethics, and

MEETING NO. 11

May 23, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, Erie County Local Law No. 7 – 1973 was repealed through passage of a revised code of ethics in 1989, Erie County Local Law No. 10 – 1989, which is the currently constituted Erie County Code of Ethics, and

WHEREAS, inasmuch as the 1973 statute has been strengthened by the 1989 statute, it is altogether fitting and proper for the Legislature to amend its rules to reflect that change,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby amend the Erie County Legislature's Rules of Order for 2002 as follows:

DELETE RULE 24 IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING:

RULE 24: ABSTENTIONS

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chairman 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 [Local Law No. 7 - 1973, as amended, constituting the Erie County Code of Ethics, Section 2, Subsection c thereof] **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 Chairman shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

Material in [brackets] is deleted text.

Material in **bold and underline** is new text.

And be it further

RESOLVED, that the Chairman of the Legislature shall cause to have published in the proceedings of the Legislature this amended rule and shall cause to have new copies of the Rules of Order for the Erie County Legislature for 2002 printed reflecting such change.

Fiscal Impact: None.

(5-0)

4. Item Page -2002 (Comm. 10E-10)

COUNTY EXECUTIVE

WHEREAS, over the past several years concerns have arisen on the use of laborer class employees on sewer system work in the Erie County Sewer Districts, with such work frequently involving tasks in dangerous conditions for which considerable skills are required, and the

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

laborer classification is considered inadequate to provide the level of training and skills development necessary to safely and efficiently perform the duties associated with the work required; and

WHEREAS, the Sewer District Boards of Managers have requested fifteen (15) budgeted laborer positions be changed from a Job Group 3 to a Job Group 4 under a new title of Junior Maintenance Worker - Sewerage; and

WHEREAS, the proposed Junior Maintenance Worker - Sewerage title will allow the Districts to better develop a cadre of semi-skilled maintenance personnel whose training and skills development exceed those characteristic of the laborer class; and

WHEREAS, the Sewer Boards of Managers have approved the proposed changes and have all agreed to funding for the change in grade, the cost of which will come from sewer funds of the County Sewer Districts and the Southtowns Sewage Treatment Agency and will not affect the County General Fund at an annual cost of approximately \$30,000.00 based on the 2002 salary scale.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Personnel and the Director of Budget and Management be authorized and directed to implement the changes; and be it further;

RESOLVED, that fifteen (15) of the budgeted laborer positions in the Erie County Sewer Districts be changed from a Job Group 3 to a Job Group 4 under a new title of Junior Maintenance Worker - Sewerage; and be it further

RESOLVED, in order to effectuate the above changes in Fiscal Year 2002 the following amounts be transferred:

The amount of \$3,102.00 from Fund Balance, Fund 220, Project 851, Dept. 810, Account 299 to Use of Fund Balance, Fund 220, Project 851, Dept. 810, 6980105 to Fund 220 851 810 800, Personnel Services;

The amount of \$745.00 from Fund Balance, Fund 220, Project 851, Dept. 810, Account 299 to Use of Fund Balance, Fund 220, Project 851, Dept. 810, 6980105 to Fund 220 851 810 805, Fringe Benefits;

The amount of \$4,038.00 from Fund Balance, Fund 220, Project 852, Dept. 820, Account 299 to Use of Fund Balance, Fund 220, Project 852, Dept. 820, 6980105 to Fund 220 852 820 805, Personnel Services;

The amount of \$969.00 from Fund Balance, Fund 220, Project 852, Dept. 820, Account 299 to Use of Fund Balance, Fund 220, Project 852, Dept. 820, 6980105 to Fund 220 852 820 805, Fringe Benefits;

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

The amount of \$5,298.00 from Fund Balance, Fund 220, Project 853, Dept. 830, Account 299 to Use of Fund Balance, Fund 220, Project 853, Dept. 830, 6980105 to Fund 220 853 830 800, Personnel Services;

The amount of \$1,272.00 from Fund Balance, Fund 220, Project 853, Dept. 830, Account 299 to Use of Fund Balance, Fund 220, Project 853, Dept. 830, 6980105 to Fund 220 853 830 805, Fringe Benefits;

The amount of \$4,704.00 from Fund Balance, Fund 220, Project 854, Dept. 840, Account 299 to Use of Fund Balance, Fund 220, Project 854, Dept. 840, 6980105 to Fund 220 854 840 800, Personnel Services;

The amount of \$1,129.00 from Fund Balance, Fund 220, Project 854, Dept. 840, Account 299 to Use of Fund Balance, Fund 220, Project 854, Dept. 840, 6980105 to Fund 220 854 840 805, Fringe Benefits;

and be it further

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

(5-0)

5. Item Page -2002 (Comm. 10E-11)

COUNTY EXECUTIVE

WHEREAS, over the past several years ECSD Nos. 1-4-5 have experienced turnover and difficulty in recruiting clerical staff; and

WHEREAS, the Sewer Districts have requested one of the two clerical positions be upgraded from Account Clerk-Typist to Senior Account Clerk; and

WHEREAS, there will be no need for additional funding in 2002 since the existing position has been vacant for all of this year at a savings of \$7,256 for salary and fringe benefits. Any additional costs in future years will be offset by increased efficiency due to better stability in the office staff; and

WHEREAS, the Sewer Board of Managers has approved the proposed changes and have agreed to funding for the change in grade, the cost of which will come from current budgeted sewer funds of Erie County Sewer District Nos. 1-4-5 and will not affect the County General Fund at an annual cost increase of approximately \$4,130.16 for salary and fringe benefits.

