

**MEETING NO. 12**  
**June 6, 2002**

**ERIE COUNTY LEGISLATURE**

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**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 12**  
**June 6, 2002**

The Legislature was called to order by Chairman DeBenedetti.

All Members Present.

The invocation was led by Rev. Robert Baines, Zion Missionary Baptist Church.

The Pledge of Allegiance was led by Ms. Marinelli.

Item 1 – CHAIRMAN DeBENEDETTI directed that Comm. 13E-45 (2001) remain on the table.

MR. RANZENHOFER moved the approval of the minutes of Meeting No. #1 of 2002. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

**MISCELLANEOUS RESOLUTIONS**

Item 2 – MR. WEINSTEIN presented a resolution Recognizing Windsong Radiology. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 3 – MR. RANZENHOFER presented a resolution Recognizing the 155<sup>th</sup> Anniversary of St. John's United Church of Christ. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. McCARVILLE presented a resolution Recognizing Mabel Laugen's 100<sup>th</sup> Birthday. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. McCARVILLE presented a resolution Honoring Deac Cataldo as Orchard Park Boys & Girls Club Person of the Year. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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Item 6 – MR. KUWIK presented a resolution Honoring Shelton Parham, Sr. Upon Earning the Title Deacon Emeritus for 48 Years of Dedicated Service. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. WEINSTEIN presented a resolution Congratulating the Girl Scouts on Their 90<sup>th</sup> Anniversary. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. SCHROEDER presented a resolution Congratulating Former Legislature Chairman Richard Keane for His Many Years of Public Service. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 9 – MS. CHASE presented a resolution Recognizing Steven Strenad for Community Service. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 10 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 11 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 12 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 13 – CHAIRMAN DeBENEDETTI directed that Local Law No. 10 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 14 – CHAIRMAN DeBENEDETTI directed that Local Law No. 3 (Print #1) 2002 remain on the table.

Item 15 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #1) 2002 remain on the table.

**COMMITTEE REPORTS**

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Item 16 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 246

May 30, 2002

ECONOMIC DEVELOPMENT  
 COMMITTEE  
 REPORT NO. 9

ALL MEMBERS PRESENT.

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

Item	Page	-2002	(Comm. 11D-1)
a.	<b>DPW:</b> Utility Payments for Dunn Tire Park for 2000 & 2001.		
	(5-0)		

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

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

CARRIED UNANIMOUSLY.

Item 17 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 247

May 30, 2002

ENERGY & ENVIRONMENT  
 COMMITTEE  
 REPORT NO. 8

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

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

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- Item Page -2002 (Comm. 11E-12)  
 a. **COUNTY EXECUTIVE:** EC Southtowns Sewage Treatment Agency – A/E Agreement  
 Dated 4/20/00 – Engineering Change Order No. 3, R & D Engineering.  
 (5-0) Legislator Dusza absent. Chairman DeBenedetti present as Ex-Officio Member.

- Item Page -2002 (Comm. 11E-13)  
 b. **COUNTY EXECUTIVE:** ECSD No. 2 – Construction Inspection Service Agreement –  
 Work Order DG-4, Comm 8E-36 (2001).  
 (5-0) Legislator Dusza absent. Chairman DeBenedetti present as Ex-Officio Member.

2. Item Page -2001 **AS AMENDED**  
 (Comm. 1E-27)  
**COUNTY EXECUTIVE**

(A)

RESOLUTION NO. 248

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

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES  
 OF ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) May 30, 2002.

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

WHEREAS, pursuant to proceedings previously had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 2 of the County of Erie, New York, has previously been established and its facilities have been increased and improved; and

WHEREAS, The County Legislature of the County of Erie, New York, has previously duly caused to be prepared a report and estimate of cost, by the County Engineers (Erie County Department of Environment and Planning) relating to an increase and improvement of the facilities of said District No. 2 which report and estimate of cost have been approved by the Board of Managers of said District on February 14, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe an increase and improvement of the facilities of Erie County Sewer District No. 2 in said County, consisting of the reconstruction and/or replacement of approximately 27,000 feet of existing sewers, manholes and appurtenances throughout the District, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of said increase and improvement of the facilities of said Sewer District is \$3,000,000; and

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WHEREAS, said County Legislature duly adopted Resolution 163 on April 11, 2002, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid 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 25 Delaware Avenue, in Buffalo, New York, in said County, on May 9, 2002, 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

WHEREAS, the said proposed increase and improvement has been determined to be an "Type II" pursuant to the Regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed will not result in any significant environmental impacts;

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

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. 2, 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 \$3,000,000.

Section 2. The \$3,000,000 estimated cost of such expenditure is to be assessed against a benefited area which consists of the entire area of said Sewer District No. 2.

Section 3. This resolution shall take effect immediately.  
 (5-0) Legislator Dusza absent. Chairman DeBenedetti present as Ex-Officio Member.

(B)  
 RESOLUTION NO. 249

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**ERIE COUNTY LEGISLATURE**

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

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) May 30, 2002.

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

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created in the 1960s (the "Original District"), and

WHEREAS, in the 1980s an extension to the Original District known as the Armor-McKinley Extension (the "Armor-McKinley Extension") was formed, along with other extensions to the Original District, (the Original District and the Armor-McKinley Extension hereinafter collectively referred to as the "District"), and

WHEREAS, The County Legislature of the County of Erie, New York, has previously duly caused to be prepared a report and estimate of cost, by the County Engineers (Erie County Department of Environment and Planning) relating to an increase and improvement of the facilities of said District No. 3 which report and estimate of cost have been approved by the Board of Managers of said District on February 27, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe an increase and improvement of the facilities of Erie County Sewer District No. 3 in said County, consisting of the elimination of the Southwestern and Greenmeadow Pumping Stations and the construction of new sewer lines to replace said pumping stations, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of said increase and improvement of the facilities of said Sewer District is \$1,500,000; and

WHEREAS, said County Legislature duly adopted Resolution 183 on April 25, 2002, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid 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 25 Delaware Avenue in Buffalo, New York, in said County, on May 23, 2002, at 1:30 o'clock P. M., Prevailing Time; and



and

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

NOW, THEREFORE, BE IT

RESOLVED, that the West Pleasant Pumping station Elimination Project, Contract No. 52ED, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 52ED	C.M.H. Company 2067 Old Union Road Cheektowaga, NY 14227	\$392,861.00

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 \$392,861.00 from Sewer Capital, Erie County Sewer District No. 2, Fund No. 430, Project No. 913, and be it further

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

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

4. Item Page -2002 (Intro. 9-1)  
**PEOPLES**

WHEREAS, A 1997-98 Brownfield investigation by the City of Buffalo concerning the vacant lot at 858 East Ferry Street determined that the site has a layer of contaminated white ash, which is a hazardous waste byproduct due to high concentrations of lead buried just beneath the soil surface, and

