

MEETING NO. 12
June 19, 2003

ERIE COUNTY LEGISLATURE

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MEETING NO. 12
June 19, 2003

The Legislature was called to order by Chairman Swanick.

All Members Present.

The invocation was led by Rev. Ellen Brauza, St. Paul's Episcopal Church.

The Pledge of Allegiance was led by Mr. Dale.

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

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. RANZENHOFER moved the approval of minutes for Meeting No. 11 of 2003.
MR. LARSON seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 4 – MR. HOLT, ET AL presented a resolution Honoring Members of Calvary Baptist Church Youth Ministry Group. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. HOLT presented a resolution In Memory of Julia Elizabeth Thomas. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 6 – MS. MARINELLI, MINORITY CAUCUS presented a resolution Honoring Kenmore's Sam Dana on Being the Oldest Living NFL Player at 99 Years Old. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. MARINELLI, ET AL presented a resolution Honoring the Apartment Council of Western New York. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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Item 8 – MR. HOLT presented a resolution In Memory of Girlevia Croshery. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. SCHROEDER & MR. KUWIK presented a resolution Honoring Patrick Kaczmarczyk on his Outstanding Career at St. Francis High School. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. MARINELLI, ET AL presented a resolution Congratulating Erie County Department of Parks & Recreation for Receiving American Planning Association for Parks Master Plan. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 11 – MS. CHASE presented a resolution Congratulating Mr. Schwartz on His Retirement from Eden Bus Driving. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

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

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

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

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

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

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

Item 19 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 20 – MR. HOLT moved for immediate consideration of the Local Law No. 8 (Print #1). MR. DALE seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

CHAIRMAN SWANICK directed that Local Law No. 8 (Print #1) 2003 remain on the table.

Item 21 – CHAIRMAN SWANICK directed that Local Law No. 9 (Print #1) 2003 remain on the table.

Item 22 – CHAIRMAN SWANICK directed that Local Law No. 10 (Print #1) 2003 be received and filed.

Item 23 – MR. RANZENHOFER presented the following Local Law and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO NO. 11 – 2003

LOCAL LAW NO. _____ – 2003

A LOCAL LAW in relation to an equitable distribution of the Erie County Legislature's recommendations to the Governor of New York State for appointment to the board of directors of the Erie County Medical Center Corporation.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

- A. Under the creation of the Erie County Medical Center Corporation, the Erie County Legislature is charged with the obligation to recommend three (3) individuals to the Governor of New York State for appointment to the board of directors for the Erie County Medical Center Corporation, which oversees the operation and governance of the public benefit corporation.
- B. It has been the historic experience of this Honorable Body that an equitable distribution of recommendations between the Majority and Minority Caucuses of the Erie County Legislature to a board or commission will ensure that both the Majority and Minority Caucuses are properly represented.

Section 2. Distribution of Recommendations and Initial Terms.

- A. The distribution of the three (3) recommendations of the Erie County Legislature to the Governor of the New York State and the initial terms of those persons recommended shall be as follows:
 - 1. One (1) recommendation to the Governor shall belong to the Chairman of the Erie County Legislature. The initial term for the Chairman's recommendation shall be for three (3) years.
 - 2. One (1) recommendation to the Governor shall belong to the Majority Caucus of the Erie County Legislature. The initial term for the Majority Caucus's recommendation shall be for four (4) years.
 - 3. One (1) recommendation to the Governor shall belong to the Minority Caucus of the Erie County Legislature. The initial term for the Minority Caucus's recommendation shall be for four (4) years.
- B. Upon the creation of the Erie County Medical Center Corporation and its board of directors, the Chairman, the Majority Caucus and the Minority Caucus shall have thirty (30) days to submit the names of their respective recommendations to the Governor of New York State.

Section 3. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

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Section 4. Effective Date.

This Local Law shall take effect immediately upon the creation of the Erie County Medical Center Corporation and its board of directors and upon the filing of this local law with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

CHARLES M. SWANICK

MICHAEL H. RANZENHOFER

DALE W. LARSON

JEANNE Z. CHASE

BARRY A. WEINSTEIN, M.D.

STEVEN P. McCARVILLE

ELISE M. CUSACK

GREGORY P. FALKNER

GEORGE A. HOLT, JR.

EDWARD J. KUWIK

RAYMOND K. DUSZA

JUDITH P. FISHER

ALBERT DeBENEDETTI

LYNN M. MARINELLI

DEMONE A. SMITH

MR. RANZENHOFER moved the approval of the Local Law. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

June 12, 2003

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 8

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

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

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- a. Item Page -2003 (Comm. 6E-35)
DeBENEDETTI: Copy of Letter to Comptroller's Office Re: Bonded Indebtedness.
(6-0) Chairman Swanick Present as Ex-Officio Member.
- b. Item Page -2003 (Comm. 8E-1)
COMPTROLLER: Response to Legislator DeBenedetti Re: County's Bonded
Indebtedness.
(6-0) Chairman Swanick Present as Ex-Officio Member.
- c. Item Page -2003 (Comm. 9E-1)
COMPTROLLER: EC Tobacco Asset Securitization Transaction.
(6-0) Chairman Swanick Present as Ex-Officio Member.
- d. Item Page -2003 (Comm. 9E-15)
HOLT: Copy of Letter to Budget Director Re: Budget Monitoring Reports.
(6-0) Chairman Swanick Present as Ex-Officio Member.
- e. Item Page -2003 (Comm. 10E-5)
COMPTROLLER: Review of Unfilled Vacant Positions.
(6-0) Chairman Swanick Present as Ex-Officio Member.
- f. Item Page -2003 (Comm. 10E-6)
COMPTROLLER: Overview of Erie County's Fiscal Condition.
(6-0) Chairman Swanick Present as Ex-Officio Member.
- g. Item Page -2003 (Comm. 11E-3)
COMPTROLLER: Apportionment & Distribution of 4% Sales Tax Revenue for 5/03.
(6-0) Chairman Swanick Present as Ex-Officio Member.

AS AMENDED

2. Item Page -2002 (Comm. 2D-13)
BUDGET, MANAGEMENT & FINANCE

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and WHEREAS, the Director has investigate the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered **203245** through **203250** inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR	2003	Petition No.	203245
	ASSESSOR	Cancel	\$241.23

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S-B-L 164.20-2-37

142401 EAST AURORA

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$241.23 Town/SpecialDist/School

Charge To : **142401 EAST AURORA** **\$241.23**

Relevy Village \$241.23 Village of EAST AURORA

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
 6,632 WAS MISCALCULATED. THE CORRECT AMOUNT SHOULD BE 22,107.
 RPTL 550(2)B

FISCAL YEAR 2001 **Petition No.** **203246**

ASSESSOR Refund \$345.00

S-B-L 211.00-4-30.2

142600 BOSTON

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$345.00 Town/SpecialDist/School

Charge To : **142600 BOSTON** **\$345.00**

REFUND - CLERICAL ERROR, THIS PARCEL IS VACANT LAND. PARCEL WAS
 CHARGED IN ERROR FOR 3 REFUSE UNITS. RPTL 550(2)E
 CHECK FOR : BARBARA SCHUNK

FISCAL YEAR 2003 **Petition No.** **203247**

ASSESSOR Cancel \$145.20

S-B-L 335.19-5-22

143801 SPRINGVILLE

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$145.20 Town/SpecialDist/School

Charge To : **143801 SPRINGVILLE** **\$145.20**

Relevy Village \$145.20 Village of SPRINGVILLE

CANCEL - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON
 THE TAX ROLL. THE ASSESSMENT WAS 56,400 AND SHOULD BE 44,400.
 RPTL 550(2)A

FISCAL YEAR 2002 **Petition No.** **203248**

ASSESSOR Refund \$646.53

S-B-L 66.41-4-26

146489 TONAWANDA

Acct. No. 112 \$0.00 County

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	Acct. No. 132	\$646.53	Town/SpecialDist/School
41854	BASIC STAR EXEMPTION	\$646.53	
Charge To :	146489 TONAWANDA		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 21,130 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
CHECK IN FAVOR OF: MICHAEL & PAT UTZIG

FISCAL YEAR	2003	Petition No.	203249
	ASSESSOR	Refund	\$101.12

S-B-L 66.35-4-23 **146489 TONAWANDA**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$101.12	Town/SpecialDist/School
Charge To :	146489 TONAWANDA		\$101.12

REFUND - CLERICAL ERROR, THE DELINQUENT WATER WAS POSTED TO THE ACCOUNT IN ERROR. PREVIOUSLY PAID. RPTL 550(2)E
CHECK FOR: THOMAS TOADARO

FISCAL YEAR	2003	Petition No.	203250
	ASSESSOR	Refund	\$1,711.89

S-B-L 79.30-2-22 **146489 TONAWANDA**

	Acct. No. 112	\$427.99	County
	Acct. No. 132	\$1,283.90	Town/SpecialDist/School
Charge To :	146489 TONAWANDA		\$1,283.90
	Relevy School	\$830.15	146401 KEN-TON UNION FREE

REFUND - CLERICAL ERROR, THE RPTL 520 WAS CREATED IN ERROR ON THE TAX ROLL. NO EXEMPTION ON THE 2002 TAX BILL. RPTL 550(2)E
CHECK FOR : CHRISTOPHER HUBER

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

3. Item Page -2003 (Comm. 10E-37)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance, in cooperation with the Erie County Comptroller, and in consultation with departmental accountants, has identified accounts with projected budget deficiencies prior to year-end closing, and

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WHEREAS, budget amendments are required to eliminate the aforementioned deficiencies in order to close the County's books and prepare financial statements for review by the County's independent auditors for the 2002 fiscal year, and

WHEREAS, these budget amendments will have no net fiscal impact as funds either are transferred from accounts with available balances to accounts with projected deficiencies or unanticipated revenues are appropriated, and

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

NOW, THEREFORE, BE IT

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

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

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

GENERAL FUND

Account/DAC Code:		Debit (Credit)
Amount	Description:	Amount
110 905 0100 803	M/C Salary Adjustment (Legislature)	94,837
110 906 0110 800	Personal Services (County Executive)	(13,503)
110 906 0110 803	M/C Salary Adjustment (County Executive)	44,355
110 907 0800 800	Personal Services (Labor Relations)	(16,700)
110 907 0800 803	M/C Salary Adjustment (Labor Relations)	1,142
110 908 0210 803	M/C Salary Adjustment (Budget, Management & Finance)	35,693
110 909 0600 803	M/C Salary Adjustment (Law)	126,895
110 909 0600 509	Refunds of PR/Years Expenses (Law)	(268,790)
110 910 0610 803	M/C Salary Adjustment (Personnel)	27,063
110 911 0220 800	Personal Services (Public Works-Commissioner)	(641,201)
110 911 0220 803	M/C Salary Adjustment (Public Works-Commissioner)	7,658
110 912 0221 803	M/C Salary Adjustment (Public Works-Buildings &	5,654

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	Grds)	
110 913 0222 800	Personal Services (Public Works-Wgts & Measures)	(7,625)
110 913 0222 803	M/C Salary Adjustment (Public Works-Wgts & Measures)	1,808
110 913 0222 549 0157	Item Pricing Penalties (Public Works-Wgts & Measures)	(150,600)
110 914 0120 800	Personal Services (Comptroller)	(38,283)
110 914 0120 803	M/C Salary Adjustment (Comptroller)	17,587
110 915 0130 803	M/C Salary Adjustment (County Clerk-Registrar)	8,635
110 915 0130 343	Recording Fees (County Clerk-Registrar)	(783,000)
110 916 0131 803	M/C Salary Adjustment (County Clerk-Auto Bureau)	4,411
110 916 0131 350	Auto Fees-North (County Clerk-Auto Bureau)	(153,000)
110 916 0131 351	Auto Fees-Southtowns (County Clerk-Auto Bureau)	(234,500)
110 916 0131 352	Auto Fees-Eastern (County Clerk-Auto Bureau)	(182,500)
110 917 0140 800	Personal Services (District Attorney)	(254,771)
110 917 0140 803	M/C Salary Adjustment (District Attorney)	223,430
110 918 0500 803	M/C Salary Adjustment (Board of Elections)	18,578
110 918 0500 511	Refunds of PR/Years Expenses (Board of Elections)	(129,500)
110 918 0500 684 0200	Misc. Federal Aid-FEMA (Board of Elections)	(270,500)
110 919 0550 800	Personal Services (EEO)	(6,500)
110 919 0550 803	M/C Salary Adjustment (EEO)	6,761
110 923 0310 802	Reductions from Personal Services	4,518,472
110 924 0311 336	Premium on Obligations	(452,360)
110 924 0311 511	Refunds of PR/Years Expenses (Countywide)	(82,770)
110 924 0311 518	Miscellaneous Receipts (Countywide)	(54,080)
110 926 0540 800	Personal Services (Comm on Status of Women)	(171)
110 926 0540 803	M/C Salary Adjustment (Comm on Status of Women)	5,196
110 927 0510 803	M/C Salary Adjustment (DISS)	29,236
110 927 0510 685 2000	Interfund Revenue Non-Sub (DISS)	(390,000)
110 928 0511 803	M/C Salary Adjustment (Bureau of Purchasing)	9,263
110 930 0650 803	M/C Salary Adjustment (Central Police Services)	9,251
110 931 0150 803	M/C Salary Adjustment (Sheriff)	35,791
110 931 0150 364	Civil Process Fees (Sheriff)	(69,500)
110 931 0150 521	Other Unclassified Revenues (Sheriff)	(55,000)
110 931 0150 684 0100	Misc. Federal Aid-Other (Sheriff)	(83,690)
110 931 0150 684 0200	Misc. Federal Aid-FEMA (Sheriff)	(19,225)
110 932 0151 803	M/C Salary Adjustment (Holding Center)	22,307
110 932 0151 473	Jail Facilities for Other Governments (Holding Center)	(454,000)
110 933 0660 803	M/C Salary Adjustment (Correctional Facility)	1,164
110 933 0660 473	Jail Facilities for Other Governments (Correctional Facility)	(167,000)
110 934 0260 803	M/C Salary Adjustment (Probation)	6,359
110 935 0670 800	Personal Services (Emergency Services)	(10,937)