NOW, THEREFORE, BE IT

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that one Account Clerk-Typist (JG 4) position in Erie County Sewer District Nos. 1-4-5 be deleted and one Senior Account Clerk (JG 6) position be created; and be it further

RESOLVED, that the Department of Personnel and the Director of Budget and Management be authorized and directed to implement the changes; and be it further;

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

(5-0)

STEVEN P. McCARVILLE
CHAIRMAN

MR. McCARVILLE moved to separate item #4 and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. McCARVILLE moved the approval of item #4. MS. CHASE seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (WEIGHTED VOTE 14.820 – 1.156)

LEGISLATORS RESOLUTIONS

Item 28 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 11-1 From LEGISLATORS MARINELLI & FISHER Re: Advancing Implementation of the Proposed Regional Asset Fund.

Item 29 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Intro. 11-2 From LEGISLATORS GREENAN, LARSON, CHASE, McCARVILLE, WEINSTEIN, RANZENHOFER, DeBENEDETTI & CUSACK Re: Amending NYS Insurance Law to Use Lands for Recreational Activities.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232

Re: Funding for Various Community Organizations. (Intro. 11-3)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$4,000 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Evans Youth Baseball (Dugout Enclosures)	830/0648	\$2,000
H.E.A.R.T. (Daily Animal Care)	830/	\$1,000
Ten Lives Club -TLC (Medical Care for Cats)	830/1563	\$1,000
TOTAL		\$4,000

and be it further

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

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

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Mary Jane Michalski, Evans Youth Baseball (P.O. Box 90, Derby, NY 14047); Kathleen Beaver, Treasurer, H.E.A.R.T. (P.O. Box 95 Athol Springs, NY 14010-0095); and to Jamie Klima, Ten Lives Club (P.O. Box 253, North Boston, NY 14110).

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

Re: Funding for Community Organization.
(Intro. 11-4)

A RESOLUTION SUBMITTED BY LEGISLATOR DeBENEDETTI

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Payments & Grants – Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Black Rock Riverside Food Pantry (Operating costs – utilities for food pantry)	830/	\$2,000
TOTAL		\$2,000

and be it further

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

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; and to Al Cooper, Black Rock Riverside Food Pantry (809 Tonawanda Street, Buffalo, NY 14207).

Fiscal Impact: Appropriation of 2002-budgeted funds

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

CARRIED UNANIMOUSLY.

DELETE the first RESOLVED clause and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$6,275 from the Legislature-Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants-Public Benefit Services, (DAC:110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
-Black Rock Riverside Food Pantry (Operating costs-utilities for food pantry)	830/	\$2,000
Erie County 4-H (Centennial Celebration)	830/	\$4,275

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

TOTAL

\$6,275

***DELETE* the fourth RESOLVED clause and *REPLACE* with:**

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown-First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Al Cooper, Black Rock Riverside Food Pantry (809 Tonawanda Street, Buffalo, NY 14207); and to Charlene Spoth, Erie County 4-H (9270 Wolcott Road, Clarence Center, NY 14032).

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

CARRIED UNANIMOUSLY.

Item 32 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 11-5 From LEGISLATORS PEOPLES & MARINELLI Re: Expanding Workforce Development Funding Available to Erie County.

Item 33 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 11-6 From LEGISLATORS SWANICK, KUWIK, HOLT, FISHER, DALE, PEOPLES & DUSZA Re: Support for Elimination of the Lackawanna, Ogden Street, Breckenridge & Grand Island Toll Barriers.

Item 34 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

Re: Support for a Public Safety Organization.
 (Intro. 11-7)

A RESOLUTION SUBMITTED BY LEGISLATORS MARINELLI & FISHER

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

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

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

WHEREAS, the Parkside Community Oriented Police Satellite Station is committed to assisting the Buffalo Police Department and other law enforcement agencies in providing information and services to the residents of Parkside and the surrounding neighborhoods, and

WHEREAS, this funding is earmarked to supplement the program's budget, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,500 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Parkside Community Oriented Police Satellite Station	830/	\$3,500
TOTAL		\$3,500

and be it further

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

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; First Assistant County Attorney Susannah Bochenek; Kelly A. Brown – First Administrative Assistant Legislature; and to Kathleen Peterson, Parkside C.O.P.S. Station, (2318 Main Street, Buffalo, NY 14214.)

Fiscal Impact: Appropriation of 2002-budgeted funds.