WHEREAS, Environmental exposure to lead has long been recognized as a public health hazard particularly among children, and the vulnerability of children age 1 to 5 years to soil lead is enhanced because of their hand to mouth activities, and

WHEREAS, Because it does not breakdown, the legacy of lead contamination in urban communities can have severe health consequences; inner-cities dwellers, especially the poorest and youngest, face the highest risks because of multiple exposures from lead paint, soil, and air, and

WHEREAS, In 1999, the New York State Department of Environmental Conservation issued a Record of Decision which listed remediation steps for the site that should consist of the removal of the contaminated ash to an approved landfill, covering the site with clean soil, and placing deed restrictions on the property to allow for only commercial or industrial development, and

WHEREAS, Adjacent to the 858 East Ferry Street property is a used car business which lies on the site of the former Heymann lead smelting plant that NYSDEC investigators believed also contained contaminated soil, and

WHEREAS, It was further determined that the former smelting plant was evidently built over the top of a pre-existing deposit of ash that the DEC speculates was left from a municipal incinerator that had occupied the auto business site prior to the smelting plant, and

WHEREAS, An investigation by the DEC in August 2001 found that the volume of hazardous white ash on parts of the auto business property, and also at other nearby sites that were not included in the original analysis in 1997-98, were significantly larger than expected, and

WHEREAS, The DEC had listed the cost to cleanup 858 East Ferry Street in their 1999 Record of Decision at about \$1.3 million, which was an estimated cost prior to the determination that much larger amounts of contamination were present in the area surrounding 858 East Ferry Street, and

WHEREAS, Unfortunately, the DEC has said that a detailed engineering analysis of remedial action to address contamination at 858 East Ferry Street, and also at the other off-site areas, will not be possible until such time as State Superfund resources become available, and

WHEREAS, Economic development and job creation remain as perhaps the single most important issues facing Erie County government, and the redevelopment of former industrial sites in Western New York remains a high priority for Erie County, and

WHEREAS, Erie County has budgeted \$1 million per year in capital budget funding for the next 6 fiscal years for urban brownfield redevelopment, and this site is an excellent example of an area on need of redevelopment, and

WHEREAS, It is important that officials of the county administration appear at a future meeting of the Legislature's Energy & Environment Committee to discuss the specifics of this property and to offer its thoughts and analysis of a redevelopment strategy for this site,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby recognize that remediation at 858 East Ferry Street and the surrounding area, to protect the health of nearby residents as indicated by the New York State Department of Environmental Conservation, is clearly warranted, and be it further

RESOLVED, That this legislature encourages swift remediation of the contaminated area, and be it further

RESOLVED, That the Erie County Legislature does hereby invite to a future meeting of the Legislature's Energy & Environment Committee officials of the Erie County Department of Environment & Planning for their analysis, thoughts and ideas on how best to proceed toward the goal of cleaning the site of contamination and making the property ready for redevelopment, and be it further

RESOLVED, That certified copies of this resolution be forwarded to the County Executive and the Commissioner of the Department of Environment & Planning.

FISCAL IMPACT: Positive for the health of residents and economic development of East Ferry Street in Buffalo.

(3-0) Legislator Dusza absent. Legislator Ranzenhofer absent for vote.

5. Item Page -2002 (Comm. 11E-14)

**COUNTY EXECUTIVE**

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) has identified Erie County as high risk for radon potential; and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Program for several years and has acquired valuable experience and expertise; and

WHEREAS, the County Executive received authorization through a resolution (Comm. 14E-40) passed on July 6, 2000, to execute contracts for Erie County Department of Environment and Planning (DEP) to provide residents with radon risk reduction and awareness associated with the NYS Department of Health SIRG 10 Grant Program; and

WHEREAS, the County Executive received authorization through a resolution (Comm. 14E-41) passed on July 5, 2001, to accept \$26,000 in grant funding from the National Environmental Health Association to develop and implement a project to perform evaluation testing for radon of newly-built homes constructed with sub-slab passive ventilation systems; and

WHEREAS, the County Executive received authorization through a resolution (Comm. 20E-31) passed on November 8, 2001, to transfer the sum of \$8,920 from Interfund – Environment and Planning (Account 880-6200) to Interdepartmental – Environment and Planning Grants

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(Account 882-6209) within the budget of the Federal Department of Housing and Urban Development (HUD) Healthy Homes Initiative Grant; and

WHEREAS, the grant budget for the SIRG 10 Program (SFG #563) was revised to include the grant funding from NEHA and HUD.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to accept \$2,500 in grant funding from the National Association of Counties (NACo) for the creation of a radon information database, and be it further

RESOLVED, that the grant budget for the SIRG 10 Program (SFG #563) be revised to include the recently appropriated funds for the Radon Database grant as follows:

<u>Act</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
<u>REVENUES:</u>				
593	State Aid	\$48,500		\$48,500
640-0300	NEHA	26,000		26,000
640-0400	NACo	<u>0</u>	<u>\$2,500</u>	<u>2,500</u>
	TOTAL	\$74,500	\$2,500	\$77,000
<u>EXPENDITURES:</u>				
800	Salaries	\$55,057	0	\$55,057
805	Fringe Benefits	15,463	0	15,463
825	Out of Area Travel	1,000	0	1,000
826	Other Expenses	1,500	0	1,500
830	Contractual Services	10,000	\$1,000	11,000
883-2709	Interdepartmental			
	Billings-Health Grants	(8,920)	0	(8,920)
933	Equipment	<u>400</u>	<u>1,500</u>	<u>1,900</u>
	TOTAL	\$74,500	2,500	\$77,000

and be it further

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

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

**JOHN W. GREENAN  
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

Item 18 – MS. CUSACK presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 250

May 30, 2002

COMMUNITY ENRICHMENT  
COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATOR McCARVILLE.

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

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature authorized on April 6, 2000 through Resolution Committee 6E-16 a contract for \$90,000 with Wendel Duchscherer for design and inspection services for the Two Mile Creek Greenway; and

WHEREAS, on June 21, 2001 in Resolution Intro. 14-9 the Legislature authorized an additional \$22,000 for lighting of the Two Mile Creek Greenway which included funds for design and construction;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute an amended agreement with Wendel Duchscherer for additional design and construction inspection services associated with the Two Mile Creek Trail in the City and Town of Tonawanda, increasing the contract from \$90,000 to \$97,000; and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, The County Comptroller, the Commissioner of Environment and Planning, and the Commissioner of Public Works.

(4-0) Legislator McCarville absent.

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**ELISE M. CUSACK**  
**CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

Item 19 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. (No second received.)

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

GRANTED.

Intro. 12-1 From LEGISLATOR RANZENHOFER Re: Support for Terminating the Project Labor Agreement (PLA) on Phase II of the Erie County Courthouse Renovation Project.