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110 935 0670 803	M/C Salary Adjustment (Emergency Services)	8,917
110 936 0240 803	M/C Salary Adjustment (Mental Health-Admin.)	11,725
110 937 0241 800	Personal Services (Mental Health-Forensic)	(8,261)
110 937 0241 803	M/C Salary Adjustment (Mental Health-Forensic)	4,289
110 938 0530 803	M/C Salary Adjustment (Veterans' Services)	13,189
110 939 0630 803	M/C Salary Adjustment (Senior Services-Admin.)	8,784
110 940 0631 800	Personal Services (Senior Services-Trans.)	(28,050)
110 942 0640 800	Personal Services (Parks)	(121,311)
110 942 0640 803	M/C Salary Adjustment (Parks)	23,883
110 943 0620 800	Personal Services (Recreation)	(9,831)
110 943 0620 803	M/C Salary Adjustment (Recreation)	2,301
110 944 0642 800	Personal Services (Forestry)	(486)
110 944 0642 803	M/C Salary Adjustment (Forestry)	4,220
110 945 0620 800	Personal Services (Environment & Planning)	(82,534)
110 945 0620 803	M/C Salary Adjustment (Environment & Planning)	22,328
110 946 0250 803	M/C Salary Adjustment (Youth Bureau)	5,196
110 947 0251 800	Personal Services (Youth Detention)	(46,471)
110 947 0251 803	M/C Salary Adjustment (Youth Detention)	4,133
110 949 0270 803	M/C Salary Adjustment (Health)	29,860
110 949 0270 684 0107	Misc. Federal Aid (Health)	(62,103)
110 950 0271 800	Personal Services (Emerg. Med.Services)	(2,423)
110 950 0271 803	M/C Salary Adjustment (Emerg. Med.Services)	3,180
110 951 0272 803	M/C Salary Adjustment (Public Health Lab)	2,427
110 955 0620 800	Personal Services (East Side Transfer Station)	(1,025)
110 986 0273 803	M/C Salary Adjustment (Medical Examiner)	11,436
110 987 0274 800	Personal Services (Persons/Special Needs)	<u>(65,213)</u>

Subtotal General Fund

0

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

SOCIAL SERVICES SUBFUND

Account/DAC Code:	Description:	Debit (Credit) Amount
120 800	Personal Services	(1,849,000)
120 802	Reductions from Personal Services	2,233,163
120 803	M/C Salary Adjustment	37,698
120 826	Other Expenses	<u>(421,861)</u>

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Subtotal Social Services Subfund 0

ROAD FUND

Account/DAC Code:	Description:	Debit (Credit) Amount
210 800	Personal Services	(209,987)
210 802	Reductions from Personal Services	200,000
210 803	M/C Salary Adjustment	<u>9,987</u>

Subtotal Road Fund 0

**DEBT SERVICE
FUNDS**

Account/DAC Code:	Description:	Debit (Credit) Amount
310 821	Dues & Fees (General Debt)	16,367
310 336	Premium on Obligations (General Debt)	(16,367)
321 826	Other Expenses (Sewer Debt)	195,000
321 692	Bond Proceeds for Advance Refunds (Sewer Debt)	(195,000)
322 826	Other Expenses (Sewer Debt)	5,145,000
322 692	Bond Proceeds for Advance Refunds (Sewer Debt)	<u>(5,145,000)</u>

Subtotal Debt Service Funds 0

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

SEWER FUND

Account/DAC Code:	Description:	Debit (Credit) Amount
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220 851 0810 800	Personal Services	(102,954)
220 851 0810 801	Overtime	(29,617)
220 851 0810 803	M/C Salary Adjustment	1,849
220 851 0810 805	Fringe Benefits	130,722
220 852 0820 800	Personal Services	(25,127)
220 852 0810 801	Overtime	(1,268)
220 852 0820 803	M/C Salary Adjustment	2,677
220 852 0820 805	Fringe Benefits	23,718
220 853 0830 800	Personal Services	(83,624)
220 853 0830 803	M/C Salary Adjustment	7,369
220 853 0830 805	Fringe Benefits	76,255
220 854 0840 800	Personal Services	(32,694)
220 854 0840 801	Overtime	(21,015)
220 854 0840 803	M/C Salary Adjustment	2,611
220 854 0840 805	Fringe Benefits	61,475
220 854 0840 816	Maintenance Supplies	(10,377)
220 855 0850 800	Personal Services	(16,447)
220 855 0850 803	M/C Salary Adjustment	<u>16,447</u>

Subtotal Sewer Fund 0

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

4. Item Page -2003 **AS AMENDED**
 (Comm. 11E-13)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has determined that, as an alternative to the sale, assignment and transfer of certain delinquent real property tax liens to a Delaware statutory trust organized by the State of New York Municipal Bond Bank Agency, the County of Erie may be better served by authorizing the sale and assignment of certain County-owned tax certificates, representing delinquent real property taxes from 2002 and prior years, to a private firm for the full face value thereof pursuant to Section 7-8.0 of the Erie County Tax Act;

NOW THEREFORE, be it:

RESOLVED, that the Erie County Legislature hereby authorizes and directs the Commissioner of Finance to sell, transfer, assign and convey to a private buyer such County-owned tax certificates, representing delinquent real property taxes from 2002 and prior years, as may be jointly selected by the private buyer and the Commissioner of Finance, provided that the consideration therefor in all cases shall be the full face value of the tax certificates sold, including the unpaid taxes themselves together with all penalties interest and fees accrued to the date of such sale; and be it further,

RESOLVED, that the County Executive, the Budget Director and the Commissioner of Finance [collectively, the "Authorized Officers"] be, and each of them hereby is, authorized, empowered and directed to execute and deliver the instruments necessary to transfer, assign and convey all of Erie County's right, title and interest in the tax certificates sold, together with any other agreements, documents and instruments as any of the Authorized Officers may deem necessary or advisable to carry out the purpose and intent of this resolution, and to mail or otherwise forward any notices or other communications deemed necessary or desirable by any Authorized Officer to the owners of the real properties affected by the tax certificates being sold or to any other persons in connection with the sale thereof; and be it further,

RESOLVED, that any actions of the Authorized Officers in furtherance of the purposes of this resolution, whether taken before or after the adoption or effectiveness of this resolution are hereby approved, confirmed, ratified and adopted; and be it further,

RESOLVED, that certified copies of this Resolution be forwarded to the County Executive, the Budget Director, the County Attorney, the County Comptroller, and the Deputy Commissioner of Finance.

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

5. Item Page -2003 (Comm. 11E-32)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance received a request on behalf of the Town of Elma regarding the referenced parcel, and

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

WHEREAS, this parcel will be used by the Town of Elma for purposes of installing a storm water detention basin to benefit the surrounding residential area, and

WHEREAS, the Town Board of Elma in a resolution agreed to accept this parcel from Erie County, and

WHEREAS, the Town of Elma understands that if it were to sell this parcel at a future date, the County of Erie would be entitled to share in the profit of that sale.

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 Town of Elma, 1910 Bowen Road, Elma, New York 14059 for the sum of One and 00/100 Dollars (\$1.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Elma, County of Erie and State of New York being part of Lot 106, Township 10 and Range 6 of the Buffalo Creek Reservation and being also part of Lot 376 of the Ebenezer Lands, so-called, bounded and described as follows:

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BEGINNING at a point in the easterly line of Transit Road, five hundred and eighty-four and six-hundredths (584.06) feet northerly from the southerly line of said Lot 106; running thence easterly along the northerly line of lands heretofore conveyed to Arthur D. Mason, and at right angles to said Transit Road, about twelve hundred and seventy-five hundredths (1200.75) feet to Blossom Road; thence northerly along said Blossom Road one hundred (100) feet; thence westerly at right angles to said Transit Road about twelve hundred, and forty hundredths (1200.40) feet to said line of Transit Road, and thence southerly along said line of Transit Road one hundred (100) feet to the place of beginning, containing two & seventy-four hundredths (2.74) acres of land, be the same more or less.

Excepting that portion taken by the County of Erie under Liber 5931 Page 357. Further described on Erie County Tax Maps as Section, Block and Lot No. 136.000-5-34.1. Intending to convey land acquired by the County of Erie as Serial No. 988 in In Rem Tax Foreclosure Action No. 151 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 property to the aforesaid purchaser, and be it further

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

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

6. Item Page -2003 (Comm. 11E-33)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance received a request from the Town of Lancaster regarding the referenced parcels, and

WHEREAS, these parcels were reviewed and approved for sale by the Advisory Review Committee, and

WHEREAS, the intention of the Town of Lancaster is to combine these two parcels with a portion of property being donated to the Town as part of a wetland mitigation program. The Town would in-turn place a conservation easement over the general area to preserve the natural state of the property, and

WHEREAS, the Town of Lancaster in a resolution agreed to accept these parcels from Erie County, and

WHEREAS, the Town of Lancaster understands that if it were to sell these parcels at a future date, the County of Erie would be entitled to share in the profit of those sales.

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NOW, THEREFORE BE IT RESOLVED, that the following parcels of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to the Town of Lancaster for the sum of One and 00/100 Dollars (\$1.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York being part of Farmlot 11, Section 10, Township 11 and Range 6 of the Holland Land Company's survey being further described as sublots 1 thru 13 inclusive, Block P under Map Cover 535,

Intending to convey land acquired by the County of Erie as Serial No. 2488 in In Rem Tax Foreclosure Action No. 139 and further described on Erie County Tax Maps as Section, Block and Lot No. 115.090-1-43, and

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York being part of Farmlot 11, Section 10, Township 11 and Range 6 of the Holland Land Company's survey being further described as sublots 14 thru 16 inclusive, Block P under Map Cover 535,

Intending to convey land acquired by the County of Erie as Serial No. 693 in In Rem Tax Foreclosure Action No. 131 and further described on Erie County Tax Maps as Section, Block and Lot No. 115.090-1-44,

Excepting and reserving a 20 foot wide Permanent Easement to Erie County/Erie County Sewer District No. 4; being the north 20 foot of Sublots 1 thru 14 and the east 20 foot of sublots 14 thru 16, Block P of Map Cover 535 and as shown on attached sketch, 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 Division of Budget, Management and Finance, the Office of the County Comptroller, the County Attorney and the Finance Department.

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

7. Item Page -2003 (Comm. 11E-34)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance received a request from the Village of Angola regarding the referenced parcel, and

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

WHEREAS, the intention of the Village of Angola is to continue the present use of this parcel as a parking area, and

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WHEREAS, the Village Board of Angola in a resolution agreed to accept this parcel from Erie County, and

WHEREAS, the Village of Angola understands that if it were to sell this parcel at a future date, the County of Erie would be entitled to share in the profit of that sale.

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 the Village of Angola, 41 Commercial Street, Angola, New York 14006 for the sum of One and 00/100 Dollars (\$1.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Angola, Town of Evans, County of Erie and State of New York being part of Farmlot 55, Township 8 and Range 9 and further described as follows:

BEGINNING at a point in the southeast line of Commercial Street 161.26 ' Northeast of the northeast line of Washington Street (extended);

Thence Northeast 62.08 feet to a point;
 Thence Southeast 44 feet to lands of Conrail;
 Thence Southwest 62.08 feet to a point;
 Thence Northwest 39.60 feet to the point of beginning

Intending to convey land acquired by the County of Erie as Serial No. 186 in In Rem Tax Foreclosure Action No. 126 and further described on Erie County Tax Maps as Section, Block and Lot No. 235.190-4-4,

Excepting and reserving a 20 foot wide Permanent Easement to Erie Count/Erie County Sewer District No. 2; Being the northwesterly 20 foot strip of SBL# 235.190-4-4 along the southerly bounds of Commercial Street, in Township 8, Range 9, Farm Lot 55 and as shown on the attached sketch, 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 property to the aforesaid purchaser, and be it further

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

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

8. Item Page -2003 (Comm. 11E-36)
COUNTY EXECUTIVE

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WHEREAS, the Erie County Charter requires that the Comptroller conduct audits of County operations in accordance with standards published by the Comptroller General of the United States, and

WHEREAS, the Comptroller General requires that all municipalities conducting audits under Government Accounting Office (GAO) standards have an external quality control review at least once every three years, and

WHEREAS, the last external quality review of the Comptroller's internal audit function was conducted in August 1999, and

WHEREAS, the Comptroller prepared and forwarded a Request For Proposal to local CPA firms, and after a review of responses by a three-member committee, recommended the selection of Lumsden & McCormick, LLP, the lowest bidder;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the firm of Lumsden & McCormick, LLP for a quality control review of the Comptroller's audit process at a cost of \$5,500, and be it further

RESOLVED, that the cost of this contract will be charged to the Comptroller's 2003 Budget, Account 821-Dues and Fees, and be it further

RESOLVED, that certified copies of this resolution be provided to the County Executive, Comptroller and County Attorney.