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

Re: Support for a Leadership Program.
(Intro. 11-8)

A RESOLUTION SUBMITTED BY LEGISLATOR FISHER

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

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

WHEREAS, Leadership Buffalo is a not for profit organization which teaches leadership to over 600 Leadership Buffalo members, the 40 annual participants in Youth Leadership Erie County and to many other members of our community through other programs offered throughout the year, and

WHEREAS, this funding is earmarked to help defray expenses for “The Art and Practice of Leadership” program, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,000 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Leadership Buffalo	830/1366	\$3,000

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

TOTAL

\$3,000

and be it further

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

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; First Assistant County Attorney Susannah Bochenek; Kelly A. Brown – First Administrative Assistant Legislature; and to Susan Warren Russ Executive Director, Leadership Buffalo, (237 Main Street, Suite 1500, Buffalo, NY 14203-2720.)

Fiscal Impact: Appropriation of 2002-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 236

Re: Funding for a Community Services Vehicle.
(Intro. 11-9)

A RESOLUTION SUBMITTED BY LEGISLATOR MARINELLI

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

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

WHEREAS, the University Heights Community Development Agency, Inc. provides transportation to child care center children, youth activity participants, sports teams and summer campers at the Gloria J. Parks Community Center, and

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, this funding is earmarked to supplement the purchase of a new vehicle to replace an aging van, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,500 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
University Heights CDA, Inc.	830/0346	\$2,500
TOTAL		\$2,500

and be it further

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

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; First Assistant County Attorney Susannah Bochenek; Kelly A. Brown, First Administrative Assistant, Erie County Legislature; and to Susan Lamude, Executive Director, University Heights CDA, Inc. (3242 Main Street, Buffalo, NY 14214.)

Fiscal Impact: Appropriation of 2002-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 237

Re: Funding for Veterans Organization and
 Traffic Safety Measures. (Intro. 11-10)

A RESOLUTION SUBMITTED BY LEGISLATOR WEINSTEIN

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,000 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
VFW Post 416 (Repairs and cleanup of grounds)	830/	\$1,000
Western New York Stop Red Light Running Foundation (Public awareness campaign)	830/	\$2,000
TOTAL		\$3,000

and be it further

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

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Quartermaster Gianiodis, VFW Post 416 (18 Spring Street, Williamsville, NY 14221); and to Joseph Kolkmeier, Western New York Stop Red Light Running Foundation, Inc. (9 St. Charles Ct., Williamsville, NY 14221).

Fiscal Impact: Appropriation of 2002-budgeted funds

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

Re: Support for a Community Organization.
(Intro. 11-11)

A RESOLUTION SUBMITTED BY LEGISLATORS MARINELLI & SWANICK

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

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

WHEREAS, the Ken-Ton Musical Theatre Workshop produces a summer musical in August which involves one hundred young people, and

WHEREAS, this funding is earmarked to supplement the production budget as well as the cost of the rights to the show, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,500 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Kenmore-Tonawanda Musical Theatre Workshop	830/0286	\$2,500
TOTAL		\$2,500

and be it further

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

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; First Assistant County Attorney Susannah Bochenek; Kelly A. Brown – First Administrative Assistant Legislature; and to Mary Jo Leslie, President, Kenmore-Tonawanda Musical Theatre Workshop, (PO Box 353, Buffalo, NY 14223.)

Fiscal Impact: Appropriation of 2002-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

GRANTED.

Intro. 11-12 From LEGISLATORS PEOPLES & FISHER Re: Closing Buffalo's School Budget Gap.

Item 40 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

Re: Wales Agricultural District (EC#12) 8-Year Review. (Intro. 11-13)

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

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

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the Wales Agricultural District (EC#12), which was created in 1978 and recertified every 8 years thereafter, and

WHEREAS, a copy of this Agricultural District map is on file in the County Clerk's office and the Wales Community Center.

NOW, THEREFORE, BE IT

RESOLVED, that the Clerk of the Legislature be directed to publish a public notice in a newspaper having general circulation within the area of the above agricultural district, that notice be posted in at least five conspicuous places within the district, and that notice also be sent to the affected municipality, being the Town of Wales, and be it further

RESOLVED, that after this 30 day period, the Legislature hereby directs the Clerk to refer the Wales Agricultural District to the Erie County Department of Environment and Planning and the Agricultural and Farmland Protection Board for a report and recommendations, and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Department of Environment and Planning (Chet C. Jandzinski) and the Town of Wales (Supervisor and Town Clerk).

FISCAL IMPACT: To be determined.

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

CARRIED UNANIMOUSLY.