Item 20 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 12-2 From LEGISLATOR DUSZA Re: Support for A.7828/S.5005 Regulating the Making and Foreclosure of High-Cost Home Loans.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 251

Re: Preservation of the H. H. Richardson  
 Complex. (Intro. 12-3)

**A RESOLUTION SUBMITTED BY LEGISLATOR FISHER**

WHEREAS, in 1872 Henry Hobson Richardson won a commission to begin work on the Buffalo State Asylum for the Insane, the first State facility in the region to provide coordinated care to the mentally ill, and

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WHEREAS, H. H. Richardson was joined in his efforts by Frederick Law Olmsted and his partner Calvert Vaux, who sited and landscaped the 200 acre property, making this the first major work on which a collaboration between the three took place, and

WHEREAS, by 1882 Richardson was considered the leading American architect, and is now ranked as one of the “top three masters” of American architecture along with Frank Lloyd Wright and Louis Sullivan, and

WHEREAS, in the 1960’s portions of the H. H. Richardson Complex’s wings were demolished, and

WHEREAS, the site was largely abandoned as a State Hospital by the mid-1970’s as mental health advocates worked toward deinstitutionalization of the mentally ill, and

WHEREAS, on June 24, 1986 the site was designated as a National Historic Landmark by the National Parks Service for its significance as an important transitional building in the developing style of H. H. Richardson, and

WHEREAS, during the past ten years some sections of the complex were used for offices, and

WHEREAS, in 1997 New York State initiated a decommissioning and mass sale of the State’s functionally obsolete psychiatric center buildings and lands, and

WHEREAS, in 1998 the City of Buffalo as well as historic preservation advocates were able to exclude the H. H. Richardson Complex from the mass sale, which left the site as property of New York State, and

WHEREAS, the City then commissioned a planning and feasibility study for future uses of the site, and

WHEREAS, this study recognized the architectural and historical significance of the site and recommended that future development include a commitment to historic renovation and rehabilitation, and

WHEREAS, since then no one has been able to agree upon a possible reuse for the site, and

WHEREAS, in recent years the building has been allowed to deteriorate to the point that an estimated \$5 million to \$7 million would be needed simply to stabilize the facility, and

WHEREAS, according to local preservationists, the State has neglected to invest any money in even basic maintenance at the site, and

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WHEREAS, the H. H. Richardson Complex is located in the heart of Buffalo's Olmsted Crescent, an important heritage and cultural tourism district in the region, and

WHEREAS, Erie County is home to only a few sites designated as National Historic Landmarks by the National Parks Service, and

WHEREAS, in recent years the County Legislature has worked toward promoting the area's cultural and historical landmarks, such as Kleinhans Music Hall, the Guaranty Building, Darwin Martin House, Shea's Performing Arts Center, the Buffalo & Erie County Historical Society Building, Graycliff Conservancy, the Olmsted Park System and others, and

WHEREAS, the addition of the H. H. Richardson complex to this already impressive list can only serve to increase tourism in the Buffalo Niagara Region,

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to preserving the cultural and historical jewels our region has been blessed with, and be it further,

RESOLVED, that this Honorable Body calls upon New York State to fulfill its obligation to preserve the national treasure of the H. H. Richardson Complex by providing the necessary funds to stabilize the structure, and be it further

RESOLVED, that certified copies of this resolution be sent to the Governor Pataki, and the Western New York State Senate & Assembly Delegations, William F. Koch, Vice-Chair of the Erie County Preservation Board, Deborah Ann Trimble, Executive Director of the Buffalo Olmsted Parks Conservancy, and to William H. Siener, Executive Director of the Buffalo & Erie County Historical Society.

**Fiscal Impact:** None.

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

CARRIED UNANIMOUSLY.

MS. FISHER moved the approval of the resolution as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 252

Re: Calling Upon the Federal Government to  
Make a Strong Commitment to the National  
Intercity Passenger Rail System. (Intro. 12-4)

A RESOLUTION SUBMITTED BY LEGISLATOR PEOPLES

WHEREAS, the national Amtrak passenger rail system serves over 500 cities and communities across the country, providing safe, efficient and affordable mobility for millions of Americans each year, and

WHEREAS, the number of passengers using Amtrak trains has increased 19% since 1996 and reached a total of 23.5 million passengers in 2001, and

WHEREAS, the demand for rail services continues to be strong on both corridor and long-distance trains, and

WHEREAS, the terrorist attacks of September 11<sup>th</sup> highlighted the value of the nation's intercity passenger rail system to national security, and

WHEREAS, the number of passengers using rail service in the nine months since the attacks has remained strong despite a weak economy, significant reductions in travel and tourism and sharp declines in domestic air travel, and

WHEREAS, rail provides a clean, energy efficient mobility which can help reduce the heavy United States dependence on imported oil, and

WHEREAS, travel by Amtrak uses 38% less energy per passenger mile than does travel by commercial airline, and

WHEREAS, travel by high-speed rail offers the potential for significantly greater energy efficiencies, and

WHEREAS, highway and airport congestion costs the United States economy \$100 billion annually, and

WHEREAS, rail provides a crucial means to help alleviate growing highway and airport congestion, and

WHEREAS, state and local governments see intercity passenger rail as an essential way to assure future mobility for their regions but need the federal government to partner with them in making rail investments as the federal government does for highway, air and transit investments, and

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WHEREAS, the United States government has significantly undercapitalized the national Amtrak system for decades, failed to provide passenger rail with a dedicated secure source of funding like other modes of transportation enjoy, and required Amtrak alone to achieve operating self-sufficiency, and

WHEREAS, Amtrak has reached a critical juncture and will be forced to implement extensive service cuts nationwide unless federal funding is substantially increased above current levels, and

WHEREAS, the Department of Transportation Inspector General has stated that Amtrak needs \$1 billion annually for capital alone, and

WHEREAS, Amtrak has requested \$1.2 billion for FY 2003, and

WHEREAS, many organizations representing the rail industry, passenger and labor associations, environmental organizations and Chambers of Commerce have joined together in a call to the federal government to provide funding for the national Amtrak passenger rail network,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to safe, economical, and energy efficient transportation for all members of our community, and be it further

RESOLVED, that this Honorable Body does hereby call upon the federal government to provide at least \$1.2 billion for Amtrak in FY 2003 to sustain our national intercity passenger rail system over the next year, and be it further

RESOLVED, that this Honorable Body further calls upon the federal government to make a commitment to provide stable and adequate funding for the national Amtrak passenger rail network, as well as infrastructure and development of designated high-speed rail corridors, and be it further

RESOLVED, that certified copies of this resolution be sent to President George W. Bush, United States Senators Charles E. Schumer and Hillary Rodham Clinton, and United States Representatives Thomas M. Reynolds, John J. LaFalce, and Jack Quinn.