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

**DALE W. LARSON
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 218

June 12, 2003

ECONOMIC DEVELOPMENT
COMMITTEE

REPORT NO. 8

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

1. Item Page -2003 (Comm. 11E-15)

COUNTY EXECUTIVE

WHEREAS, the 2003 capital budget contains \$1,500,000 for Convention Center Renovations and Improvements, and

WHEREAS, the firm of Barton Hovey Nardini Tries is already engaged by the Department of Public Works under an Architect/Engineer contract at the Convention Center, and

WHEREAS, on May 24, 2001, your Honorable Body authorized the County Executive to enter into a General Architectural/Engineering Contract covering services for miscellaneous County projects with Barton Hovey Nardini Tries, and

WHEREAS, it is now also desired to start design of 2003 renovations so this project can be bid in 2003,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to issue a supplemental agreement to Barton Hovey Nardini Tries to prepare contract documents and provide inspection services for the Buffalo Convention Center – 2003 Renovations, and be it further,

RESOLVED, that the total amount paid for consulting services shall be in an amount, not to exceed \$85,000, including reimbursables, and be it further,

RESOLVED, that the fee allocation be taken from Convention Center Renovations & Improvements Bond Account, Project 407, Fund 410, and be it further,

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

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

2. Item Page -2003 (Comm. 11E-16)

COUNTY EXECUTIVE

WHEREAS, Twenty-five Delaware and Old County Hall are in need of exterior building rehabilitation, and

WHEREAS, the firm of Foit-Albert & Associates, Architect P.C. is already engaged by the Department of Public Works under and Architect/Engineer contract for the New Family Court Facility and Master Plan Implementation, and

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WHEREAS, it is now also desired to start design of the exterior building rehabilitation of this project so it can be bid in 2003,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Foit-Albert Associates, Architect, P.C, on a percentage of construction basis, not to exceed \$80,000, including testing, reimbursables, and miscellaneous expenses relative to the Architectural/Engineering design services required for the Exterior Building Rehabilitation at Twenty-five Delaware and Old County Hall, and be it further,

RESOLVED, that the \$80,000 fee allocation be taken from the 2002 Exterior Building Rehabilitation, Project 290, Fund 410, and be it further,

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

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

3. Item Page -2003 (Comm. 11E-17)

COUNTY EXECUTIVE

WHEREAS, design services are required for ECHC Lobby Security Improvements, Window Replacement & Exterior Rehabilitation, and

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

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to enter into a supplemental agreement with Kideney Architects - Laping, Jaeger Associates, P.C., 200 John James Audubon Parkway, West Amherst NY 14228 with a maximum fee not-to-exceed \$60,000, including testing, reimbursables, and miscellaneous expenses relative to the design services required to update the Lobby Security Improvements, Window Replacement & Exterior Rehabilitation, and be it further,

RESOLVED, that the \$60,000 fee allocation be taken from the Lobby Security Improvements, Project 415, Fund 410 in the amount of \$42,000 and Window Replacement & Building Rehabilitation, Project 418, Fund 410, in the amount of \$18,000, and be it further,

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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.

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

4. Item Page -2003 (Comm. 11E-21)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on May 15, 2003 for the Rath Building – Fire Alarm System, and

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

WHEREAS, the Department of Public Works has a General Architectural/Engineering Agreement with the firm of M/E Engineers for providing architectural and engineering services,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Rath Building – Fire Alarm System as follows:

ELECTRICAL WORK

Frey Electrical Construction Co., Inc.

Base Bid: \$783,000.00

and be it further,

RESOLVED, that the sum of \$150,000 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 Commissioner of Public Works be authorized to issue a supplemental agreement to M/E Engineers' General Engineering Agreement for providing services during construction for an amount not to exceed \$50,000, including reimbursables, and be it further,

RESOLVED, that the sum of \$2,000 be allocated for testing, inspection and miscellaneous 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 the Rath Fire Alarm, Project 194, Fund 410, in the amount of 680,000, and Project 396, Fund 410, in the amount of \$305,000, 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 Department of Public Works, Division of Buildings & Grounds; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

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

5. Item Page -2003 (Comm. 11E-24)

COUNTY EXECUTIVE

WHEREAS, the City of Lackawanna has accepted the responsibility of snow removal of Abbott Road from the southern border of Willet to the Buffalo city line at Dorrance, and

WHEREAS, Abbott Road is a county-owned road, and

WHEREAS, towns and villages in Erie County often are reimbursed for plowing county roads in their respective towns and villages, and

WHEREAS, the City of Lackawanna has requested that \$35,000 be reinstated for these services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be hereby authorized to enter into a contract with the City of Lackawanna in the amount of \$35,000 to continue its snow removal services to the county portion of Abbott Road, and be it further

RESOLVED, that the funds for this contract be transacted as follows:

From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
110 904 303 830 1299	Regionalism & Economic Development Fund	(\$35,000)

To:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
110 904 303 830 0862	City of Lackawanna Snow Removal	\$35,000

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Office of the Comptroller; the Division of Budget, Management & Finance; the

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Department of Public Works; and the Mayor's Office, City of Lackawanna, 714 Ridge Road, Room 301, Lackawanna, New York 14218.

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

6. Item Page -2003 (Comm. 11E-43)

COUNTY EXECUTIVE

WHEREAS, The County of Erie, desires to assist in funding efforts to retain and expand the Niagara Air Reserve Station in Niagara Falls; and

WHEREAS, The Niagara Air Reserve Station employs over 2900 full and part time employees and is the second largest employer in Niagara County; and

WHEREAS, The Niagara Air Reserve Station employs almost 1000 Erie County residents who contribute greatly to the economy of Erie County and the region; and

WHEREAS, The following municipalities have agreed to contribute to this effort; Niagara County \$100,000, Town of Lockport \$5,000, Town of Wheatfield \$5,000, Town of Niagara \$3,500, Town of Lewiston \$3,500; and

WHEREAS, The expansion of the activity at the Air Station will assist the County and the region in their efforts to attract new businesses and jobs to Erie County and Western New York;

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Niagara USA Chamber of Commerce, in amounts not to exceed a total of \$10,000.00, for the purpose of marketing and promoting the Niagara Air Reserve Station; and be it further

RESOLVED, That the source of these funds shall be \$10,000 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will transferred to a separate sub-account under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

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

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

MICHAEL H. RANZENHOFER
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 219

June 12, 2003

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

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

a.

Item	Page	-2003	(Comm. 10D-2)
DEP:	SEQR – Sheridan Drive from East Park Drive to River Road – Sherwood Greenway.		
	(5-0)		

b.

Item	Page	-2003	(Comm. 10D-13)
DEP:	SEQR – Northeast – Southtowns, Regional Solid Waste Management Plan – 2000-2012.		
	(5-0)		

c.

Item	Page	-2003	(Comm. 11D-1)
DEP:	SEQR – Buffalo Outer Harbor Recreation Area.		
	(5-0)		

d.

Item	Page	-2003	(Comm. 11E-37)
COUNTY EXECUTIVE:	ECSSTA – Engineering Service Agreements – Work Order PH-2.		
	(5-0)		

e.

Item	Page	-2003	(Comm. 11E-39)
COUNTY EXECUTIVE:	ECSSTA – Engineering Service Agreements – Work Order URS-6.		
	(5-0)		

2.

Item	Page	-2003	AS AMENDED (Comm. 8E-12)
COUNTY EXECUTIVE			

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Rehabilitation Project, Contract No. 27SA, on May 21, 2003,

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Southtowns Sand Filter Project, Contract Nos. 1ST-G, General and 1ST-E, Electrical on May 20, 2003.

<u>Contract No.</u>	<u>Company Name</u>	<u>Amount Bid</u>
Contract 1ST-G General	C.O. Falter Construction Corp. 403 West Bear Street Syracuse, New York 13204	\$2,947,101.00
Contract 1ST-E Electrical	O'Connell Electric Company 830 Philips Road Victor, New York 14564	\$ 146,000.00

and

WHEREAS, the aforementioned bidders have been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County/Southtowns Sewage Treatment Agency, Southtowns Sand Filter Project, Contract Nos. 1ST-G, General and 1ST-E, Electrical be awarded to the lowest responsive bidders as follows:

<u>Contract No.</u>	<u>Company Name</u>	<u>Amount Bid</u>
Contract 1ST-G General	C.O. Falter Construction Corp. 403 West Bear Street Syracuse, New York 13204	\$2,947,101.00
Contract 1ST-E Electrical	O'Connell Electric Company 830 Philips Road Victor, New York 14564	\$ 146,000.00

and be it further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$3,093,101.00 from Sewer Capital, Erie County Sewer District No. 3, Fund No. 430, Project No. 915; and be it further

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

(5-0)

AS AMENDED

4. Item Page -2003 (Comm. 9E-46)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Sanitary Sewer Extension Project, Contract No. 58EV/H, on May 20, 2003,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 58EV/H	Sicar, Inc. 1128 Jamison Road Elma, New York 14059	\$560,807.00

and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Sanitary Sewer Extension Project, Contract No. 58EV/H, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 58EV/H	Sicar, Inc. 1128 Jamison Road Elma, New York 14059	\$560,807.00

and be it further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$560,807.00 from Sewer Capital, Erie County Sewer District No. 2, Fund No. 430, Project No. 340, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified

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copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.

(5-0)

5. Item Page -2003 (Comm. 11D-3)

DEP

RESOLUTION NO. 220-2003

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2003.

(Adopted) _____, 2003.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg; and

WHEREAS, the Village of Blasdell (the "Village") has on July 2, 1981 entered into a contract with the Agency to allow effluent discharged by the Village's treatment plant to enter the Agency's system; and

WHEREAS, the Agency and Village has on April 22, 2003 entered into an agreement whereby the Village shall transfer ownership of various sewer facilities to the Agency; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

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WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on October 31, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law; and

Whereas, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District (Southtowns Sewage Treatment Agency), consisting of new sanitary sewer connections to intercept and transmit the sewage flows from the Village of Blasdell and its tributary service areas, such as, the Ford Motor Company and the various Town of Hamburg Sewer Districts, located east and south of the Village of Blasdell for final treatment and disposal at the Southtowns Wastewater Treatment Plant. Further that the Rush Creek Interceptor be constructed to convey the sewage from the District No. 3 Southwestern Pumping Station, along with the Town of Hamburg's Highland Acres', North Street, and Electric Avenue Pumping Station service areas, as well as, other areas of the Town of Hamburg and convey it to the Southtowns Northeast Interceptor, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$6,327,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, said County Legislature duly adopted Resolution 175 on May 22, 2003, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 2nd Floor, Part 6 in Buffalo, New York, in said County, on June 19, 2003, at 1:30 o'clock P.M., Prevailing Time; and

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

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 3, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$6,327,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$6,327,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

Section 3. This resolution shall take effect immediately.

(5-0)

6. Item Page -2003 (Comm. 11D-4)
DEP

RESOLUTION NO. 221-2003

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2003.

(Adopted) _____, 2003.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller,

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County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg; and

WHEREAS, the Village of Blasdell (the "Village") has on July 2, 1981 entered into a contract with the Agency to allow effluent discharged by the Village's treatment plant to enter the Agency's system; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the Southtowns Sewer Management Agency on April 24, 2003 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District (Southtowns Sewage Treatment Agency), consisting of the partial reconstruction of and construction of improvements, alterations and energy efficiency measures to the Southtowns Advanced Wastewater Treatment Facility, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,925,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of

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equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, said County Legislature duly adopted Resolution 176 on May 22, 2003, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 2nd Floor, Part 6, in Buffalo, New York, in said County, on June 19, 2003, at 1:30 o'clock P.M., Prevailing Time; and

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

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 3, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$4,925,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,925,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

Section 3. This resolution shall take effect immediately.

(5-0)

7. Item Page -2003 (Comm. 11E-14)

COUNTY EXECUTIVE

WHEREAS, Erie County owns in excess of 1,600 acres of forestry lands in the Town of Sardinia; and

WHEREAS, Ardent Resources, Incorporated, an oil and gas exploration company, has identified the Sardinia area as having high natural gas development potential; and

WHEREAS, Ardent Resources has proposed to drill for natural gas on private properties adjacent to the Erie County forestry lands with no effect on County lands; and

WHEREAS, Ardent Resources has proposed to enter into a contract with Erie County to include the forestry lands in their land assemblage; and

WHEREAS, New York State law allows such mineral extraction to take place under a proportional method of royalty compensation to affected property owners; and

WHEREAS, Erie County has 1,600 acres that would be eligible for such royalty compensation over the life of the gas well,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Ardent Resources, Incorporated, for a three-year period and to accept royalty payments in an amount to be determined at a later date, and be it further

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

(5-0)

8. Item Page -2003 (Comm. 11E-40)

COUNTY EXECUTIVE

WHEREAS, The County of Erie, desires to participate in the retention and expansion of farming and agricultural activity in Erie County; and

WHEREAS, The production of sweet green peppers and tomatoes in Erie County is coming under pressure from new cooling and packaging requirements and competition from outside the County and region; and

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WHEREAS, The Eden Valley Growers Farm Cooperative has served as a source for cooling and packaging of locally grown produce and is willing to provide up to \$9,500 in cash and installation services for the acquisition of a Forced-Air Cooler; and

WHEREAS, The Erie County Industrial Development Agency has acted as a pass-through agency for the purchase of this type of equipment,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, in amounts not to exceed a total of \$95,200, for the purpose of purchasing a Forced-Air cooling unit for use by the Eden Valley Growers Farm Cooperative; and be it further

RESOLVED, That the Erie County Industrial Development Agency shall retain ownership of the cooling unit, which will be leased to the Eden Valley Growers Farm Cooperative; and be it further

RESOLVED, That the source of these funds shall be \$95,200 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will be transferred to a separate sub-account under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning, and the County Attorney.
(5-0)

DALE W. LARSON
CHAIRMAN

MR. LARSON moved to separate items #5 & #6 and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #5. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #6. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

June 12, 2003

PUBLIC SAFETY
COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.