Item 41 – MR. SWANICK presented the following resolution and moved for immediate consideration. MR. DALE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

Re: Support for Community Organizations.
(Intro. 11-14)

A RESOLUTION SUBMITTED BY LEGISLATOR SWANICK

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

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$43,000 within Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>OLD</u> <u>AMOUNT</u>	<u>+/-</u>	<u>NEW</u> <u>AMOUNT</u>
Town Boys & Girls Club, Inc. (General Operating Expenses)	830/1055	\$55,363	(\$43,000)	\$12,363
Ken-Ton Friends of the Youth Foundation (Technology Purchase)	830/	-0-	\$1,500	\$1,500
Grand Island Little League (Uniforms & Equipment)	830/	-0-	\$4,000	\$4,000
Western New York Jets Track Club, Inc. (Uniforms & Expenses)	830/	-0-	\$3,000	\$3,000
Grand Island Jr. Football, Inc. (Equipment)	830/	-0-	\$6,000	\$6,000
Niagara Frontier Antique & Classic Boats, Inc. (Antique & Classic Boat Show)	830/	-0-	\$5,000	\$5,000
Grand Island Fire Co. (Marine Rescue Unit)	830/1161	-0-	\$3,500	\$3,500

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

Grand Island Soccer Club (Reconditioning of Fields)	830/	-0-	\$4,000	\$4,000
Grand Island Chamber of Commerce (Kidbiz Program)	830/0613	-0-	\$6,000	\$6,000
Charles N. DeGlopper Memorial Post #9249 VFW (Site Improvements)	830/	-0-	\$5,000	\$5,000
American Legion Post #63 (Erie County American Legion Convention)	830/	-0-	\$1,000	\$1,000
Buffalo Green Fund (Annual Daffodil Bulb Program)	830/0619	\$40,000	\$2,000	\$42,000
Kenmore – Town of Tonawanda Chamber of Commerce (Community Website Development)	830/1256	-0-	\$2,000	\$2,000
TOTAL			-0-	

and be it further

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

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, First Assistant County Attorney Susannah Bochenek, Gary Krasinski, Town Boys & Girls Club, (54 Riverdale Avenue, Buffalo, NY 14207,) Robert W. Wunsch, Jr., Ken-Ton Friends of the Youth Foundation, (PO Box 607, Kenmore, NY 14217,) John M. Meka, President, Grand Island Little League, (57 Windham Lane, Grand Island, NY 14072,) Robert A. Daniels, Western New York Jets Track Club, Inc., (4159 N. Buffalo St., Apt. 80-4, Orchard Park, NY 14127,) Mark Miles, President, Grand

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Island Jr. Football, Inc., (PO Box 145, Grand Island, NY 14072,) John A. Howard, Niagara Frontier Antique & Classic Boats, Inc., (143 Dexter Terrace, Tonawanda NY 14150,) Gregory Butcher, Deputy Chief, Grand Island Fire Co., (2275 Baseline Road, Grand Island, NY 14072-1711,) Thomas Armufewicz, Grand Island Soccer Club, (PO Box 457, Grand Island, NY 14072,) Sue Hillock, Grand Island Chamber of Commerce, (1980 Whitehaven Road, Grand Island, NY 14072,) Michael M. Cutini, Charles N. DeGlopper Memorial Post #9249 VFW, (2121 Grand Island Boulevard, Grand Island, NY 14072,) Michael P. Duggan, American Legion Post #63, (182 Cranwood Drive, West Seneca, NY 14224,) Bette Blum, Buffalo Green Fund, (11 Mayfair Lane, Buffalo, NY 14201,) and to Ann Enger, Executive Director, Kenmore – Town of Tonawanda Chamber of Commerce, (3411 Delaware Avenue, Kenmore, NY 14217-1422.)

Fiscal Impact: Re-appropriation of 2002-budgeted funds.

MR. SWANICK moved that approval of the resolution. MR. DALE seconded.

CARRIED UNANIMOUSLY.

Item 42 – MS. FISHER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 241

Re: Support for a Community Beautification Program. (Intro. 11-15)

A RESOLUTION SUBMITTED BY LEGISLATORS FISHER, MARINELLI,
 GREENAN, CHASE, McCARVILLE, CUSACK & WEINSTEIN

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

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

WHEREAS, this funding is earmarked for the Legislature's annual daffodil bulb program, a Countywide beautification program administered by the Buffalo Green Fund, and

WHEREAS, last year's program was a great success with over 175,000 daffodil bulbs planted by community groups across the County, and

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

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$12,642 within Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Buffalo Green Fund, Inc.	830/0619	\$12,642
TOTAL		\$12,642

and be it further

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

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, First Assistant County Attorney Susannah Bochenek, and to Bette Blum, Buffalo Green Fund, (11 Mayfair Lane, Buffalo, NY 14201.)