**Fiscal Impact:** None.

MR. SWANICK moved to amend the resolution to include ET AL Sponsorship. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 253

Re: Opposing Transfer of Contaminated PCB  
Waste from Hudson Valley to Niagara County.  
(Intro. 12-5)

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

WHEREAS, in early December, 2000 the United States Environmental Protection Agency (EPA) announced that it would order the General Electric Company (GE) to spend \$500 million to dredge massive amounts of toxic polychlorinated biphenyls (PCBs) that are embedded in the mud and silt beneath the Hudson River, and

WHEREAS, the plan calls for the removal of 2.6 million cubic yards of PCB contaminated sediment from a 40 mile section of the Hudson River, and

WHEREAS, the EPA says “the dredged material will be shipped to existing licensed landfills outside of the Hudson River Valley for disposal” over a five year period, and

WHEREAS, the only licensed facility in New York State that can accept this waste is based in the Town of Porter in Niagara County, and

WHEREAS, reports indicate that this project is so massive it could require 176,500 truck trips from the Hudson Valley to Niagara County to complete the job, and

WHEREAS, the prospect of this invasion of Niagara County is unwarranted and unnecessary considering that the most appropriate way to dispose of this waste would be to construct a contained facility near the site of the contamination, thus preventing the cost and potential complications of transporting the material across the state, and

WHEREAS, furthermore, the state should stand opposed to a “solution” for one part of the state that results in a potential problem for another part of the state, and

WHEREAS, New York State Senator George Maziarz and Assemblywoman Francine DeMonte have introduced S.7148 and A.11082 which oppose the deposit and storage of contaminated Hudson River soil in Niagara County,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the health and well being of the entire Western New York region, and be it further

RESOLVED, that this Honorable Body does hereby stand with its neighbors in Niagara County to urge the New York State Legislature to pass and New York State Governor George Pataki to sign into law S.7148 and A.11082 which opposes the shipment of contaminated waste from the Hudson Valley into Niagara County and calls for the creation of a storage facility in the Hudson Valley to enable the area to handle its own waste, and be it further

RESOLVED, that this Honorable Body does further memorialize the EPA, the United States Congress, and President George W. Bush to stand in support of the construction of a storage facility in the Hudson Valley to contain said waste, and be it further

RESOLVED, that certified copies of this resolution be sent to United States President George W. Bush, the local delegation of the United States Congress, New York State Governor George Pataki, the Western New York delegation of the New York State Legislature, the Niagara County Legislature, and William Choboy of Residents for Responsible Government (PO Box 262, Youngstown, NY 14174).

**Fiscal Impact:** None for resolution.

MR. SWANICK moved to amend the resolution to include ET AL Sponsorship. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

MS. CUSACK moved the approval of the resolution as amended. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 254

Re: Funding for Various Community  
 Organizations. (Intro. 12-6)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$8,000 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agency:

<b><u>NAME</u></b>	<b><u>LINE</u></b>	<b><u>AMOUNT</u></b>
Angola Village Jam Fest (Development of youth programs & redevelopment of downtown Angola)	830/0436	\$1,000
Eden Little Loop (Safety Equipment)	830/1011	\$2,000
Sisterhood Wellness Center, Inc. (Education, recreation and socialization for breast cancer patients)	830/1248	\$5,000
<b>TOTAL</b>		<b>\$8,000</b>

and be it further

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

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

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

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Bochenek; Gina Collora, Angola Village Jam Fest (47 N. Main Street, Angola, NY 14006); James Bulger, Eden Little Loop (4274 Mary Drive, Eden, NY 14057); and to Nancy L. Timm Bowen, Sisterhood Wellness Center, Inc. (P.O. Box 433, Derby, NY 14047).

Fiscal Impact: Appropriation of 2002-budgeted funds

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 255

Re: Support for an Emergency Services Organization. (Intro. 12-7)

A RESOLUTION SUBMITTED BY LEGISLATOR SWANICK

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

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

WHEREAS, the Town of Tonawanda Fire Chiefs Association is running a table top drill at the Sun Oil Company on River Road in the Town of Tonawanda, and

WHEREAS, this drill will provide valuable information to the fire companies of the Town on Tonawanda as to how to deal with a fire at one of these locations, such as the type of equipment necessary to fight a fire such as this and any special considerations that would need to be taken into account, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,200 within Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

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<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Town of Tonawanda Fire Chiefs Association	830/	\$1,200
<b>TOTAL</b>		<b>\$1,200</b>

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; First Assistant County Attorney Susannah Bochenek; Kelly A. Brown – First Administrative Assistant; and to Richard Rider, Secretary, Town of Tonawanda Fire Chiefs Association, (84 Hawthorne Avenue, Tonawanda, NY 14223.)

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 256

Re: Funding for Kids Voting. (Intro. 12-8)

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

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$15,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Kids Voting USA (Ballot printing & teacher training)	830/0891	\$15,000
<b>TOTAL</b>		<b>\$15,000</b>

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; and to Rosemary Sullivan, Kids Voting USA (156 Euclid Ave., Kenmore, NY 14217).

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

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

CARRIED UNANIMOUSLY.

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 257

Re: Funding for Community Organizations.  
(Intro. 12-9)

A RESOLUTION SUBMITTED BY LEGISLATOR DEBENEDETTI

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$23,000 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Northwest Buffalo Community Center (Improvements to Riverside Park to benefit Riverside Little Loop Football Team)	830/0356	\$23,000
<b>TOTAL</b>		<b>\$23,000</b>

and be it further

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

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

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

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Bochenek; Larry Pernick, Northwest Buffalo Community Center (155 Lawn Avenue, Buffalo, NY 14207)

Fiscal Impact: Appropriation of 2002-budgeted funds

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 258

Re: Support for Local Union and Non-Union  
Contractors and Workers Receiving Local  
Construction Work Opportunities.  
(Intro. 12-10)

A RESOLUTION SUBMITTED BY LEGISLATOR DeBENEDETTI

**WHEREAS**, the glory of Western New York's past was a result of the hard work and dedication of contractors and workers in the construction trades; and

**WHEREAS**, the glory of Western New York's future will depend on the hard work and dedication of contractors and workers in the construction trades; and

**WHEREAS**, local union and non-union contractors employ numerous local tradespersons on various local construction projects; and

**WHEREAS**, local unions provide extensive apprenticeship training programs for local tradespersons; and

**WHEREAS**, a recent investigation by the Building and Construction Trades Council has revealed a number of local construction projects where contractors are employing out of state workers and illegal aliens; and

**WHEREAS**, local construction projects should benefit the local area by employing local contractors and workers;

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**RESOLVED**, that the Erie County Legislature supports local union and non-union contractors and workers receiving local construction opportunities; and be it further

**RESOLVED**, that that the Erie County Legislature urges local construction project managers to employ local workers and refrain from utilizing out of state workers on their construction projects; and be it further

**RESOLVED**, that the Erie County Legislature strenuously objects to the employment of illegal aliens in any capacity and calls on local construction project managers to cease this practice immediately; and be it further

**RESOLVED**, that the Erie County Legislature calls on the Border Patrol and the INS to periodically check local construction sites and remove illegal aliens employed at those sites; and be it further

**RESOLVED**, that certified copies of this resolution be sent to Daniel Boody, Buffalo Building & Construction Trades Council; John Kaczorowski, AFL-CIO; United States Border Patrol; and United States Immigration and Naturalization Service.