1. Item Page -2003 (Comm. 11E-35)
COUNTY EXECUTIVE

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

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

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

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

NOW, THEREFORE BE IT

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

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

RESOLVED, that the following transactions are authorized for the reimbursement of Erie County, City, and Volunteer Fire Departments for time and services rendered in the aftermath of the events of September 11, 2001:

Department of Emergency Services
Reimbursement of Claims

Current

Revised

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	Budget	Changes	Budget
<u>Revenue</u>			
SFG 684 Federal Revenue - Other	<u>\$51,355</u>	<u>\$+9,000</u>	<u>\$60,355</u>
TOTAL	<u>\$51,355</u>	<u>\$+9,000</u>	<u>\$60,355</u>
<u>Appropriations</u>			
SFG 800-000 Personnel Services	\$ 0	\$+6,000	\$ 6,000
SFG 825 Long Distance Travel	\$ 2,000	\$ 0	\$ 2,000
SFG 826 Other Expenses	\$ 0	\$+ 2,000	\$ 2,000
SFG 933 Lab & Tech. Equip.	\$ 3,250	\$ +2,000	\$ 5,250
SFG830 Contractual-Volunteer Fire Companies and City of Buffalo Fire & Emergency Services	<u>\$55,105</u>	<u>\$-10,000</u>	<u>\$45,105</u>
TOTAL	<u>\$60,355</u>	<u>\$ 0</u>	<u>\$60,355</u>

and be it further

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

(5-0)

2. Item Page -2003 (Comm. 11E-44)

COUNTY EXECUTIVE

WHEREAS, the public safety of all residents and the responsibility of the public sector to enhance and assist in the improvement of public safety service delivery in the County is of the utmost importance; and

WHEREAS, it is the desire of the City of Buffalo Police Department to transfer its cell block service functions to the Erie County Sheriff's Office; and

WHEREAS, the City of Buffalo and County of Erie have reached agreement on the transfer of these cell block functions as outlined in the document enclosed; and

WHEREAS, the Erie County Sheriff's Office is in need of eighteen additional Deputy positions to fulfill the transfer of the cell block functions of the City of Buffalo Police Department to the Sheriff's Office; and

WHEREAS, the newly created positions in the Erie County Sheriff's Office will be at Job Group 8; and

WHEREAS, in order to effectuate the County public objectives for enhancing public safety, it is necessary for the County to enter into various agreements including, but not limited to, an agreement among the aforementioned parties for the transfer of the cell block functions of the City of Buffalo to the Erie County Sheriff,

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NOW, THEREFORE, BE IT

RESOLVED, the Erie County Executive and Erie County Sheriff are hereby authorized to enter into an agreement with the City of Buffalo as outlined in the enclosed document and such ancillary agreements necessary or appropriate to effectuate the transfer of the City of Buffalo's cellblock service delivery functions to the Erie County Sheriff; and be it further

RESOLVED, that effective July 1, 2003 eighteen Deputy Sheriff – Officer positions, Job Group 8 are hereby created within the Erie County Sheriff's Office; and be it further

RESOLVED, the sources of revenues outlined in the enclosed document shall be deposited in an account or accounts to be determined by the Erie County Sheriff's Office and Erie County Budget Office for the purposes of offsetting cost associated with transferring City of Buffalo cell block functions to the Erie County Sheriff's Office; and be it further

RESOLVED, that the Director of the Division of Budget, Management and Finance is hereby authorized to establish and administer appropriations and revenues pursuant to the enclosed document; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the County Comptroller, the Sheriff's Office, and the City of Buffalo.

(5-0)

JEANNE Z. CHASE
CHAIRPERSON

MS. CHASE moved to separate item #2 and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. CHASE moved the approval of item #2. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

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HUMAN SERVICES
 COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

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

Item Page -2003 (Intro. 6-15)
 a. **FISHER:** Recommending Formation of Olmstead Compliance Committee.
 (4-0) Legislator Fisher absent.

Item Page -2003 (Comm. 10D-9)
 b. **MENTAL HEALTH:** Psychotropic Medications in EC Correctional Facility & Holding
 Center.
 (4-0) Legislator Fisher absent.

2. Item Page -2003 (Comm. 11E-10)
COUNTY EXECUTIVE

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

WHEREAS, this grant authorizes a personnel adjustment that deletes one vacant full-time
 position of Supervising Sanitarian, JG XI, position number 816287, and creates one full-time
 position of Sr. Investigating Public Health Sanitarian, JG X.

NOW, THEREFORE, BE IT

RESOLVED, that one vacant full-time position of Supervising Sanitarian, JG XI position
 number 816287, is hereby deleted and one full-time position of Sr. Investigating Public Health
 Sanitarian, JG X, is hereby created.

The following personnel detail is hereby submitted:

TITLE: Sr. Investigating Public Health Sanitarian	FUNDING: 100% State Reimbursed
JG: X	CIVIL SERVICE: Yes
STEP: 0	CIVIL SERVICE LIST: Yes
ANNUAL SALARY: \$35,415	
ANNUAL BENEFITS: \$9,832	

and be it further

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

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(4-0) Legislator Fisher absent.

3. Item Page -2003 **AS AMENDED**
(Comm. 11E-25)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has been awarded a revised Healthy Heart Worksite Wellness grant totaling \$52,500 for the purpose of promoting heart health in area worksites, and

WHEREAS, the Erie County Department of Health has joined with the Wellness Institute of Greater Buffalo and Western New York, Inc. to implement this program.

NOW, THEREFORE, BE IT

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

HEALTHY HEART WORKSITE**04/1/03 - 12/31/03****PROJECT #856**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	STATE AID	\$ 70,000	\$-17,500	\$ 52,500
	TOTAL	<u>\$ 70,000</u>	<u>\$-17,500</u>	<u>\$ 52,500</u>
EXPENSES				
826	OTHER EXPENSES	\$ 500	\$-500	\$ 0
830-0987	CONTRACTUAL	66,500	-16,625	49,875
882-2709	ID- HEALTH GRANTS	0	2,625	2,625
932	OFFICE EQUIPMENT	1,000	-1,000	0
933	LAB & TECH EQUIP	<u>2,000</u>	<u>-2,000</u>	<u>0</u>
	TOTAL	<u>\$ 70,000</u>	<u>\$-17,500</u>	<u>\$52,500</u>

and be it further

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RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the Wellness Institute of Greater Buffalo and Western New York, Inc. for a sum not to exceed \$49,875 to fulfill the workplan of the project, and be it further

RESOLVED, that the subcontract with the Wellness Institute of Greater Buffalo and Western New York, Inc. is a special service which must be provided immediately and continuously, and therefore, the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

(4-0) Legislator Fisher absent.

4. Item Page -2003 (Comm. 11E-26)

COUNTY EXECUTIVE

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

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

WHEREAS, the Erie County Department of Health received a grant award from the New York State Health Department in the amount of \$75,000 on behalf of the Western New York Coalition for Diabetes Prevention.

NOW, THEREFORE, BE IT

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

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

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	STATE AID	\$ 75,000	\$0	\$ 75,000
	TOTAL	\$ 75,000	\$0	\$ 75,000

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EXPENSES

825	OUT OF AREA TRAVEL	\$ 2,000	\$1,000	\$3,000
830-1095	CONT-KALEIDA HEALTH	21,000	-3,000	18,000
830-1186	CONT-HEALTHY COMM	27,000	0	27,000
830-1187	CONT-LAKE PLAINS	21,000	0	21,000
830-736	CONT-CATHOLIC HLTH	0	3,000	3,000
880-5100	INTER-FUND - DISS	500	-500	0
882-2709	ID- HEALTH GRANTS	0	3,000	3,000
932	OFFICE EQUIPMENT	1,500	-1,500	0
933	LAB & TECH EQUIP	<u>2,000</u>	<u>-2,000</u>	<u>0</u>
	TOTAL	<u>\$ 75,000</u>	<u>\$0</u>	<u>\$75,000</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with Kaleida Health, Healthy Community Alliance, the Lake Plains Community Care Network and the Catholic Health System of WNY for planning of diabetes education and screening events, and be it further

RESOLVED, that the subcontracts with Kaleida Health, Healthy Community Alliance, the Lake Plains Community Care Network and the Catholic Health System of WNY are a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

(4-0) Legislator Fisher absent.

5. Item Page -2003 (Comm. 11E-27)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health received a revised grant award from the New York State Department of Health in the amount of \$231,298 for the blending of two pre-existing programs (the Erie County Healthy Women's Partnership and the Colorectal Prostate Initiative of Erie County), to form the Partners for Prevention Cancer Screening Services of Erie County, and

WHEREAS the purpose of this funding is for breast and cervical cancer screening for low income, asymptomatic, underserved women ages 18 and over, and fecal occult blood screening and prostate cancer awareness education, and

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WHEREAS, the Erie County Partners for Prevention Cancer Screening Services of Erie County is made up of a coalition of concerned community agencies and health care providers, funded by grants from the New York State Health Department, Health Research, Inc. and the United Way of Buffalo and Erie County, and

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

WHEREAS, this grant award includes funding for one Regular Part-Time position of Account Clerk Typist, JG IV, to assist with the clerical aspects of the program.

NOW, THEREFORE, BE IT

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

PARTNERS FOR PREVENTION

04/1/03- 03/31/04

PROJECT #865

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
517	OTHER LOCAL SRCE	\$ 10,000	\$-10,000	\$ 0
553	STATE AID	<u>252,420</u>	<u>-21,122</u>	<u>231,298</u>
	TOTAL	<u>\$ 262,420</u>	<u>\$-31,122</u>	<u>\$ 231,298</u>
	EXPENSES			
800	PERSONAL SERVICES	\$ 0	\$15,389	\$ 15,389
805	FRINGE BENEFITS	0	4,152	4,152
825	OUT OF AREA TRAVEL	500	500	1,000
826	OTHER EXPENSES	1,276	-1,276	0
830-0987	CONT-AMER CANCER	150,615	-4,352	146,263
830-0988	CONT-SISTERS HOSP	16,620	2,820	19,440
830-0989	CONT-CLINICAL HWP	86,000	-46,880	39,120
830-1610	CONT-CLINICAL CPI	0	13,750	13,750
880-4000	INTER-FUND - ECMC	0	3,000	3,000
880-5100	INTER-FUND - DISS	500	-500	0
882-2709	ID- HEALTH GRANTS	909	91	1,000
883-2709	ID- HEALTH GRANTS	0	-12,816	-12,816
932	OFFICE EQUIPMENT	1,000	-1,000	0
933	LAB & TECH EQUIP	<u>5,000</u>	<u>-4,000</u>	<u>1,000</u>
	TOTAL	<u>\$ 262,420</u>	<u>\$-31,122</u>	<u>\$231,298</u>

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and be it further

RESOLVED, that one Regular Part-Time position of Account Clerk Typist, JG IV, is hereby created.

The following personnel detail is hereby submitted:

TITLE: Account Clerk Typist – Regular Part-Time FUNDING: 100% State Reimbursed
 JG: IV CIVIL SERVICE: Yes
 STEP: 0 CIVIL SERVICE LIST: Yes
 HOURLY RATE: \$11.59

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into subcontracts with the American Cancer Society, in the amount of \$146,263, for the purpose of coordinating the day-to-day operations of the Partners for Prevention Cancer Screening Services; and with Sisters of Charity Hospital, in the amount of \$19,440, for the purpose of providing data management services, fecal occult blood test screening kit purchase and development and mailing services, and be it further

RESOLVED, that these subcontracts with the American Cancer Society and the Sisters of Charity Hospital are special services which must be provided immediately and continuously, and therefore, the RFP procedure required Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

AS AMENDED

6. Item Page -2003 (Comm. 11E-28)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health received a revised grant award from Health Research Inc. in the amount \$57,000 for the purpose of funding breast and cervical cancer screening for low income, asymptomatic, underserved women ages 40 and over, and

WHEREAS, the Partners for Prevention, Cancer Screening Services of Erie County is made up of a coalition of concerned community agencies and health care providers, funded by grants from the New York State Health Department, Health Research, Inc. and the United Way of Buffalo and Erie County, and

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

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from Health Research Inc., to be budgeted as follows:

BREAST AND CERVICAL CANCER**09/30/02- 6/29/03****PROJECT #700**

SFG	REVENUES	CURRENT BUDGET	CHANGES	REVISED BUDGET
553-200	HRI	\$ 57,000	\$0	\$ 57,000
	TOTAL	<u>\$ 57,000</u>	<u>\$0</u>	<u>\$ 57,000</u>
EXPENSES				
830-0989	CONT-CLINICAL SERV	\$ 54,000	\$-2,000	\$ 52,000
880-4000	INTER-FUND - ECMC	2,800	2,000	4,800
882-2709	ID - HEALTH GRANTS	200	0	200
	TOTAL	<u>\$ 57,000</u>	<u>\$ 0</u>	<u>\$ 57,000</u>

and be it further

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

(4-0) Legislator Fisher absent.

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

COUNTY EXECUTIVE

WHEREAS, the prevalence, hospitalization, missed school days and mortality due to asthma has significantly increased in New York State, and

WHEREAS, the burden of asthma affects numerous sectors of our Western New York communities, including primary and acute health care, public health, education, business, health insurers, etc., and

WHEREAS, asthma-related costs to the New York State taxpayer, while not fully known, exceeded \$160 Million in 1995 alone, and

WHEREAS, the New York State Department of Health has awarded the Erie County Department of Health, as a lead agency of the Asthma Coalition of Western New York, an amount of \$200,000 to develop and implement a systems approach for reducing the burden of asthma in the eight counties of Western New York with an additional \$15,000 to pilot the School Asthma Management program, and

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WHEREAS, the Asthma Coalition of Western New York is a regional collaborative partnership of community stakeholders from diverse sectors who are concerned about the burden of asthma.

NOW, THEREFORE, BE IT

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

SYSTEM APPROACH REDUCING BURDEN OF ASTHMA

07/1/02- 06/30/03

PROJECT #694

SFG	REVENUES	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	STATE AID	\$ 200,000	\$15,000	\$ 215,000
	TOTAL	<u>\$ 200,000</u>	<u>\$15,000</u>	<u>\$ 215,000</u>
	EXPENSES			
821	DUES AND FEES	\$1,000	\$-1,000	\$ 0
825	OUT OF AREA TRAVEL	2,500	-1,500	1,000
826	OTHER EXPENSES	1,500	-1,500	0
830-0551	CONT-UB FAM MED	14,500	0	14,500
830-1186	CONT-HLTH COMM ALL	5,000	6,500	11,500
830-1187	CONT-LAKE PLAINS	5,000	8,500	13,500
830-1209	CONT-AMER LUNG	138,900	0	138,900
830-1210	CONT-NIAG HLTH	21,600	0	21,600
830-1588	CONT-SOUTH TIER	5,000	0	5,000
882-2709	ID- HEALTH GRANTS	0	7,191	7,191
932	OFFICE EQUIPMENT	2,000	-1,500	500
933	LAB & TECH EQUIP	<u>3,000</u>	<u>-1,691</u>	<u>1,309</u>
	TOTAL	<u>\$ 200,000</u>	<u>\$15,000</u>	<u>\$ 215,000</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with Family Medicine Faculty Associates, Inc. in the amount of \$14,500 for project evaluations, and be it further

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RESOLVED, that the County Executive is hereby authorized to enter into contracts with three rural health networks, the Lake Plains Community Care Coalition, the Southern Tier Health Care System and the Healthy Community Alliance, each in the amount of \$5,000 to train local volunteer firemen and emergency medical staff on asthma, and be it further

RESOLVED, that the County Executive is hereby authorized to amend the contracts of the Lake Plains Community Care Coalition and Healthy Community Alliance with the additional dollar amounts of \$8,500 and \$6,500 respectively to implement the School Asthma Management program in the Batavia and Gowanda school districts, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the American Lung Association in the amount of \$138,900 for project coordination and implementation, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the Niagara Health Quality Coalition in the amount of \$21,600 for securing and implementing the "Rules of Two" asthma program through a network of pharmacists, and be it further

RESOLVED, that the subcontracts with the American Lung Association, Family Medicine Faculty Associates, Inc., the Niagara Health Quality Coalition, the Southern Tier Health Care System, the Lake Plains Community Care Coalition and the Healthy Community Alliance are special services which must be provided immediately and continuously and therefore, the RFP procedure required under Section 19.08 of the Erie County Administrative Code is hereby waived, and be it further

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

(4-0) Legislator Fisher absent.