Fiscal Impact: Appropriation of 2002-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 43 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 242

Re: Creation of Working Group to Pursue Long Term Cultural Funding Options. (Intro. 11-16)

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

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, our county's cultural institutions provide for a significant economic impact, create jobs in the community, add to the quality of life in the region, and provide a high return on the investment of public dollars put into them, and

WHEREAS, the Buffalo Niagara Enterprise has identified the quality of life generated by these organizations as one of the strongest selling points of our region, and the Buffalo-Niagara Convention and Visitors Bureau have cited the increasing importance of cultural tourism to the health of our overall tourist trade, and

WHEREAS, although funding at the city and county level increased significantly in the late 1990s, this decade has seen county funding for cultural institutions in FY 2002 decreasing slightly from the 2001 level, with a decrease in state funding as well, and

WHEREAS, at the city level, funding initially remained about the same as what was approved for FY 2001-2002 compared to FY 2000-2001; late last year, however, the city froze this funding, and while some organizations did receive full funding by applying for their funds prior to the cut-off date, others received partial payment or none at all, and

WHEREAS, the mayor proceeded to notify the organizations that there would be no funding in FY 2002-2003; in fact, they wouldn't even receive applications for funding, and

WHEREAS, some organizations have experienced a triple hit – a decrease in county funding in FY 2002, no funding from the city in FY 2001-2002 despite being initially awarded these dollars, and no funding from the city for FY 2002-2003, and

WHEREAS, there is a real chance that organizations will close their doors due to this funding hit, or at the very least lose viable programs within their institutions, and

WHEREAS, as a result, our cultural organizations have had to fill an immediate gap in their budgets, and also be concerned about the long term viability of their organizations, and

WHEREAS, some organizations have already looked to this Honorable Body for increased aid, as evidenced by the recent member item funding going to said organizations, and

WHEREAS, it is reasonable to expect that the culturals will request increases in county aid in their 2003 budget requests, and

WHEREAS, County Executive Giambra recently issued a position paper in which he proposes that the county take title to and assume maintenance costs for the Buffalo Zoo, Kleinhan's Music Hall and Shea's Performing Arts Center at a cost of \$700,000 per year, and also provide an additional \$500,000 in cultural grant in aid, and

WHEREAS, this proposal, while conceptually attractive, leaves many questions unanswered, and

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, for instance, if these additional county funds are meant to replace city funding, there is still a discrepancy of approximately \$700,000 in grant in aid funds the city had been providing (prior to their budget freeze this fiscal year), and

WHEREAS, this Honorable Body has a duty to balance the importance of these regional assets with the desire to be fiscally prudent with the taxpayers' money, and

WHEREAS, for all the aforementioned reasons it would therefore be useful to convene a working group made up of interested parties to study the County Executive's proposal as well as other options for ensuring the long term viability of our regional cultural assets,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to preserving and enhancing our regional assets, including our cultural institutions, and be it further

RESOLVED, that this Honorable Body does hereby commend County Executive Giambra for his proposal for a Regional Asset Fund, and be it further

RESOLVED, That this Honorable Body does hereby establish a committee to study public, private, and not for profit options for long term cultural funding in Erie County, and be it further

RESOLVED, That said committee shall consist of members who shall be appointed by the Chairman of the Erie County Legislature, and shall be representative of this Honorable Body's majority and minority caucuses, the county's cultural funding process, the City of Buffalo's government and cultural funding process, representatives of the Buffalo Zoo, Kleinhan's Music Hall and Shea's Performing Arts Center, and representatives of this county's cultural community, and be it further

RESOLVED, That said committee — which is advisory in nature — shall have as its mission to completely and thoroughly:

- Analyze the current status of the culturals in Erie County,
- Inventory the number of groups receiving county and/or City of Buffalo funds, and in what amount,
- Examine existing or new funding sources for the culturals,
- Analyze the County Executive's regional asset fund proposal, and
- Recommend action that both the culturals and their funding partners can take to maximize the use of existing dollars and obtain new funding,

and be it further,

RESOLVED, That said committee shall report its findings in writing to this Honorable Body within 60 days of its first meeting for review and possible action by this Honorable Body, and be it further

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Joel Giambra, Erie County Department of Environment and Planning Commissioner Laurence Rubin, City of Buffalo Mayor Anthony Masiello, Buffalo Arts Commission Executive Director David Granville (218 City Hall, Buffalo, NY 14202), Shea's Performing Arts Center CEO Anthony Conte (646 Main St., Buffalo, NY 14202), Kleinhan's Music Hall Manager Kristen Carleson (71 Symphony Circle, Buffalo, NY 14201), Buffalo Zoological Gardens President/CEO Donna Fernandes (300 Parkside Ave., Buffalo, NY 14214), and Arts Council in Buffalo and Erie County Executive Director Celeste Lawson (700 Main St., Buffalo, NY 14202).

Fiscal Impact: None for resolution.

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

ADD the following Co-Sponsors: CHASE, PEOPLES, HOLT, FISHER, KUWIK & DUSZA.

CARRIED UNANIMOUSLY.

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

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 8.498 – 7.478)

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

CARRIED UNANIMOUSLY.

Item 44 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 11-17 From LEGISLATORS SWANICK, KUWIK, FISHER, DALE, PEOPLES, DUSZA & MARINELLI Re: Requesting a Status Report on Adelphia Waterfront Development Project.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Item 45 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 4E-55. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 243

Re: Home Rule Requests – Dunn Tire Park.