**Fiscal Impact:**       None for the Resolution

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 29 – CHAIRMAN DeBENEDETTI directed the following resolution to be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 12-11 From LEGISLATORS FISHER, SWANICK, HOLT, DALE & DUSZA Re: Providing a Safe Working Environment for All County Employees.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 30 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 11E-15. MR. GREENAN seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 259

Re: Award of Contract 2002 Contractor Placed Pavement – South Contract Project No. CPP-S-02, Various Towns.

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

CARRIED UNANIMOUSLY.

WHEREAS, bids were taken for the 2002 Contractor Placed Pavement - South Contract which consists of the following roads: Rogers Road (CR 464) in the Town of Hamburg; California Road (CR 461) in the Town of Orchard Park; Transit Road (CR 553) in the Town of Orchard Park and Aurora; Michael Road (CR 365) in the Town of West Seneca and Orchard Park; Seneca Creek Road (CR 325) in the Town of West Seneca; Jennings Road (CR 486) in the Towns of Eden and North Collins; Rice Road (CR 140) in the Town of Elma; Genesee Road (CR 409 and CR 49) in the Towns of Concord and Sardinia; South Protection (CR 531) in the Towns of Holland and Sardinia, on May 9, 2002, and the low bidder was Amherst Paving, Incorporated of Amherst, New York at a low bid amount of \$3,422,465.00

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project No. CPP-S-02, in the Towns of Aurora, Concord, Eden, Elma, Hamburg, Holland, North Collins, Orchard Park, Sardinia and West Seneca between the County of Erie and the low bidder Amherst Paving Incorporated at its low bid of \$3,422,465.00, and be it further

RESOLVED, that an amount of \$3,422,465.00 be allocated from the 2002 Road Improvements County Road Fund - DPW (Countywide) Program (SFG 307), and be it further

RESOLVED, that an additional amount of \$350,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$350,000.00 from the 2002 Road Improvements County Road Fund - DPW (Countywide) Program (SFG 307), and be it further

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

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

CARRIED UNANIMOUSLY.

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Item 31 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 11E-16. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 260

Re: Award of Contract 2002 Contractor Placed Pavement – North Contract Project No. CPP-N-02, Various Towns.

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

CARRIED UNANIMOUSLY.

WHEREAS, bids were taken for the 2002 Contractor Placed Pavement - North Contract which consists of the following roads: Love Road (CR 548), Whitehaven Road (CR 75), East River Road (CR 11) in the Town of Grand Island; Hopkins Road (CR 87) Town of Amherst; Tonawanda Creek Road (CR 559), Clarence Center (CR 547), Goodrich Road (CR 216), and Strickler Road (CR 269) in the Town of Clarence; Harris Hill Road (CR 276) in the Town of Lancaster; Westwood Road (CR 343) in the Towns of Lancaster and Alden; Two Rod Road (CR 547) in the Towns of Alden and Marilla; and Aero Drive (CR 324), in the Town of Cheektowaga, on May 23, 2002, and the low bidder was Amherst Paving, Incorporated of Amherst, New York at a low bid amount of \$2,899,965.00.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number CPP-N-02, for the 2002 Contractor Placed Pavement - North Contract, in the Towns of Alden, Amherst, Cheektowaga, Clarence, Grand Island, Lancaster and Marilla, between the County of Erie and the low bidder Amherst Paving Incorporated at its low bid of \$2,899,965.00, and be it further

RESOLVED, that an amount of \$2,899,965.00 be allocated from the 2002 Road Improvements County Road Fund - DPW (Countywide) Program (SFG 307), and be it further

RESOLVED, that an additional amount of \$300,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$300,000.00 from the 2002 Road Improvements County Road Fund - DPW (Countywide) Program (SF 307) Program, and be it further

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

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

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CARRIED UNANIMOUSLY.

Item 32 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 11E-19. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 261

Re: Supplemental Agreement with New York  
State Dept. of Transportation – Mill Road  
Bridge, East Aurora.

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

CARRIED UNANIMOUSLY.

WHEREAS, a Project for the Replacement of the CR 47, Mill Road, Bridge over the East Branch of Cazenovia Creek, BIN 3-32794-0, in the Village of East Aurora, Erie County, P.I.N. 5754.54 (the “Project”) funded under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of non-Federal share of the costs, Construction & Construction Inspection Phases of the Project, PIN 5754.54; and

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the costs of the Construction & Construction Inspection Phases of the project or portions thereof; and be it further

RESOLVED, that the sum of \$87,000 is hereby appropriated from the 1996 Federal Aid Projects Program (SFG 727) in addition to \$224,000 previously appropriated for the project's Construction & Construction Inspection Phase via County Resolution No. 15E-11 adopted on the 12<sup>th</sup> day of July, 2001, which appropriated \$226,000 for the project's right-of-way and Construction & Construction Inspection phases and made available to cover the cost of participation in the above phases of the Project; and be it further

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RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of Construction and Construction Inspection Phases exceeds the amount appropriated for this phase of \$311,000 and/or 100% of the full Federal and non-Federal shares of the cost of Construction & Construction Inspection Phases exceeds \$1,551,800, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Commissioner of Public Works and the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 33 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 11-5. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 262

Re: Expanding Workforce Development  
 Funding Available to Erie County.

A RESOLUTION SUBMITTED BY LEGISLATORS PEOPLES & MARINELLI

WHEREAS, in 1998 the Federal government replaced the Job Training Partnership Act (JTPA) with new legislation called the Workforce Investment Act (WIA), and

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WHEREAS, this program, designed to provide workforce training and skills development, is administered through New York State and managed locally by "One-Stop" partners, and

WHEREAS, the Buffalo and Erie County Workforce Investment Board (WIB) was established in July, 2000 to oversee and develop regional workforce improvement strategies, and

WHEREAS, the Buffalo Employment & Training Center is this region's "One-Stop" site, tasked with assisting residents of Buffalo and Erie County gain employment and assisting employers find qualified workers, and

WHEREAS, the WIB begins its annual budget process on July 1<sup>st</sup> this year, and

WHEREAS, a reduction on the formula allocation under the WIA program and expended one-time funds from the JTPA have created a gap in funding, and

WHEREAS, at a meeting held April 30<sup>th</sup> the WIB identified a \$1,682,190 shortfall in funding for adults and a \$1,429,708 shortfall in funding for dislocated workers, and

WHEREAS, total available WIA funding to Erie County is expected to drop 17% from \$16,710,764 in 2001 to \$13,794,126 in 2002, and