8. Item Page -2003 (Comm. 11E-30)

COUNTY EXECUTIVE

WHEREAS, the Medical Examiner's Division of the Erie County Health Department is mandated to provide a system of death investigations to determine cause of death, and

WHEREAS, the Medical Examiner's Office conducts autopsies as a key component in these death investigations, and

WHEREAS, the 2003 Adopted Budget deleted one position of Associate Chief Medical Examiner, JG XIX, as a result of a retirement, and simultaneously increased the SUNY Department of Pathology contract from \$90,000 to \$219,847 for the purpose of recruiting an additional faculty member in order to provide needed services, and

WHEREAS, the inability of SUNY Department of Pathology to recruit an additional faculty member has resulted in the contract remaining at \$90,000 per year, and

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WHEREAS, the Department of Health, after an extensive national search has recruited a highly qualified candidate who wishes to relocate to Erie County, and fill a full-time position of Associate Chief Medical Examiner within the Division of the Medical Examiner. The candidate will be available on or about July 1, 2003, and

WHEREAS, in order to meet the statutory needs of the Medical Examiner's Office it is necessary to recruit in JG XIX, at a variable minimum, Step 4, for the position of Associate Chief Medical Examiner and to assist in relocation/recruiting expenses in an amount not to exceed \$10,000, and

WHEREAS, funds are available through transfer from Account 830-1293 SUNY Department of Pathology to effectuate this change.

NOW, THEREFORE, BE IT

RESOLVED, that one full-time position Associate Chief Medical Examiner, JG XIX, at a variable minimum step 4, hereby created:

The following personnel detail is hereby submitted:

TITLE: Associate Chief Medical Examiner

JG: XIX

CIVIL SERVICE LIST: No

STEP: 4

CIVIL SERVICE: No

ANNUAL SALARY: \$106,723

ANNUAL BENEFITS: \$28,815

and be it further

RESOLVED, that the Health Department is authorized to assist with the relocation/recruiting expenses not to exceed \$10,000, and

RESOLVED, that the following adjustments are made in the 2003 Health Department - Medical Examiner Division budget:

Increase Account 800 Personal Services	\$53,367
Increase Account 805 Fringe Benefits	14,407
Increase Account 826 Other Expenses	10,000
Decrease Account 830-1293 SUNY Department of Pathology	<u>77,774</u>
NET CHANGE	<u>\$ 0</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Department of Personnel, the Office of the Comptroller, the

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Division of Budget, Management and Finance, and the Department of Law.
(4-0) Legislator Fisher absent.

9. Item Page -2003 (Comm. 11E-31)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Health has awarded a revised contract for the Erie County Department of Health to continue a program to provide HIV training services and technical assistance to Western New York health and human services providers and community members to furnish the knowledge and skills to protect the Western New York community from HIV infection and provide care to those living with HIV/AIDS, and

WHEREAS, this training focus will assist the New York State Department of Health in meeting its goal of HIV prevention and care, and

WHEREAS, funding will also be used to continue the Expanded Syringe Access Program (ESAD) throughout Erie County, and

WHEREAS, the Expanded Syringe Access Program provides individuals who have medical conditions requiring at home use of sharps, to safely dispose of them and to provide those individuals with information on how they can replace their sharps at a minimal fee.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an amended contract with the New York State Department of Health to provide services which are budgeted as follows:

**WESTERN REGIONAL
TRAINING GRANT
07/1/03- 06/30/04
PROJECT #871**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	STATE AID	\$ 100,000	\$6,600	\$ 106,600
	TOTAL	\$ 100,000	\$6,600	\$ 106,600
EXPENSES				
800	PERSONAL SERVICES	\$ 63,893	\$3,040	\$ 66,933
805	FRINGE BENEFITS	17,238	888	18,126
810	OFFICE SUPPLIES	1,124	-624	500
824	TRAVEL & MILEAGE	5,500	-5,000	500
	OUT OF AREA			
825	TRAVEL	4,648	4,293	8,941

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826	OTHER EXPENSES	7,097	1,903	9,000
830	CONTRACTUAL	500	-500	0
880-2700	ID / HEALTH DEPT.	0	1,000	1,000
880-5100	INTER-FUND - DISS	<u>0</u>	<u>1,600</u>	<u>1,600</u>
	TOTAL	<u>\$ 100,000</u>	<u>\$ 6,600</u>	<u>\$ 106,600</u>

and be it further

RESOLVED, that the following adjustments are made to the 2003 Health Department budget:

Increase Account 685-2709 Interfund-Health Grants	\$1,000
Increase Account 932 Office Equipment	\$1,000

and be it further

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

(4-0) Legislator Fisher absent.

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

MR. WEINSTEIN moved to separate item #8 and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved to amend item #8. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

DELETE the fifth WHEREAS clause in its entirety and **REPLACE** with:

WHEREAS, after an extensive local and subsequent national search by the Department of Health, a highly qualified candidate who wishes to relocate to Erie County and will be available on July 1, 2003 was found to fill a full-time position of Associate Chief Medical Examiner within the Division of the Medical Examiner's Office, and

INSERT the following WHEREAS clause after the sixth WHEREAS clause:

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WHEREAS, a written agreement is documented and on file in the Medical Examiners Office between the Department of Health and the prospective employee that if employment is terminated by either party before the first anniversary of employment the cost of relocation will be refunded in full, and

MR. WEINSTEIN moved the approval of item #8 as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 29 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

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GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

ALL ITEMS ARE HEREBY TABLED.

**STEVEN P. McCARVILLE
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

June 12, 2003

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

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

Item	Page	-2003	(Comm. 9M-21)
a.	WESTERN ERIE CANAL HERITAGE CORRIDOR PLANNING COMMISSION:		
	Heritage Corridor Management Plan.		
	(4-0) Legislator Fisher absent.		

2.	Item	Page	-2003	(Comm. 10E-47)
	COUNTY EXECUTIVE			

WHEREAS, the All Pro Hoops Camp, which will be held in Buffalo, New York from July 17-21, 2003, is a basketball camp designed to mentally and physically strengthen youth ages 7 through 17; and

WHEREAS, All Pro Hoops Camps, Inc., based in Sugar Land, Texas, as the organizing agency for this Buffalo event, invites NBA players to act as motivational speakers and to help with basketball instruction, making this truly a one-of-a-kind opportunity for Buffalo's youth; and

WHEREAS, Erie County funding is essential to the success of this camp, and when combined with the efforts of other local sponsoring corporations, these cooperative efforts can make a difference in the lives of youth participating in the camp; and

WHEREAS, GROUP Ministries, Inc., has agreed to be the local not-for-profit fiscal agent for this local basketball camp, and has requested that the County provide \$25,000 towards this eighth annual All Pro Hoops Camp to be held in Buffalo, New York,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with GROUP Ministries, Inc., in order to provide funds to this organization for purposes noted above; and be it further

RESOLVED, that funds in the amount of \$25,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to the following new sub-account under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

GROUP Ministries, Inc.	\$25,000
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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

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Department of Environment and Planning, and Reverend Arthur Boyd, GROUP Ministries, Inc.,
1333 Jefferson Avenue, Buffalo, NY 14208-1808.

(3-1) Legislator Fisher absent. Legislator Weinstein in the negative.

3. Item Page -2003 (Comm. 11E-41)

COUNTY EXECUTIVE

WHEREAS, several summer tourism events and activities that will be held in Buffalo and Erie County this summer, which include the WNED Buffalo Niagara Guitar Festival, 2003 Canal Fest of the Tonawandas, the Police Athletic League's July 4 Summerfest in Delaware Park, the 3rd Annual Karibana International Parade and Festival, the Hispanic Music Festival 2003, and the Elmwood Avenue Festival of the Arts, will enhance our quality of life by providing thousands of our residents and tourists with recreational and cultural opportunities that highlight our distinct ethnic celebrations and feature nationally recognized entertainment, and such events result in significant economic benefits for the County and region; and

WHEREAS, continuation of the Buffalo Niagara Convention and Visitors Bureau's efforts to support and grow the Binational Marketing Program that has developed over the last few years between New York State, Erie County and other regional entities, including several of our tourism venues with our counterparts in Southern Ontario, is essential to developing the potential of our tourism business in the City of Buffalo, County of Erie and our region; and

WHEREAS, this Binational 2003 Marketing Program provides enhanced opportunities to market this summer to millions of visitors, the many cultural venues and attractions on both sides of the Niagara River, and by featuring our region as part of the Binational Niagara Tourism Destination, we can increase visitors' overnight stays, provide memorable visitor experiences, and enhance earned and sales tax revenues,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds, as specified below, to the organizations administering funds for these activities and events; and be it further

RESOLVED, that funds in the amount of \$115,500 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds (DAC 110 9043038301299) to the following new sub-accounts under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Western New York Public Broadcasting Association
Buffalo Niagara Guitar Festival - \$80,000

Canal Fest of the Tonawanda's, Inc.
Canal Fest 2003 - \$5,000

Police Athletic League of Buffalo, Inc.

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July 4 Summerfest in Delaware Park - \$6,000

New Refuge House, Inc.

Hispanic Music Festival 2003 - \$5,000

Buffalo Karibana International Parade and Festival Inc.

3rd Annual Karibana Parade and Festival - \$3,000

Elmwood Avenue Festival of the Arts, Inc.

Summer Festival - \$2,500

Buffalo Niagara Convention and Visitors Bureau

2003 Binational Marketing Program - \$14,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Comptroller, the Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, and the following sponsoring organizations: Donald Boswell, President & CEO, Western New York Public Broadcasting Association, P. O. Box 1263, Buffalo, New York 14240-1263; Robert J. Dann, Treasurer, Canal Fest of the Tonawandas, P.O. Box 1243, North Tonawanda, New York 14120; Otis N. Glover, Buffalo Karibana Parade and Festival, Inc., P. O. Box 482, Buffalo, New York 14215; Ramon Rodriguez, Hispanic Music Festival Coordinator, New Refuge House, Inc. 300 Niagara Street, Buffalo New York 14201; and Richard Geiger, President and CEO, Buffalo Niagara Convention and Visitors Bureau, 617 Main Street, Suite 400, Buffalo, New York 14203-1496.

(4-0) Legislator Fisher absent.

4. Item Page -2003 (Comm. 11E-42)

COUNTY EXECUTIVE

WHEREAS, Jozef Slawinski is recognized as one of our Country's most important sgraffito artists, and examples of his remarkable artwork and magnificent murals are located throughout the Buffalo-Niagara Region where Slawinski made his home for the last two decades before his death in 1983; and

WHEREAS, Hungarian Piarist fathers, who were associated with an educational religious order best known in Buffalo for establishing and operating the Calasanctius School, commissioned Jozef Slawinski to create a sgraffito mural honoring St. Joseph Calasanctius, for their American motherhouse complex in Derby, New York, that was purchased by the Piarists in the 1950's; and

WHEREAS, this sgraffito mural, also known as the "Calasanctius Mural", was completed in 1967 for display on an exterior dormitory wall of the Piarists' mother house complex, on property known as the Graycliff Estate in Derby, New York, which was designed by Frank Lloyd Wright as the summer home of the Darwin Martin family, and in the last decade the property was purchased from the Piarists by the Graycliff Conservancy, Inc., and has been the focus of a major historic

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restoration effort, and such restoration efforts and related state and national funding requirements required the demolition of the dormitory building constructed by the Piarists and, thus, placed the "Calasanctius Mural" in jeopardy; and

WHEREAS, as a result of the remarkable efforts of two volunteer-based, not-for-profit organizations, the Polish Arts Club of Buffalo, Inc. in cooperation with the Graycliff Conservancy, Inc., the "Calasanctius Mural" has been safely kept since the dormitory demolition and will be moved to a new location on the exterior wall of Buffalo State College's Butler Library, which is accessible to the public, in close proximity to our nationally recognized museums, and linked to the Buffalo State College careers of Jozef Slawinski and his wife; and

WHEREAS, through these extraordinary efforts, which have included significant collaborations with community partners including foundations, New York State, the County of Erie, and Buffalo State College, as well as with leaders in the private sector, the Polish Arts Club has assumed the leadership role in securing and seeking essential technical and financial support to both preserve the "Calasanctius Mural", and furthering the development of a regional cultural tourism program featuring the many artworks of Jozef Slawinski which are located in our region; and

WHEREAS, County funding for the "Calasanctius Mural" and a related regional cultural tourism program will provide local residents, as well as visitors to our region with several opportunities to view the many works of Jozef Slawinski, and thus further document and substantiate the important role of this artist of Polish descent, as well as serve as a reminder of the continuing importance of Polish traditions and heritage which have been and continue to be significant components in Erie County's and this region's history and happenings,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with the Polish Arts Club, Inc. in order to provide funds for the "St. Joseph Calasanctius Mural Project" and to further the related regional Slawinski cultural tourism program; and be it further

RESOLVED, that funds in the amount of \$20,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds (DAC 110 9043038301299) to the following new sub-account under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Polish Arts Club in Buffalo, Inc
Jozef Slawinski's "Calasanctius Mural" and Related Regional Cultural Tourism
Program - \$20,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the

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Commissioner of the Department of Environment and Planning; Peter Gessner, President, Polish Arts Club, Inc., 3210 Main Street, Suite 4, Buffalo New York 14214; Carole Bronnekant, President, Graycliff Conservancy, 32 Ivyhurst Road, Amherst, New York 14226; and Muriel Howard, Ph.D., President, Buffalo State College, Room 517, Cleveland Hall, 1300 Elmwood Ave., Buffalo, New York 14222-1095.

(4-0) Legislator Fisher absent.