(A)

WHEREAS, The City of Buffalo, the County of Erie, the Erie County Industrial Development Agency and the Buffalo Bisons have had continuing negotiations regarding the operation of a sports stadium and ancillary facilities in the City of Buffalo; and

WHEREAS, pursuant to said negotiations the County of Erie has explored various alternatives to assist or replace the City of Buffalo in the operation, management, repair, continuing maintenance and ownership and/or leasing of a sports stadium and ancillary facilities to induce the Buffalo Bisons to continue its operations thereat; and

WHEREAS, the continued operations of the Buffalo Bisons in the City of Buffalo, the County of Erie and the State of New York will benefit the people of such city, county and state by advancing recreation, trade and commerce therein; and

WHEREAS, Assembly Bill No. A9069 and Senate Bill No. S5463, now pending before the New York State Legislature, would declare participation by the County of Erie in the operation of a sports stadium and ancillary facilities in the City of Buffalo to be for a public and governmental purpose, and would authorize the County of Erie to enter into one or more operating agreements and take such other action found to be necessary or appropriate for the operation, management, repair, continuing use and maintenance, and ownership and/or lease of such sports stadium and ancillary facilities.

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

To the Legislature:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S5463 entitled "AN ACT to authorize the participation of the county of Erie in the operation of a sports stadium and ancillary facilities in the city of Buffalo"

It is hereby declared that a necessity exists for the enactment of such legislation and that the facts establishing such necessity are as follows:

The Local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

The operation of a sports stadium and ancillary facilities is vital to the continued operation of the Buffalo Bisons, a Triple A minor league affiliate of the Cleveland Indians, whose presence in the City of Buffalo and County of Erie benefits the residents hereof by providing and promoting recreation, entertainment, trade and commerce.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

(B)

WHEREAS, The City of Buffalo, the County of Erie, the Erie County Industrial Development Agency and the Buffalo Bisons have had continuing negotiations regarding the operation of a sports stadium and ancillary facilities in the City of Buffalo; and

WHEREAS, pursuant to said negotiations the County of Erie has explored various alternatives to assist or replace the City of Buffalo in the operation, management, repair, continuing maintenance and ownership and/or leasing of a sports stadium and ancillary facilities to induce the Buffalo Bisons to continue its operations thereat; and

WHEREAS, the continued operations of the Buffalo Bisons in the City of Buffalo, the County of Erie and the State of New York will benefit the people of such city, county and state by advancing recreation, trade and commerce therein; and

WHEREAS, Assembly Bill No. A9069 and Senate Bill No. S5463, now pending before the New York State Legislature, would declare participation by the County of Erie in the operation of a sports stadium and ancillary facilities in the City of Buffalo to be for a public and governmental purpose, and would authorize the County of Erie to enter into one or more operating agreements and take such other action found to be necessary or appropriate for the operation, management, repair, continuing use and maintenance, and ownership and/or lease of such sports stadium and ancillary facilities.

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

To the Legislature:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A9069 entitled "AN ACT to authorize the participation of the county of Erie in the operation of a sports stadium and ancillary facilities in the city of Buffalo"

It is hereby declared that a necessity exists for the enactment of such legislation and that the facts establishing such necessity are as follows:

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

The Local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

The operation of a sports stadium and ancillary facilities is vital to the continued operation of the Buffalo Bisons, a Triple A minor league affiliate of the Cleveland Indians, whose presence in the City of Buffalo and County of Erie benefits the residents hereof by providing and promoting recreation, entertainment, trade and commerce.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

MR. LARSON moved the approval of the resolution. MR. McCARVILLE seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.820 – 1.156)

Item 46 – MR. SWANICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 8-12. MR. DALE seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 8.498 – 7.478)

SUSPENSION OF THE RULES

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

GRANTED.

Comm. 11E-40 From LEGISLATOR GREENAN Re: Notice of Absence.

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Received and filed.

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

GRANTED.

CHAIRMAN DeBENEDETTI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

Comm. 11E-41 From LEGISLATOR SWANICK & FISHER Re: Letter to Comptroller Re: Comms. 11E-35 & 11E-36.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR SCHROEDER

Item 49 – (Comm. 11E-1) Copy of Letter to Legislator Larson Re: Buffalo's Current Financial Situation Intro. 10-9.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 50 – (Comm. 11E-2) Completed Review of Unfilled Vacant Positions as of 4/5/02.

Item 51 – (Comm. 11E-3) Copy of Letter to ECC Re: Payroll Audit of ECC for Period 9/1/00 – 8/31/01.

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

FROM LEGISLATOR SWANICK

Item 52 – (Comm. 11E-4) Copy of Court Transcript of Proceedings Before Honorable John Elfvin III on 4/25/02.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR CUSACK

Item 53 – (Comm. 11E-5) Letter to ECC Re: Institutional Autonomy.