WHEREAS, a reduced level of WIA funding would likely cut funding specifically earmarked for training from \$4,621,000 to approximately \$1.5 million, a significant loss, and

WHEREAS, given recent announcements of nearly 500 manufacturing job reductions at companies such as Dupont, Lenders Bagels, Carton-Craft and Graphic Controls, workforce development funding will be especially vital this year to meet the apparent need, and

WHEREAS, some local workforce areas in other portions of New York State have a surplus of available WIA funds remaining, and

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the importance of workforce development and training programs for the employed, unemployed and employers as a means for maintaining a decent quality of life for residents and a stable local economy, and be it further

RESOLVED, that this Honorable Body hereby calls upon, Governor Pataki, the New York State Department of Labor and the State Workforce Investment Board to identify surplus funding designated for workforce development and consider reallocating these dollars to meet the critical need in Buffalo and Erie County, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Jim Finamore and Edward Marlette, Buffalo and Erie County Workforce Investment Board, Commissioner Linda

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Angello, New York State Department of Labor (Governor W. Averell Harriman State Office Bldg. Campus, Albany, NY 12240), Richard A. Calo, Board Chair, NYS WIB (State Office Bldg. Campus, Building #12, Room 450, Albany, NY 12240, County Executive Giambra and City of Buffalo Mayor Masiello.

Fiscal Impact: Positive for Erie County residents.

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

CARRIED UNANIMOUSLY.

Item 34 – MR. WEINSTEIN moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 10E-9. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 263

Re: Training by the United Way of Buffalo and Erie County.

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

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

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

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

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

NOW, THEREFORE, BE IT

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

RESOLVED, that the funds, in the amount of \$10,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC: 110 9043038301299) to the following

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subaccount under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

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

and be it further

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

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

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 12.970 – 4.030)

Item 35 – MR. WEINSTEIN moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 11E-38. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 264

Re: ECMC Membership in a Healthcare-Related  
 Limited Liability Company.

WHEREAS, the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) mandates uniform standards for electronic processing of health care claims and health care coverage; and

WHEREAS, the HIPAA law also mandates compliance with a complex set of patient confidentiality and privacy regulations, including the need to secure patient data while it is being stored, processed, and transmitted; and

WHEREAS, health care providers and third party payers must comply with the HIPAA law's provisions dealing with standardized electronic transmissions by October of 2002, and with the confidentiality/privacy portions of the law by April 2003; and

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WHEREAS, the Erie County Medical Center (ECMC) along with several other hospitals and insurance carriers in the region have formed a consortium for the purpose of developing a collaborative program for ensuring compliance with HIPAA mandates; and

WHEREAS, the consortium commissioned a comprehensive study in 2001 to determine the most effective and least costly approach for adhering to HIPAA provisions; and

WHEREAS, the findings contained in this feasibility study indicated that it would be less expensive for the WNY community if the Consortium members addressed the electronic transaction portion of the law collaboratively rather than individually; and

WHEREAS, the Consortium wishes to form a limited liability company, to be known as WNY Healthnet, LLC, to implement the necessary changes to achieve compliance with HIPAA provisions, including engaging a software developer to create software programs to process health claims and health plan transactions; and

WHEREAS, the LLC will provide the greatest benefit to members while minimizing risks associated with the use of a collaborative system by providers and third party payers alike; and

WHEREAS, the estimated cost of implementing a HIPAA compliant transaction system using a collaborative approach totals \$3.5 million with each member's share totaling \$500,000; and

WHEREAS, membership in the WNY Healthnet, LLC will not only permit the Medical Center to minimize its costs associated with achieving HIPAA compliance, but will also present new opportunities for the Hospital to re-evaluate work flows, replace paper-based operations with electronic transactions and increase the speed of information exchanges; and

WHEREAS, the appropriate process for authorizing ECMC to become a member of and provide funding to the LLC is by passage of a resolution by the Erie County Legislature; and

WHEREAS, The ECMC Board of Managers enacted a resolution on April 11, 2002 supporting ECMC's participation in and funding of the HIPAA compliance project sponsored by the WNY Healthnet, LLC;

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Medical Center to become a member of the WNY Healthnet, LLC to enable the Medical Center to achieve compliance with the mandates of the Federal Health Insurance Portability and Accountability Act of 1996; and be it further

RESOLVED, that this Honorable Body does hereby grant authority to permit ECMC, as a member of the WNY Healthnet, to participate in the funding of the LLC; and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Attorney, the Director of Budget and Management, the County Comptroller and the Chief Executive Officer of ECMC.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 36 – MR. SWANICK moved for a suspension of the rules to include an item not on the agenda. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 265

Re: Lease for Legislative Office Space.  
 (Comm. 12E-22)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Richard C. Cummings located at 790 East Delavan Avenue, Buffalo, New York 14215 and Erie County for Legislative Office Space for Erie County Legislator Crystal D. Peoples at a cost of \$550.00 per month.

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

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 37 – (Comm. 12E-1) Response to Inquiries of Legislators Swanick & Fisher Re: Proper Use of Tobacco Funds for Comms 11E-35 & 11E-36.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATORS SWANICK & FISHER**

Item 38 – (Comm. 12E-2) Copy of Letter to Comptroller Re: Response to Comptroller's Response Concerning 11E-35 & 11E-36.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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**ERIE COUNTY LEGISLATURE**

FROM LEGISLATOR CHASE

Item 39 – (Comm. 12E-3) Letter to Clerk of Legislature Re: Vote on Item No. 2 from Energy & Environment Committee Report No. 7 (Comm 2E-36) be Changed to No.

RECEIVED, FILED & PRINTED.

May 28, 2002

The Hon. Laurie Manzella, Clerk  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, NY 14202

Dear Madam Clerk:

I am writing to request that my vote in the affirmative on Energy and Environment Committee Report #7 be changed to reflect a “negative” vote for Item #2 (Comm. 2E-36).

I was recorded in the negative in the Committee meeting and inadvertently missed the opportunity on the floor to again be recorded in the negative on Comm. 2E-36.

Thank you for your attention to this letter.

Very truly yours,

**JEANNE Z. CHASE**  
Erie County Legislator  
12<sup>th</sup> District

FROM THE COMPTROLLER

Item 40 – (Comm. 12E-4) Apportionment & Distribution of the 4% Sales Tax Revenue Received by Erie County from New York State for 5/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DUSZA

Item 41 – (Comm. 12E-5) Notice of Absence from Energy & Environment Committee Meeting Held 5/30/02.

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**June 6, 2002**

**ERIE COUNTY LEGISLATURE**

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 42 – (Comm. 12E-6) Appointments & Reappointments to Erie County Mental Hygiene Community Services Board.

RECEIVED, FILED & PRINTED.