ELISE M. CUSACK
CHAIRPERSON

MS. CUSACK moved to separate item #2 and moved the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved to amend item #2 to change his vote from no to yes. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

Re: Elma Agricultural District (EC No. 13) 8-Year Review. (Intro. 12-1)

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

RESOLVED, that the Clerk of the Legislature is directed to hold a Public Hearing on July 14, 2003 at 7:30pm at the Elma Town Hall, 1910 Bowen Road, Elma, NY concerning the 8-year review of Elma Agricultural District and, be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to publish said Notice of Public Hearing in a newspaper having a general circulation within the agricultural district and to so notify the affected municipalities and the property owners within the agricultural district including any proposed areas of modification (addition/deletion).

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Fiscal Impact: To be determined.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

Re: Transfer of Public Benefit Funds.
(Intro. 12-2)

A RESOLUTION SUBMITTED BY LEGISLATORS
SWANICK, RANZENHOFER, CHASE, CUSACK, FALKNER, McCARVILLE,
WEINSTEIN, DUSZA, FISHER, KUWIK & MARINELLI

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$146,675 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Aurora Adult Day Care	830/0816	\$2,000	MCCARVILLE
Buffalo Green Fund	830/0619	\$1,700	CHASE
Buffalo Green Fund	830/0619	\$1,700	CUSACK
Buffalo Green Fund	830/0619	\$1,700	FALKNER
Buffalo Green Fund	830/0619	\$1,700	MCCARVILLE
Buffalo Green Fund	830/0619	\$1,700	SWANICK

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Buffalo Green Fund	830/0619	\$1,700	WEINSTEIN
Buffalo Green Fund	830/0619	\$1,700	MARINELLI
Depew/Cheektowaga Taxpayers Assoc.	830/0704	\$1,500	DUSZA
Excalibur Leisure Skills Center	830/0691	\$18,000	MAJORITY
Hamburg Civic Beautification Committee	830/	\$2,000	CHASE
Hamburg DARE Program	830/0682	\$10,000	KUWIK
Just Buffalo Literary Center	830/0414	\$9,000	FISHER
Lackawanna Community Boxing, Inc.	830/1332	\$1,000	KUWIK
Lackawanna Recreation Department	830/1410	\$3,500	KUWIK
National Alliance for the Mentally Ill	830/1536	\$1,000	FISHER
New Phoenix Theatre	830/	\$5,000	CHASE
Parkside Community Association	830/0643	\$5,000	FISHER
Parkside Community Association	830/0643	\$5,000	MARINELLI
PTSA Williamsville South High School	830/	\$1,000	RANZENHOFER
PTSA Williamsville South High School	830/	\$1,000	WEINSTEIN
Sweet Home Central School District	830/	\$2,100	WEINSTEIN
Swormville Fire Company	830/1504	\$3,675	RANZENHOFER
Town of Amherst- Fetto Park	830/0653	\$5,000	CUSACK
Town of Amhest	830/0653	\$10,000	WEINSTEIN
Town of Aurora (Senior Center)	830/1514	\$3,000	MCCARVILLE
Town of Tonawanda Police Department	830/0644	\$7,500	CUSACK
Town of Tonawanda Police Department	830/0644	\$7,500	SWANICK
Village of Kenmore	830/	\$6,000	SWANICK
West Seneca Rotary Foundation	830/1326	\$25,000	FALKNER
TOTAL		\$146,675	

And be it further

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

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

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

Fiscal Impact: Appropriation of 2003 budgeted funds

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

CARRIED UNANIMOUSLY.

- **DELETE the First RESOLVED Clause in its entirety and REPLACE with:**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$227,265 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Aurora Adult Day Care	830/0816	\$2,000	MCCARVILLE
Buffalo Green Fund	830/0619	\$1,700	CHASE
Buffalo Green Fund	830/0619	\$1,700	CUSACK
Buffalo Green Fund	830/0619	\$1,700	FALKNER
Buffalo Green Fund	830/0619	\$1,700	MARINELLI
Buffalo Green Fund	830/0619	\$1,700	MCCARVILLE
Buffalo Green Fund	830/0619	\$1,700	SWANICK
Buffalo Green Fund	830/0619	\$1,700	WEINSTEIN
City of Lackawanna DARE	830/1143	\$5,000	KUWIK
City of Lackawanna DPW	830/1557	\$15,000	KUWIK
Depew American Legion Post 1528	830/	\$1,000	DUSZA
Depew/Cheektowaga Taxpayers Assoc.	830/0704	\$1,500	DUSZA
Ellwood Volunteer Fire Company	830/	\$15,000	MARINELLI
Excalibur Leisure Skills Center	830/0691	\$18,000	MAJORITY
Explore & More...A Children's Museum	830/1037	\$1,000	MCCARVILLE
General Pulaski Association	830/	\$10,000	DUSZA
Hamburg Chamber of Commerce	830/1171	\$3,000	KUWIK
Hamburg Civic Beautification Committee	830/	\$2,000	CHASE
Hamburg DARE Program	830/0682	\$10,000	KUWIK
Just Buffalo Literary Center	830/0414	\$9,000	FISHER
Kenilworth Fire District #2	830/	\$10,590	MARINELLI
Lackawanna City Court Drug Court	830/1127	\$4,000	KUWIK
Lackawanna Community Boxing, Inc.	830/1332	\$1,000	KUWIK
Lackawanna Recreation Department	830/1410	\$3,500	KUWIK
National Alliance for the Mentally Ill	830/1536	\$1,000	FISHER
New Phoenix Theatre	830/	\$5,000	CHASE
Parkside Community Association	830/0643	\$5,000	FISHER

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Parkside Community Association	830/0643	\$5,000	MARINELLI
PTSA Williamsville South High School	830/	\$1,000	RANZENHOFER
PTSA Williamsville South High School	830/	\$1,000	WEINSTEIN
Senior Center - City of Lackawanna	830/0679	\$2,000	KUWIK
St. Josaphat's Outreach Program	830/0972	\$4,500	DUSZA
Sweet Home Central School District	830/	\$2,100	WEINSTEIN
Swormville Fire Company	830/1504	\$3,675	RANZENHOFER
Town of Amherst- Fetto Park	830/0653	\$5,000	CUSACK
Town of Amhest	830/0653	\$10,000	WEINSTEIN
Town of Aurora (Senior Center)	830/1514	\$3,000	MCCARVILLE
Town of Tonawanda Police Department	830/0644	\$7,500	CUSACK
Town of Tonawanda Police Department	830/0644	\$7,500	SWANICK
Town of Tonawanda Police Department	830/0644	\$7,500	CUSACK
Village of Kenmore	830/	\$6,000	SWANICK
West Seneca Rotary Foundation	830/1326	\$20,000	FALKNER
Western New York Writing Project	830/	\$2,000	FISHER
TOTAL		\$227,265	

And be it further

RESOLVED, that \$5,000 of unspent funds from 2002 Public Benefit Services be reallocated 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 AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Elma Community Counseling Services	830/1549	\$5,000	(\$5,000)	-0-
West Seneca Rotary Foundation	830/1326	\$20,000	\$5,000	\$25,000

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

CARRIED UNANIMOUSLY.

Item 33 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 228

Re: Consideration for Public Benefit Funding.
(Intro. 12-3)

A RESOLUTION SUBMITTED BY
LEGISLATOR WEINSTEIN

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Ellicott Creek Fire Company	\$2,500	WEINSTEIN
Hutchinson Hose Company	\$2,500	WEINSTEIN
WNY Red Light Running Foundation	\$1,000	WEINSTEIN
Amherst Youth Foundation	\$2,500	WEINSTEIN
Matthewson McCarthy Youth Baseball	\$3,000	WEINSTEIN
Lou Gehrig Youth Baseball	\$3,000	WEINSTEIN
Amherst Senior Center	\$2,000	WEINSTEIN
Amherst Soccer Association	\$2,000	WEINSTEIN
VFW Post # 416	\$1,000	WEINSTEIN
TOTAL	\$19,500	

And be it further

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

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

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Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

- DELETE the First RESOLVED Clause and REPLACE with the following:

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Ellicott Creek Fire Company	\$2,500	WEINSTEIN
Hutchinson Hose Company	\$2,500	WEINSTEIN
WNY Red Light Running Foundation	\$1,000	WEINSTEIN
Amherst Youth Foundation	\$2,500	WEINSTEIN
Matthewson McCarthy Youth Baseball	\$3,000	WEINSTEIN
Lou Gehrig Youth Baseball	\$3,000	WEINSTEIN
Amherst Senior Center	\$2,000	WEINSTEIN
Amherst Soccer Association	\$2,000	WEINSTEIN
VFW Post # 416	\$1,000	WEINSTEIN
Williamsville Central School District	\$1,500	WEINSTEIN
TOTAL	\$21,000	

And be it further

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

CARRIED UNANIMOUSLY.

Item 34 – MR. FALKNER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

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ERIE COUNTY LEGISLATURE

RESOLUTION NO. 229

Re: Consideration for Public Benefit Funding.
(Intro. 12-4)

**A RESOLUTION SUBMITTED BY
LEGISLATOR FALKNER**

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Graycliff Conservancy	\$3,000	FALKNER
Goldstar Mothers	\$1,000	FALKNER
Niagara Frontier Radio Reading	\$2,000	FALKNER
West Seneca Police Benevolent Association	\$2,000	FALKNER
TOTAL	\$8,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 230

Re: Appointment to Fill Vacancy, EC Audit Committee. (Intro. 12-5)

RESOLUTION SUBMITTED BY LEGISLATORS
 SWANICK, RANZENHOFER & LARSON

WHEREAS, a vacancy exists on the Erie County Audit Committee due to the resignation of the current Commercial Banking Representative, and

WHEREAS, pursuant to applicable law, Audit Committee members have received nominations for a representative of the commercial banking community from various banking institutions, and

WHEREAS, following a review of the qualifications of each nominee, pursuant to applicable law, the Erie County Audit Committee has recommended that the Erie County Legislature appoint Michael G. Mann of HSBC Bank USA, to serve as a member of the Erie County Audit Committee, and

WHEREAS, Local Law No. 1-1985 establishing the Audit Committee for Erie County, created staggered term expirations so that only one of the three non-legislative member terms would expire in any given year, and

WHEREAS, the Audit Committee met on May 29, 2003 and agreed that action should be taken to maintain the staggered term expiration strategy and recommends that Mr. Mann be appointed to serve the remaining term due to expire July 31, 2004 and be appointed to a full three-year term to expire on June 30, 2007, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Michael G. Mann, 11 McKinley Circle, Buffalo, New York 14220 to serve as a member of the Erie County Audit Committee as a representative of the commercial banking community, and be it further

RESOLVED, that said appointment will be for Four years, effective June 1, 2003 and will expire June 30, 2007, and be it further

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel Giambra, Comptroller Nancy A. Naples, Joseph J. Surdyk, Jr., Secretary of the Audit Committee, and Michael G. Mann.

FISCAL IMPACT: NONE FOR RESOLUTION

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

Re: Consideration for Public Benefit Funding.
(Intro. 12-6)

A RESOLUTION SUBMITTED BY
LEGISLATOR CHASE

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Town of Evans	\$7,500	CHASE
Town of Evans	\$1,000	CHASE
Angola Village Jam Fest	\$1,000	CHASE
Town Eden Boys & Girls Club	\$2,500	CHASE
TOTAL	\$12,000	

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And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232

Re: Consideration for Public Benefit Funding.
(Intro. 12-7)

A RESOLUTION SUBMITTED BY
LEGISLATOR McCARVILLE

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

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

NOW, THEREFORE, BE IT

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

RECOMMENDED

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<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Ten Lives Club	\$500	McCARVILLE
Town of Concord	\$7,000	McCARVILLE
Windom Fire Co.	\$3,000	McCARVILLE
East Aurora Police Department	\$1,500	McCARVILLE
Springville Elementary Playground	\$3,000	McCARVILLE
Armor Fire Company	\$3,000	McCARVILLE
TOTAL	\$18,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

Re: Consideration for Public Benefit Funding.
(Intro. 12-8)

A RESOLUTION SUBMITTED BY
LEGISLATOR LARSON

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Townline Fire Company	\$10,000	LARSON
Town of Sardinia	\$1,000	LARSON
Bowmansville Fire Department	\$10,000	LARSON
Lancaster Emergency Management	\$4,000	LARSON
Town of Marilla	\$3,000	LARSON
Twin District Fire Company	\$10,000	LARSON
Lancaster Ponytails	\$10,000	LARSON
Como Park PTO	\$10,000	LARSON
EMW Soccer	\$13,000	LARSON
TOTAL	\$71,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

- DELETE the First RESOLVED Clause and REPLACE with the following:

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Townline Fire Company	\$10,000	LARSON
Town of Sardinia	\$1,000	LARSON
Bowmansville Fire Department	\$10,000	LARSON
Lancaster Emergency Management	\$4,000	LARSON
Town of Marilla	\$3,000	LARSON
Twin District Fire Company	\$10,000	LARSON
Lancaster Ponytails	\$10,000	LARSON
Como Park PTO	\$10,000	LARSON
EMW Soccer	\$13,000	LARSON
Lancaster Vol. Fire Department	\$10,000	LARSON
TOTAL	\$81,000	

And be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the Legislature – Contractual Expense (DAC: 110905100830) to General Fund, Interfund Transfers, Interfund-Library (DAC 1109253208864200), and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account: Interfund-Subsidy revenue (DAC 8209734206863200) \$2,000, and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account: Lancaster Public Library (DAC 820973420830170) \$2,000, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$600 from the Legislature – Contractual fund (110905100830) to the Department of Parks, Recreation and Forestry Fund 110, Project 942, Department 640 Parks & Rec Charges-Shelters (DAC: 110942640452), and be it further

- DELETE the Last RESOLVED Clause and REPLACE with the following:

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

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Heimerl; Commissioner of Parks, Recreation and Forestry Lawrence D. Jasinski; and Ken Stone, Buffalo & Erie County Public Library.

Fiscal Impact: Allocation of 2003 Budgeted Funds

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

CARRIED UNANIMOUSLY.