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER

Item 54 – (Comm. 11E-6) Memo to Various Department Heads Re: Office of the State Comptroller – Report of Examination.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS DALE, DUSZA, SWANICK, SCHROEDER & MARINELLI

Item 55 – (Comm. 11E-7) Copy of Letter to County Attorney Re: Request for Answers to Questions Concerning County's Appeal of Justice Glownia's Decision.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR PEOPLES

Item 56 – (Comm. 11E-8) Copy of Letter to Chairman DeBenedetti Re: Public Hearing on Countywide Notification for Commercial & Residential Lawn Pesticides.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 57 – (Comm. 11E-9) Expenditure Review of Tobacco Fund Capital Projects for Period 1/1/01 – 2/28/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 58 – (Comm. 11E-10) Two Mile Creek Greenway – Amended Consultant Contract – Wendel Duchscherer.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 59 – (Comm. 11E-11) Authorization to Accept a Byrne Formula Grant from US Department of Justice.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEETING NO. 11**May 23, 2002****ERIE COUNTY LEGISLATURE**

Item 60 – (Comm. 11E-12) EC Southtowns Sewage Treatment Agency – A/E Agreement Dated 4/20/00 – Engineering Change Order No. 3, R & D Engineering.

Item 61 – (Comm. 11E-13) ECSD No. 2 – Construction Inspection Service Agreement – Work Order DG-4, Comm 8E-36 (2001).

Item 62 – (Comm. 11E-14) EC/WNY Comprehensive Radon Risk Reduction Program – NACO Grant.

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

Item 63 – (Comm. 11E-15) Award of Contract – 2002 Contractor Placed Pavement – South Contract Project No. CPP-S-02 – Various Towns.

Item 64 – (Comm. 11E-16) Award of Contract – 2002 Contractor Placed Pavement – North Contract Project No. CPP-N-02 – Various Towns.

Item 65 – (Comm. 11E-17) Award of Contract – Reconstruction of Omphalius Road (CR439) Project No. 439-02, Town of Boston.

Item 66 – (Comm. 11E-18) Award of Contract – 2002 Overlay “A” Project – Project No. CHIPS OP-02A, Towns of Cheektowaga & Amherst.

Item 67 – (Comm. 11E-19) Supplemental Agreement with NYSDOT – Mill Road Bridge 47-5 East Branch Cazenovia Creek Project No. FA 47-5-02, Village of East Aurora.

Item 68 – (Comm. 11E-20) Award of Contract & Supplemental for Construction Inspection Services – Ransom Road Bridge 155-2 – Cayuga Creek, Town of Lancaster.

Item 69 – (Comm. 11E-21) Award of Contract & Supplemental for Construction Inspection Services – Mill Road Bridge 47-5 East Branch Cazenovia Creek, E Aurora.

Item 70 – (Comm. 11E-22) Award of Contract – 2002 Overlay “B” Project – Project No. CHIPS OP-02B McKinley Parkway & Kensington Avenue, Towns of Cheektowaga & Amherst.

Item 71 – (Comm. 11E-23) Award of Contract & Supplemental for Construction Inspection Services – East Church Street Bridge 488-1 – Eighteen Mile Creek, Eden.

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

Item 72 – (Comm. 11E-24) Health – West Nile Virus Surveillance & Education Grant Project No. 550 – 5/1/01 – 12/31/01.

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Item 73 – (Comm. 11E-25) Health – Handicapped Parking Education Program Project No. 952.

Item 74 – (Comm. 11E-26) Health – Personnel Adjustment.

Item 75 – (Comm. 11E-27) Health – Asthma Initiative Pilot Project 1/1/01 – 12/31/02 Project No. 496.

Item 76 – (Comm. 11E-28) Health – Health Center Dental Fee Schedule.

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

Item 77 – (Comm. 11E-29) Sale of County Owned Inventory – Woodlawn Avenue, Town of Hamburg.

Item 78 – (Comm. 11E-30) Sale of County Owned Inventory – Bristol Parkway, Town of Hamburg.

Item 79 – (Comm. 11E-31) Granting Easement to GT Resources on County Inventory Land on Inland Rice Road, Town of Elma.

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

Item 80 – (Comm. 11E-32) Senior Services – Authorization to Amend EISEP & RSVP Budgets.

Item 81 – (Comm. 11E-33) Senior Services – Authorization to Contract with New Day Care Provider & Caregiver Geriatric Counseling Service Providers.

Item 82 – (Comm. 11E-34) Senior Services – Authorization to Accept Donations.

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

Item 83 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 244

Re: DISS – Funding for County Network.
(Comm. 11E-35)

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, the entire Erie County Network was completely disabled for several days as a result of defective components within the County's Network System, and

WHEREAS, this shutdown caused numerous problems within County Departments, including the Department of Central Police Services, and

WHEREAS, more severe consequences could have resulted since police precincts, probation systems, arrest/booking processes, e-mail, etc., require the County's telecommunications network,

NOW, THEREFORE, BE IT

RESOLVED, That the 2002 Capital Budget is hereby amended to include a new capital project for replacement of components for the Erie County System Network in the amount of \$300,000; and be it further

RESOLVED, That the source of funds shall be a transfer in the amount of \$300,000 from the Tobacco Trust Fund; and be it further

RESOLVED, That purchases are authorized from Western New York Computing Services, the low bidder, for the replacement components; and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, County Comptroller Nancy Naples, Joseph Passafiume, Director of Budget, Management and Finance, and Arthur F. Telaak, Jr., the Director of Information and Support Services.