May 30, 2002

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

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

Honorable Members:

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

Very truly yours,

Joel A. Giambra  
 Erie County Executive

Attachment  
 JAG:bmc

Attachment 1

**At Large Members**

**Type of Appointment**

**Term to Expire  
 December 31**

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**ERIE COUNTY LEGISLATURE**

Mrs. Ellen Kennedy 61 Anderson Place Buffalo, NY 14222	Reappointment	2004
Mrs. Dorothy Pappas Director of Social Work Buffalo Psychiatric Center 400 Forest Avenue Buffalo, NY 14213	Reappointment	2003
Mr. Waldemar Rivera- Ramos 80 Highgate Avenue Buffalo, NY 14214	Appointment	2004
Mr. Charles Syms 145 Cedar Road Buffalo, NY 14215	Appointment	2003
Mrs. Karen Welch 39 Woodette Place Buffalo, NY 14207	Reappointment	2004
<b>Representative to CSB Mental Health Subcommittee</b>	<b>Type of Appointment</b>	<b>Term to Expire December 31</b>
Dr. Charles Sabatino 236 Hedstrom Drive Amherst, NY 14226	Reappointment	2004
<b>Representative to CBS MR/DD Subcommittee</b>	<b>Type of appointment</b>	<b>Term to Expire December 31</b>
Dr. Joan Baizer 84 Russell Street Buffalo, NY 14214	Appointment	2004
<b>Mental Health Subcommittee</b>	<b>Type of Appointment</b>	<b>Term to Expire December 31</b>

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Dr. Charles Sabatino 236 Hedstrom Drive Amherst, NY 14226	Reappointment	2004
Ms. Jeanne Aiple 191 Westfall Drive Tonawanda, NY 14150	Reappointment	2004
Ms. Dora Esplugas 3424 McKinley Parkway Blasdell, NY 14219	Reappointment	2004
Mr. Jay Gilpatrick 24 Plymouth Avenue Apt. 19 Buffalo, NY 14201	Reappointment	2004
Mr. David Isbell Executive Director Hamburg Counseling Service, Inc. 97 South Buffalo Street Hamburg, NY 14075	Reappointment	2004
Mrs. Vicki McCarthy 6773 Prescott Drive Derby, NY 14047	Appointment	2003
Dr. Carol Segal 101 Carriage Circle Williamsville, NY 14221	Appointment	2003
Ms. Sharon Simpson 60 Freund Street Buffalo, NY 14211	Reappointment	2003
<b>Mental Retardation / Developmental Disabilities Subcommittee</b>	<b>Type of Appointment</b>	<b>Term to Expire December 31</b>
Mrs. Ann Marie Andre	Reappointment	2002

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**ERIE COUNTY LEGISLATURE**

98 Dorset Drive  
 Depew, NY 14043

Mrs. Gail Baehre 132 Traverse Blvd. Town of Tonawanda, NY 14223	Reappointment	2002
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Dr. Joan Baizer 84 Russell Street Buffalo, NY 14214	Appointment	2004
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Ms. Betty Brady 3 Eagles Trace Williamsville, NY 14221	Reappointment	2003
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Ms. Joyce Drzewiecki 103 Cindy Drive Williamsville, NY 14221	Reappointment	2003
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Mr. Donald Enslin 86 Theresa Drive Cheektowaga, NY 14227	Reappointment	2003
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Ms. Loni Mazur 25 Schlenker Avenue Cheektowaga, NY 14225	Reappointment	2004
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Ms. Elizabeth Polisoto 4702 Red Oak Court Hamburg, NY 14075	Reappointment	2003
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Ms. Jacqueline Dias 129 Miller Street Gowanda, NY 14070	Appointment	2004
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Ms. Janine Duvernay 42 D Lincoln Park Drive Town of Tonawanda, NY 14223	Appointment	2004
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**Alcoholism / Substance  
 Abuse Subcommittee**

**Type of Appointment**

**Term to Expire  
 December 31**

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**ERIE COUNTY LEGISLATURE**

Mr. John Babi 666 E. Goundry Street North Tonawanda, NY 14120	Appointment	2004
Ms. Mildred Colon Lake Shore Behavioral Health 951 Niagara Street Buffalo, NY 14213	Appointment	2004
Mr. Anthony D'Amore 25 Matthews Drive Lancaster, NY 14086	Reappointment	2003
Dr. John Gillick VA Medical Center 3495 Bailey Avenue Buffalo, NY 14215	Appointment	2003
Mr. Peter Morrow 11 Robie Avenue Buffalo, NY 14214	Reappointment	2003
Dr. Robert Whitney ECMC 462 Grider Street Buffalo, NY 14215	Appointment	2004

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 266

Re: Home Rule Request – Erie County Sheriff's  
Office – Cell Block Merger. (Comm. 12E-7)

(A)

WHEREAS, neither Section 500-a nor Section 500-c of the New York State Correction Law provides the legal authority for the Erie County Sheriff to hold pre-arraignment arrestees in the Erie County Holding Center or the Erie County Correctional Facility during the hours that the local courts are not in session and the arraignment services of a judge are not available; and

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WHEREAS, the Erie County Sheriff operates the Erie County Holding Center and the Erie County Correctional Facility which service both Sheriff's arrestees and, by agreement with the City of Buffalo, City of Buffalo female arrestees; and

WHEREAS, for as long as this arrangement has existed by contract between the County and City, there has been no need for a City lockup for female arrestees; and

WHEREAS, when City Court is not in session, City female arrestees are brought to the Erie County Holding Center to be held until City Court reopens; and

WHEREAS, due to the fiscal problems of the City of Buffalo, the County and City are desirous of expanding the scope of the agreement to include all City arrestees; and

WHEREAS, other municipalities within Erie County are considering similar agreements with the County; and

WHEREAS, Erie County is currently planning the expansion of the Erie County Holding Center and when making decisions regarding the design, etc., it will be necessary to take into account an increase in the number of pre-arraignment detainees; and

WHEREAS, Senate Bill No. 7487 and Assembly Bill No. 11521, now pending before the New York State Legislature, would assure the County of Erie of its ability to continue to use the Erie County Holding Center and Erie County Correctional Facility for this purpose;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. 7487, as follows:

“AN ACT to amend the correction law, in relation to authorizing use of the Erie County Holding Center and the Erie County Correctional Facility for the detention of persons under arrest being held for arraignment.”

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

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

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

The proposed amendment will increase the efficiency of the local police departments of municipalities that choose to contract with the County of Erie to hold persons under arrest being held

for arraignment. Such police departments will no longer have to remove officers from law enforcement positions to provide staff to carry out detention services. The amendment will also ease overcrowding in local police lockups, by ensuring that persons are housed in a certified jail, it will ensure detained persons will have access to medical, psychological and identification services, often not available in a small lockup.