Item 39 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

Re: Federal Relief to Defer the Local Share of Medicaid. (Intro. 12-9)

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

WHEREAS, Medicaid was founded in 1965 as a federal health care initiative for low income and uninsured Americans, and

WHEREAS, today, Medicaid costs federal, state and local governments almost \$250 billion and enrolls 47 million clients nation wide, making it the largest expenditure in most state budgets, and

WHEREAS, New York State has the highest percentage of eligible residents enrolled in Medicaid in the nation, which costs \$36 billion annually or the equivalent of \$1,890 for every state resident, and

WHEREAS, New York State spends \$9,000 per recipient, which is twice as much as California, which spends \$4,400 per recipient and more than three times the \$2,300 per recipient Texas spends, and

WHEREAS, The County of Erie pays a mandated 25% local share of the Medicaid costs/ which rose in 2003 more than \$17 million from \$141 million in 2002 to over \$158 million this year/with projections reaching \$175 million by 2004, and

WHEREAS, in the 2003 budget every single dollar (\$152 million) of the Erie County property tax levy is used to cover the \$158 million local share of Medicaid, and

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WHEREAS, county governments across New York State are struggling to cover the state mandated programs like Medicaid, with some forced to pass budgets with double digit property tax increases this year, and

WHEREAS, if the local share of Medicaid is not capped or rescinded by New York State consideration will have to be given to reducing support for non- mandated county services in 2004, and

WHEREAS, on May 28, 2003 President Bush signed into law the "Jobs and Growth Tax Relief Reconciliation Act of 2003" a \$350 billion compromise tax cut bill, which includes \$20 billion in federal funds to aide states and local municipalities, and

WHEREAS, of the \$20 billion relief package for states and localities there is \$10 billion earmarked specifically to increase the Federal Medical Assistance Percentage (FMAP), which will lower the local share of Medicaid paid by Erie County and other local municipalities, and

WHEREAS, The New York State Division of the Budget estimates that New York will receive approximately \$1.4 billion in increased federal Medicaid funds from the legislation, which will translate into a 2.95 percent increase of the Federal Medical Assistance Percentage (FMAP), the formula that determines how much money flows to the states to help pay for Medicaid, and

WHEREAS, it is estimated that Erie County would receive as much as \$16.8 million in Medicaid relief, which would help the financial stability of the county, and

WHEREAS, Assembly Speaker Sheldon Silver suggested last week that any extra federal money should be used to fix Albany's financial difficulties first, and

WHEREAS, if the New York State Legislature insists on withholding the federal relief and perpetuating the current unfunded mandates, Erie County along with many other counties in New York State will continue to experience fiscal difficulty,

NOW, THEREFORE, BE IT

RESOLVED, that Erie County is required to provide medical services to low income and uninsured residents, and

RESOLVED, that this honorable body is committed to prudent and responsible fiscal decision-making, which will ensure the long-term viability of Erie County and protect the interest of taxpaying citizens, and

RESOLVED, that this honorable body needs New York State to share the federal aid with local municipalities, and

RESOLVED, that this honorable body petitions New York State to immediately release Erie County's share to help defer the local costs associated with Medicaid, and

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

Fiscal Impact: POSITIVE

MR. RANZENHOFER moved to amend the resolution to include Et Al Sponsorship. MR. FALKNER seconded.

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

Item 40 – CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 12-10 From LEGISLATORS KUWIK, SCHROEDER, FISHER, SMITH & DeBENEDETTI Re: Opposition to Cash Balance Pension Plans & Support for Federal Legislation to Protect Workers' Pensions.

Item 41 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

Re: Support for Title IX. (Intro. 12-11)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, Title IX of the Education Amendments of 1972 prohibits sex discrimination in federally-assisted education programs, and

WHEREAS, the preamble to Title IX states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational programs or activity receiving federal financial assistance," and

WHEREAS, Title IX expands educational opportunities for girls and women, and

WHEREAS, Title IX also extends equal opportunity to females in athletic sports at the high school and college levels, and

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WHEREAS, with the assistance of Title IX, the number of girls playing high school sports has increased from 294,000 to 2.7 million, and

WHEREAS, women and women's athletics must not revert to second-class status, and

WHEREAS, sports opportunities for girls and women do not reduce sports opportunities for boys and men, and

WHEREAS, continued support of Title IX will help ensure that the advances made by and for girls and women in sports will not be reversed, and

WHEREAS, the League of Women Voters nationally, is deeply concerned about recent efforts by opponents of Title IX that would change the law and in so doing, reduce sports participation opportunities and funding for girls and women,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the importance of Title IX, and be it further

RESOLVED, that this Honorable Body urges the U.S. Department of Education to support the continuation of Title IX and fairness and equal opportunity for girls and women, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Honorable Rod Paige, Secretary of Education (U.S. Department of Education, Washington, D.C. 20202), and to the League of Women Voters Buffalo/Niagara (1272 Delaware Avenue, Buffalo, NY 14209-2401).

Fiscal Impact: None for this resolution.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to further amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

DELETE the Last RESOLVE Clause and REPLACE with the following:

RESOLVED, that certified copies of this resolution be transmitted to the Honorable Rod Paige, Secretary of Education (U.S. Department of Education, Washington, D.C. 20202), the League of Women Voters Buffalo/Niagara (1272 Delaware Avenue, Buffalo, NY 14209-2401), and to the United States Congressional Delegation.

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MS. MARINELLI moved the approval of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 42 – MR. HOLT presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

Re: Support for Continued Dialogue Concerning
the Possible Closure of Turner-Carroll High
School. (Intro. 12-12)

A RESOLUTION SUBMITTED BY
LEGISLATORS HOLT AND SMITH

WHEREAS, the Roman Catholic Diocese of Buffalo recently announced that effective with the end of the 2002-2003 school year on June 13, 2003, it would no longer financially support Turner-Carroll High School, and

WHEREAS, Turner-Carroll High School was formed in 1984 through the merger of two Catholic schools, Bishop Turner (which opened in 1959), and Archbishop Carroll, and

WHEREAS, Turner-Carroll High School is an independent, 103-student high school on Buffalo's East Side, and whose students are nearly all African-American, and

WHEREAS, Turner-Carroll is the last Catholic high school in Buffalo's inner-city, and

WHEREAS, Turner-Carroll has educated successive generations of young men and recently, women, providing an excellent education and values, while creating a stable and nurturing environment not only for young persons, but for the Bailey-Delavan neighborhood, and

WHEREAS, every year, at least 90% of the school's graduating seniors have gone on to college or university, and

WHEREAS, the closing of the school will mean that its pupils will have to transfer to other parochial schools, and that 17 full-time and 2 part-time faculty members will be laid-off, and 7 full-time staff members will be laid-off, and

WHEREAS, Turner-Carroll has maintained a long legacy of excellence in academics, as well as mentoring and producing some of the best athletes and sports teams in Western New York, including its basketball team, which went to the New York State Championship in 2002, and

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WHEREAS, a coalition of board members, teachers, parents, students, and community leaders have joined in a collaborative effort to attempt to keep the school open, and

WHEREAS, without the annual Diocesan subsidy, Turner-Carroll will be forced to close,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the students, faculty, staff, and parents of Turner-Carroll High School in their efforts to keep the school open, and be it further

RESOLVED, that this Honorable Body calls on the Catholic Diocese of Buffalo to reexamine its decision to terminate funding for Turner-Carroll, and to work cooperatively and exhaustively with the Turner-Carroll community and the neighborhood community to develop alternatives to the closure of this important school, and be it further

RESOLVED, that the Erie County Legislature expresses its desire that the Catholic Diocese and the Turner-Carroll community continue to engage in a productive and open dialogue and community discussions concerning the future of the high school, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Most Reverend Henry Mansell, Bishop of Buffalo, Interim Turner-Carroll Principal Marcia O-Neil-White, and to incoming Board President of Turner-Carroll High School Mary Craig.

Fiscal Impact: To be determined.

MR. HOLT moved to amend the resolution to include Et Al Sponsorship. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 43 – CHAIRMAN SWANICK directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 12-13 From LEGISLATOR DeBENEDETTI Re: Supporting Increased Enforcement of Federal Immigration Laws in WNY Job Sites.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

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Item 44 – MR. McCARVILLE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 11E-11. MR. RANZENHOFER seconded. MS. MARINELLI voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.046 – 0.954)

RESOLUTION NO. 232

Re: Countywide Personal Computer Upgrade.

WHEREAS, the Division of Information and Support Services (DISS) wishes to begin replacing all of the County-Owned Personal Computers (PC's); and

WHEREAS, the Division of Information and Support Services will be implementing the new SAP application and the new email system; and

WHEREAS, it has become apparent to the Division of Information and Support Services that over 70% of the current County-owned Personal Computers are obsolete and will not run the new applications being implemented by DISS; and

WHEREAS, the Division of Information and Support Services will use an Application Discovery Team to determine the operating systems and applications being run on each Personal Computer; and

WHEREAS, the Division of Information and Support Services will use student interns to deploy the new PC's; and

WHEREAS, the use of student interns is not only an effective management tool to be employed by DISS, but also provides area students the valuable opportunity to obtain work experience related to their future career objectives,

NOW THEREFORE BE IT

RESOLVED, that the Division of Information and Support Services is authorized to begin purchasing new replacement Personal Computers, and be it further

RESOLVED, that the 2003 Capital Budget is hereby amended to include the County-owned PC Upgrade capital project in the amount of \$1,500,000 for replacing and deploying the first 700 County-owned Personal Computers, and be it further

RESOLVED, that the sum of \$1,500,000 for the cost purchasing and deploying the first 700 County-owned Personal Computers will be provided from proceeds in the Tobacco Trust Account, and be it further

RESOLVED, that the provisions of 19.08 of the Erie County Administrative Code requiring an RFP are hereby waived since this special service must be provided immediately and since Application Discovery is an existing vendor on the NYS Contract, and be it further

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RESOLVED, that the Erie County Executive is hereby authorized to enter into agreement for a consulting contract with an existing vendor on the NYS Contract to perform the Application Discovery for all 4600 County-owned Personal Computers not to exceed \$470,000, and be it further

RESOLVED, that six positions of DISS Interns, part-time, JG-1 are hereby created in the new County-owned Personal Computer Upgrade Project, and be it further

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

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

CARRIED UNANIMOUSLY.

ADD the following after the Sixth RESOLVE clause:

RESOLVED, that the Majority & Minority each have appointments to the oversight board, and be it further

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

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 13.286 – 3.714)

Item 45 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 11E-12. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

Re: Award of Contract to Malcolm Pirnie for Engineering Design and Preparation of Bid Documents for Food Waste and Yard Waste Compost Facility at the Erie County Correctional Facility in Alden.

WHEREAS, the Erie County Department of Public Works, in conjunction with the Department of Environment & Planning, advertised a Request for Qualifications to firms interested

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in supplying Erie County with services related to a Food Waste and Yard Waste Compost Facility at the Erie County Correctional Facility in Alden, and

WHEREAS, a selection committee that consisted of members of the Department of Public Works, the Department of Environment & Planning, and the Sheriff's Department was assembled to review the Qualifications submitted and deemed Malcolm Pirnie the most qualified firm, and

WHEREAS, a scope of work and fee was negotiated at a value of \$96,700,

NOW, THEREFORE, BE IT,

RESOLVED, that the 2003 Capital Budget is hereby amended to include a new capital project in the amount of \$96,700 for a Food Waste and Yard Waste Compost Facility at the Erie County Correctional Facility in Alden, and be it further,

RESOLVED, that the source of funds for the new capital project shall be a transfer of \$48,350 as an interfund transfer from the General Fund and \$48,350 as unanticipated State Aid since Erie County has been pre-approved for fifty percent (50%) reimbursement for the Engineering Design and Preparation of Bid Documents for a compost facility, and be it further

RESOLVED, that the sum of \$48,350 is hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to an interfund transfer appropriation to the Capital Fund (DAC 110 9253208862108), and be it further,

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract with Malcolm Pirnie for \$96,700 for the Engineering Design and preparation of bid documents for a Food Waste and Yard Waste Compost Facility at the Erie County Correctional Facility in Alden, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, one copy to the Director of Budget Management & Finance, one copy to Laurence K. Rubin, Commissioner of Environment & Planning, one copy to Michael Raab, Deputy Commissioner of Environment & Planning, and one copy to the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

Item 46 – MR. DALE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Intro. 5-14. MR. SMITH seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

SUSPENSION OF THE RULES

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

Re: Consideration for and Transfer of Public Benefit Funds. (Intro. 12-14)

A RESOLUTION SUBMITTED BY
LEGISLATOR SCHROEDER

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
South Buffalo Education Center	\$10,000	SCHROEDER
Greater South Buffalo Chamber of Commerce	\$6,004	SCHROEDER
TOTAL	\$16,004	

And be it further

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RESOLVED, that \$16,004 be returned to the Legislature – Contractual fund (110905100830) from Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services – South Buffalo Community Association (1109213018301052), and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with the South Buffalo Community Association for the amount of \$65,400 remaining in (1109213018301052) as per Intro. 8-7 (2003), and be it further

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

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

Fiscal Impact: Appropriation of 2003 budgeted funds

MR. SCHROEDER moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR DALE

Item 48 – (Comm. 12E-1) Copy of Letter to Chairman Swanick Re: 6/5/03 Session.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 49 – (Comm. 12E-2) DPW – Audit of Locally Administered Federal Aid Capital Projects Reimbursement Claiming Process for Period 8/1/00 – 9/30/02.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR LARSON

Item 50 – (Comm. 12E-3) Notice of Discussion of Comm. 11E-13 at 6/12/03 Finance & Management Committee Meeting.

Received and filed.

FROM LEGISLATOR DALE

Item 51 – (Comm. 12E-4) Copy of Letter to Legislator Larson Re: Intro. 5-14.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 52 – (Comm. 12E-5) Copy of Letter to Legislator Ranzenhofer Re: Intro. 9-7.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR CHASE

Item 53 – (Comm. 12E-6) Transfer of Cell Block Operations from City of Buffalo to County
Re: Comm. 11E-44.

Item 54 – (Comm. 12E-7) Transfer of Cell Block Operations from City of Buffalo to County
Re: Comm. 11E-44.

The above two items were received and filed.