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

CARRIED UNANIMOUSLY.

Item 84 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 245

Re: DISS – Funding for County Central
 Computer Power Supply. (Comm. 11E-36)

WHEREAS, the entire Erie County Computer was completely disabled for several hours as a result of defective components within the County's computer electrical distribution system, and

WHEREAS, this shutdown caused numerous problems within County Departments, including the Department of Central Police Services, and

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

WHEREAS, more severe consequences could have resulted since police precincts, probation systems, arrest/booking processes, e-mail, etc., require the County's central computer,

NOW, THEREFORE, BE IT

RESOLVED, That the 2002 Capital Budget is hereby amended to include a new capital project for replacement of components for the Erie County Central Computer electrical distribution system in the amount of \$340,000; and be it further

RESOLVED, That the source of funds shall be a transfer in the amount of \$340,000 from the Tobacco Trust Fund; and be it further

RESOLVED, That purchases are authorized from Frey Electric, the low bidder, for the replacement components; and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, County Comptroller Nancy Naples, Joseph Passafiume, Director of Budget, Management and Finance, and Arthur F. Telaak, Jr., the Director of Information and Support Services.

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

CARRIED UNANIMOUSLY.

Item 85 – (Comm. 11E-37) Modification of Collective Bargaining Agreement Between EC & CSEA Local 815 – Shift Differential for ECMC (Only) Night Shift Pharmacists.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 86 – (Comm. 11E-38) ECMC Membership in a Healthcare – Related Limited Liability Company.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR DALE

Item 87 – (Comm. 11E-39) Copy of Letter to Comptroller Re: Public Benefit Appropriation for Central Terminal Restoration.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

FROM DPW

Item 88 – (Comm. 11D-1) Utility Payments for Dunn Tire Park for 2000 & 2001.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECMC

Item 89 – (Comm. 11D-2) Agenda for Meeting Held 5/9/02 & Minutes of Previous Meeting.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 90 – (Comm. 11D-3) Copy of Letter to Legislator Dale Re: Comm. 8E-9.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 91 – (Comm. 11D-4) Notice of Meeting Held 5/16/02 & Agenda.

Received and filed.

FROM DPW

Item 92 – (Comm. 11D-5) Requesting Legislature Reconsider Comm. 9E-38.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 93 – (Comm. 11D-6) Budget Monitoring Report for Period Ending 3/31/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

Item 94 – (Comm. 11D-7) Notice of Board of Trustees Meeting Held 5/20/02.

Received and filed.

FROM THE ERIE COUNTY WATER AUTHORITY

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Item 95 – (Comm. 11D-8) 2001 Annual Report.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

Item 96 – (Comm. 11D-9) Institutional Assessment Final Official Report 5/23/02.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NYSDEC

Item 97 – (Comm. 11M-1) Fact Sheet – Shenango Steel Mold Site.

Received and filed.

FROM DANIEL SEAMAN

Item 98 – (Comm. 11M-2) Town of Lockport Amendment to Zoning Ordinance – Vehicle Sales Overlay District.

Received and filed.

FROM THE ERIE COUNTY MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 99 – (Comm. 11M-3) Notice of Meeting Held 5/16/02.

Received and filed.

FROM ASSEMBLYMAN BURLING

Item 100 – (Comm. 11M-4) Receipt of Resolution.

Received and filed.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 101 – (Comm. 11M-5) Notice of Meeting Held 5/21/02 & Agenda.

MEETING NO. 11
May 23, 2002

ERIE COUNTY LEGISLATURE

Received and filed.

FROM THE SCHUYLER COUNTY LEGISLATURE

Item 102 – (Comm. 11M-6) Certified Resolution Re: Request NYS to Examine Funding of Evolving Healthcare System & to Assume County Share of Medicaid.

Received and filed.

FROM THE NYS ATTORNEY GENERAL

Item 103 – (Comm. 11M-7) Copy of Letter to Legislator Peoples Re: Urging Support of EC Local Law for Commercial & Residential Lawn Pesticide Applications.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CONGRESSMAN QUINN

Item 104 – (Comm. 11M-8) Receipt of Resolution.

Received and filed.

MEMORIAL RESOLUTIONS

Item 105 – Legislator Swanick requested that when this legislature adjourns, it do so in memory of the Special Forces National Guardsman who was killed.

Item 106 – Legislator Dusza requested that when this legislature adjourns, it do so in memory of Dorothy Wasielewski.

Item 107 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Rev. James Hemphill.

Item 108 – Legislator Chase requested that when this legislature adjourns, it do so in memory of Legislator Greenan's grandmother.

ADJOURNMENT

Item 109 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MEETING NO. 11

May 23, 2002

ERIE COUNTY LEGISLATURE

MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, June 6, 2002. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 6, 2002 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA
CLERK**