FROM LEGISLATOR SWANICK

Item 55 – (Comm. 12E-8) Copy of Letter to NYS Comptroller Re: Appointments to Buffalo
Oversight & Recovery Board.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DeBENEDETTI

Item 56 – (Comm. 12E-9) Copy of Letter to Comptroller Naples Re: Refinancing of
Outstanding County Bonds.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DALE

Item 57 – (Comm. 12E-10) Copy of Letter to Legislator Larson Re: Intro. 5-14.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 58 – (Comm. 12E-11) Projects to be Financed from 6/23/03 Bond Sale.

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Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR LARSON

Item 59 – (Comm. 12E-12) RAN Set Aside Bank Account – Immediate Consideration Request for 6/19/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 60 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

Re: RAN Set Aside Bank Account.
 (Comm. 12E-13)

WHEREAS, the County is authorized by Local Finance Law Section 25 to issue Revenue Anticipation Notes (RANs), and

WHEREAS, the notes are sold in anticipation of the receipt of specified sources of revenue, and

WHEREAS, the law requires that receipts of revenues which the notes were issued in anticipation of be set aside in a special bank account to be used only for the payment of such RANs as they become due, and

WHEREAS, the notes will be due on June 23, 2004, and

WHEREAS, the County has committed to achieve full segregation for repayment at March 31, 2004, and

WHEREAS, the County has also committed to request the Erie County Legislature reaffirm, by resolution, the early set aside commitment, and

WHEREAS, this commitment by the County will permit the sale of the RANs to be completed without the need for additional credit enhancement resulting in a savings of approximately \$250,000 in transaction costs,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby reaffirms the commitments made regarding the early set asides, and be it further

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RESOLVED, that the County plans to set aside in a special bank account established pursuant to New York State Local Finance Law, \$19 million in January 2004, \$25.5 million in February 2004, and \$45.5 million in March 2004, but in any event will set aside the full \$90 million, no later than March 31, 2004, funds from all available receipts in the amount of \$90 million, and be it further

RESOLVED, that the funds set aside in such special bank account will not be used for any purpose other than the payment of such notes as they become due and that such funds will be invested in accordance with state law applicable to County funds set aside for such purpose, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 61 – (Comm. 12E-14) Health – Personnel Adjustment.

Received and referred to the HUMAN SERVICES COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 241

Re: Appointments to EC Commission on Status of Women. (Comm. 12E-15)

RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of Radhika Suresh Ph. D. of the Graduate School of Education at the University at Buffalo, 366 Baldy Hall, Buffalo, New York 14260 to the Erie County Commission on the Status of Women for a term expiring June 30, 2006, and be it further

RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of Vicki Haas of 2243 Wilcox Road, North Collins, New York 14111 to the Erie County Commission on the Status of Women for a term expiring June 30, 2006.

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

CARRIED UNANIMOUSLY.

Item 63 – (Comm. 12E-16) Supplemental Agreement with NYSDOT – Lake Shore Road Bridge.

Item 64 – (Comm. 12E-17) Supplemental Agreement with NYSDOT – Bullis Road Bridge.

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Item 65 – (Comm. 12E-18) EC Regional Public Safety Campus – Bid Packages Nos. 2 & 3.

Item 66 – (Comm. 12E-19) Buffalo & Erie County Central Library Emergency Generator Replacement, Contingency Fund Increase.

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

Item 67 – (Comm. 12E-20) Funding for Testing & Remediation of Excelsior Steel Ball Property in Town of Tonawanda.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 68 – MS. CHASE presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 242

Re: Orchard Park Auto Bureau Lease.
 (Comm. 12E-21)

WHEREAS, the State of New York has mandated that the County of Erie provide Auto Bureau services for the citizens of Erie County, and

WHEREAS, the current site of the Erie County Auto Bureau, Orchard Park Office requires additional parking and facilities, and its present lease is due to expire on August 31, 2003, and

WHEREAS, it is necessary to acquire rental space to continue providing service to Auto Bureau customers in the southtowns area, and

WHEREAS, five (5) potential sites were examined by the Clerk's Office, and

WHEREAS, the 2003 County Budget includes an appropriation for such rental,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and he hereby is authorized to enter into an agreement with B/B Real Estate Associates, 570 Delaware Avenue, Buffalo, New York 14202 for 7,416 square feet of space located at 3035 Union Road, Orchard Park, New York to be used by the Erie County Auto Bureau for a period of five (5) years beginning September 1, 2003 and ending August 31, 2008 upon terms and conditions as prepared by the County Attorney and County Clerk's Office, and be it further

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RESOLVED, that the lease costs shall be at a rate of \$12.35 per square foot, plus taxes and common area maintenance charges (fixed at \$.75 sq. ft./yr for 5 years), and be it further

RESOLVED, that thirty-three thousand (\$33,000.00) dollars is to be transferred from DAC code 110 916 131 826 (Other Expenses) to DAC code 110 916 131 822 (Rental Charges) to pay the rent due from September 1, 2003 to December 31, 2003, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 69 – (Comm. 12E-22) Grant Programs – Authorization to Contract.

Item 70 – (Comm. 12E-23) Senior Services – Authorization to Amend AAA & Title VII Grant Budgets.

Item 71 – (Comm. 12E-24) Senior Services – Authorization to Amend Energy Grant Budgets & to Accept Donation.

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

Item 72 – (Comm. 12E-25) Authorization for Budget Division to Hold Public Auction for Sale of County Owned Inventory Properties & to Contract with Cash Realty.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 73 – (Comm. 12E-26) Mental Health – Authorization to Amend 2003 Contract with YWCA of WNY.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 74 – (Comm. 12E-27) Regional Government Purchasing Initiative.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 75 – (Comm. 12E-28) Emergency Services – Revision of Resolution for Grant from USEPA.

Received and referred to the PUBLIC SAFETY COMMITTEE.

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Item 76 – (Comm. 12E-29) District Attorney – 2003 Capital Budget Amendment.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 77 – (Comm. 12E-30) Health – Bioterrorism – Health Alert Network Grant 8/31/01 – 2/28/03 – Project No. 513.

Item 78 – (Comm. 12E-31) Health – Public Health Preparedness Response to Bioterrorism – 5/1/02 – 8/31/03 – Project No. 744.

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

Item 79 – (Comm. 12E-32) Create Labor Relations Student Intern (Seasonal) Position.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 80 – (Comm. 12E-33) Social Services – Employee Education & Training.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 81 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 243

Re: Social Services – Buffalo Urban League
Preventive Services Contracts. (Comm. 12E-34)

WHEREAS, the Department has for many years contracted with Geneva B. Scruggs Community Health Care Center (GBS) for the provision of preventive services, and

WHEREAS, the recent closure of GBS leaves many children who were active in preventive services cases at immediate risk of foster care placement, and

WHEREAS, the discontinuation of these preventive services may result in the otherwise avoidable placement of children in foster care, and

WHEREAS, these services are mandated by New York State, and

WHEREAS, the Department is implementing a plan to transfer cases and staff from GBS to Buffalo Urban League Preventive Services programs, and

WHEREAS, the Buffalo Urban League will incur additional costs to serve the children to be transferred from GBS.

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NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or Commissioner of Social Services are authorized to amend necessary contracts with Buffalo Urban League, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2003 Adopted Budget:

Department of Social Services, Department 200, Fund 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
830-1286	Buffalo Urban League - (Preventive)	\$158,944
830-1625	Buffalo Urban League - (Intensive)	<u>188,851</u>
	Total Expenditures	<u>\$347,795</u>
598	State Aid Child Welfare Services	\$226,067
511	Refund Prior Year Expense	<u>121,728</u>
	Total Revenues	<u>\$347,795</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 82 – (Comm. 12E-35) Social Services – Authorization to Renew Lease – 290 Main Street.

Item 83 – (Comm. 12E-36) Social Services – Medicaid Managed Care Grant.

Item 84 – (Comm. 12E-37) Social Services – TANF Services Block Grant – Full Services Schools Contract Revisions.

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

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Item 85 – (Comm. 12E-38) ECSSTA Engineering Agreement Dated 6/1/02 – Engineering Change Order No. 2.

Item 86 – (Comm. 12E-39) ECSD No. 5 – TVGA Engineering, Surveying – Agreement Dated 4/29/96 – Contract Close Out.

Item 87 – (Comm. 12E-40) ECSD No. 1 – Engineering Service Agreements – Work Order – URS-5, Comm. 18E-41.

Item 88 – (Comm. 12E-41) ECSD Nos. 2, 4 & 6 – Pumping Station Structural / Cathodic Protection Rehabilitation – Contract No. 58PS – Change Order No. 2.

Item 89 – (Comm. 12E-42) East Side Transfer Station Budget Revisions.

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

Item 90 – (Comm. 12E-43) Funding for SUNY at Buffalo’s Institute for Local Governance & Regional Growth.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 91 – (Comm. 12E-44) NYS Grant Application – Bennett Beach Park.

Item 92 – (Comm. 12E-45) Times Beach Public Access Trail Project – Design Consultant Agreement.

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 93 – (Comm. 12E-46) Funding for Bufflink.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 94 – (Comm. 12E-47) ECSD No. 6 – Sludge Filter Press – Contract No. 28 STP “A” General Change Order No. 2.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 95 – (Comm. 12E-48) Times Beach Public Access Trail Project – City of Buffalo Agreement.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 96 – (Comm. 12E-49) Diesel School Bus Education Initiative.

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Received and referred to the HUMAN SERVICES COMMITTEE.

Item 97 – (Comm. 12E-50) EC Parks System Master Plan Capital Improvements – Personnel Adjustment.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 98 – (Comm. 12E-51) Kenmore Avenue/Vulcan Street Waterline Work.

Item 99 – (Comm. 12E-52) Copy of Letter to County Attorney Re: Penalties to be Imposed Upon Contractors and/or Subcontractors Who Hire Illegal Aliens on Public Funded Projects.

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECC

Item 100 – (Comm. 12D-1) Minutes of Board of Trustees Meeting 5/6/03.

Item 101 – (Comm. 12D-2) Minutes of Board of Trustees Meeting – 4/30/03.

Item 102 – (Comm. 12D-3) Agenda for Board of Trustees Meeting – 5/28/03.

The above three items were received and filed.

FROM DEP

Item 103 – (Comm. 12D-4) Copy of Letter to NYS Comptroller Re: ECSD No. 3 & ECSSTA – Increase & Improvement of Facilities.

Received and filed.

FROM ECC

Item 104 – (Comm. 12D-5) Notice of Board of Trustees Meeting.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

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Item 105 – (Comm. 12D-6) Budget Monitoring Report for Period Ending 4/30/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DEP

Item 106 – (Comm. 12D-7) SEQR – Negative Declaration Sherwood Greenway.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMC

Item 107 – (Comm. 12D-8) Agenda & Minutes of Board Meeting.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 108 – (Comm. 12D-9) Agenda & Minutes of Board of Trustees Meeting.

Received and filed.

FROM ECC

Item 109 – (Comm. 12D-10) Notice of Board of Trustee Meeting – 6/19/03.

Received and filed.

Item 110 – (Comm. 12D-11) Adoption of Final Public Scoping Document.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM JAMES KANUTSU

Item 111 – (Comm. 12M-1) Toxic Mold in Erie County Homes.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM GOVERNOR PATAKI

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Item 112 – (Comm. 12M-2) Receipt of Resolution.

Received and filed.

FROM NYSDEC

Item 113 – (Comm. 12M-3) Fact Sheet – Former Dowell Facility – Voluntary Cleanup Agreement.

Received and filed.

FROM NFTA

Item 114 – (Comm. 12M-4) Minutes of Board Meeting.

Received and filed.

FROM NYSDEC

Item 115 – (Comm. 12M-5) Fact Sheet – Zurbrick Road – Cayuga Creek – Voluntary Cleanup Program.

Item 116 – (Comm. 12M-6) Fact Sheet – Niagara Transformer Site.

The above two items were received and filed.

FROM ECIDA

Item 117 – (Comm. 12M-7) Agenda & Minutes of Board of Directors Meeting.

Received and filed.

FROM RICHARD BRONSTEIN

Item 118 – (Comm. 12M-8) Copy of Letter to Legislator Marinelli Re: RFP for Liquidation of Various County Parcels.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 119 – (Comm. 12M-9) Notice of Meeting to be Held 6/19/03.

Received and filed.

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FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 120 – (Comm. 12M-10) Minutes of Meeting Held 5/20/03.

Item 121 – (Comm. 12M-11) Meeting Notice & Agenda.

The above two items were received and filed.

FROM NYSDEC

Item 122 – (Comm. 12M-12) Fact Sheet – Buffalo Outer Harbor\Radio Tower Site Remediation.

Received and filed.

FROM CONGRESSMAN QUINN

Item 123 – (Comm. 12M-13) Receipt of Resolution.

Received and filed.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 124 – (Comm. 12M-14) Meeting Minutes.

Received and filed.

FROM EMPIRE STATE DEVELOPMENT

Item 125 – (Comm. 12M-15) Notice of Public Meeting Re: Erie Canal Harbor Project.

Received and filed.

FROM THE NYS OFFICE OF MENTAL HEALTH

Item 126 – (Comm. 12M-16) Copy of Letter to EC Commissioner of Mental Health Re: Increase in State Aid for Psychotropic Medications.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM GOVERNOR PATAKI

Item 127 – (Comm. 12M-17) Receipt of Resolution.

Received and filed.

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FROM THE SENECA COUNTY BOARD OF SUPERVISORS

Item 128 – (Comm. 12M-18) Certified Resolution Re: Legislation Limiting Eligibility Benefits Through Veterans Administration.

Received and filed.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 129 – (Comm. 12M-19) Notice to Initiate Review of EC Agricultural District No. 14.

Received and filed.

MEMORIAL RESOLUTIONS

Item 130 – Legislators Weinstein & Marinelli requested that when the Legislature adjourns, it do so in memory of Rita Ward.

Item 131 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Henry Kempton.

Item 132 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Isabella Festa.

Item 133 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Geraldine Stone.

Item 134 – Legislator Falkner requested that when the Legislature adjourns, it do so in memory of Tony LoTempio.

Item 135 – Legislator McCarville requested that when the Legislature adjourns, it do so in memory of The Most Reverend Monsignor Thomas J. Beasley.

Item 136 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Pasquale Cardarelli.

Item 137 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Edward Schultz.

ADJOURNMENT

MEETING NO. 12

June 19, 2003

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Item 138 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, July 3, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, July 3, 2003 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA
CLERK**