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

AND BE IT FURTHER RESOLVED, that the Clerk of this Legislature is hereby directed to forward certified copies of this Home Rule Request to the Governor of the State of New York and two copies each to the New York State Senate and the New York State Assembly. Copies will also be provided to the County Executive, the Sheriff, the County Attorney, the County Comptroller and the Director of the Division of Budget, Management and Finance.

(B)

WHEREAS, neither Section 500-a nor Section 500-c of the New York State Correction Law provides the legal authority for the Erie County Sheriff to hold pre-arraignment arrestees in the Erie County Holding Center or the Erie County Correctional Facility during the hours that the local courts are not in session and the arraignment services of a judge are not available; and

WHEREAS, the Erie County Sheriff operates the Erie County Holding Center and the Erie County Correctional Facility which service both Sheriff's arrestees and, by agreement with the City of Buffalo, City of Buffalo female arrestees; and

WHEREAS, for as long as this arrangement has existed by contract between the County and City, there has been no need for a City lockup for female arrestees; and

WHEREAS, when City Court is not in session, City female arrestees are brought to the Erie County Holding Center to be held until City Court reopens; and

WHEREAS, due to the fiscal problems of the City of Buffalo, the County and City are desirous of expanding the scope of the agreement to include all City arrestees; and

WHEREAS, other municipalities within Erie County are considering similar agreements with the County; and

WHEREAS, Erie County is currently planning the expansion of the Erie County Holding Center and when making decisions regarding the design, etc., it will be necessary to take into account an increase in the number of pre-arraignment detainees; and

WHEREAS, Senate Bill No. 7487 and Assembly Bill No. 11521, now pending before the New York State Legislature, would assure the County of Erie of its ability to continue to use the Erie County Holding Center and Erie County Correctional Facility for this purpose;

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**ERIE COUNTY LEGISLATURE**

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. 11521, as follows:

“AN ACT to amend the correction law, in relation to authorizing use of the Erie County Holding Center and the Erie County Correctional Facility for the detention of persons under arrest being held for arraignment.”

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

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

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

The proposed amendment will increase the efficiency of the local police departments of municipalities that choose to contract with the County of Erie to hold persons under arrest being held for arraignment. Such police departments will no longer have to remove officers from law enforcement positions to provide staff to carry out detention services. The amendment will also ease overcrowding in local police lockups, by ensuring that persons are housed in a certified jail, it will ensure detained persons will have access to medical, psychological and identification services, often not available in a small lockup.

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

AND BE IT FURTHER RESOLVED, that the Clerk of this Legislature is hereby directed to forward certified copies of this Home Rule Request to the Governor of the State of New York and two copies each to the New York State Senate and the New York State Assembly. Copies will also be provided to the County Executive, the Sheriff, the County Attorney, the County Comptroller and the Director of the Division of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

Item 44 – (Comm. 12E-8) ECC North Campus Spring Student Center – Dental Hygiene Lab Renovations.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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**ERIE COUNTY LEGISLATURE**

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Item 45 – (Comm. 12E-9) Health – Public Health Laboratory Division Environmental Toxicology Consultants Fee-for-Service Rate.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 46 – (Comm. 12E-10) EC Courts Master Plan Implementation Renovation Project – Day Care Center Lease.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 47 – (Comm. 12E-11) Settlement of Labor Issues – Teamsters Union.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 48 – (Comm. 12E-12) Terminating PLA for Phase II of EC Courts Master Plan Implementation Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 49 – (Comm. 12E-13) Authorization to Enter Into Agreement for Construction of Disc Golf Course & to Accept Gift.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 50 – (Comm. 12E-14) Emergency Services – Accept Donation of Communication Trailer from ARES/RACES.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 51 – (Comm. 12E-15) ECSD No. 2 – Contract No. 34EV – Bluffs Subtrunk Pumping Station Elimination Bid Opening.

Item 52 – (Comm. 12E-16) EC Southtowns Sewage Treatment & ECSD Nos 1-6 Engineering Service Agreements – Work Order SW-1 Comm 18E-41 – Stearns & Wheeler.

Item 53 – (Comm. 12E-17) EC Southtowns Sewage Treatment Agency Evaluation of Incinerators – Work Order PES-1 Comm 18E-41.

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

Item 54 – (Comm. 12E-18) Funding for Oneida-Buffalo Through Buffalo & EC Workforce Development Consortium.

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Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 55 – (Comm. 12E-19) EC Alternative Fuels Consortium Grant Project & Rebuild WNY Initiative.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CHAIRMAN DeBENEDETTI

Item 56 – (Comm. 12E-20) Reappointment to EC Development Coordination Board.

RECEIVED, FILED & PRINTED.

May 29, 2002

Hon. Laurie Manzella  
 Clerk, Erie County Legislature  
 25 Delaware Ave., 7th Floor  
 Buffalo, NY 14202

Dear Madam Clerk:

Pursuant to Section 3.08-A of the Erie County Administrative Code, I hereby reappoint Legislator Lynn M. Marinelli as the Legislature's appointment to the Erie County Development Coordination Board.

Very truly yours,

Albert DeBenedetti  
 Chairman  
 Erie County Legislature

cc: Laurence Rubin, Commissioner, Department of Environment & Planning  
 Spencer Schofield, Department of Environment & Planning  
 John Bis, Chair, Erie County Development Coordination Board

FROM LEGISLATOR FISHER

Item 57 – (Comm. 12E-21) Letter to Clerk of Legislature Re: “Providing a Safe Working Environment for All County Employees.”

Received and referred to the HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM ECC

Item 58 – (Comm. 12D-1) ECC Board of Trustees 2002-2003 Budget.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 59 – (Comm. 12D-2) Memo to Clerk Re: Judge Glownia's Decision.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECMC

Item 60 – (Comm. 12D-3) Notice of Finance Committee Meeting Held 5/31/02 & Minutes of Previous Meeting.

Received and filed.

FROM ECC

Item 61 – (Comm. 12D-4) Minutes of Special Meeting of Board of Trustees Held 5/8/02.

Item 62 – (Comm. 12D-5) Notice of Various Meeting to be Held 6/10/02 & 6/19/02.

The above two items were received and filed.

FROM DPW

Item 63 – (Comm. 12D-6) Courthouse Bid Results.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM SENATOR RATH

Item 64 – (Comm. 12M-1) Receipt of Resolution.

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Received and filed.

**FROM THE WHITE HOUSE**

Item 65 – (Comm. 12M-2) Receipt of Resolution.

Received and filed.

**FROM THE TOWN OF CHEEKTOWAGA**

Item 66 – (Comm. 12M-3) Letter to Legislator Dusza Re: Resolution Requesting DPW to Apply for CMAQ Funding.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NFTA**

Item 67 - (Comm. 12M-4) Board Minutes from Meeting Held 4/15/02.

Received and filed.

**FROM RESIDENTS FOR RESPONSIBLE GOVERNMENT**

Item 68 – (Comm. 12M-5) Copy of Letter to Governor Pataki Re: Hudson River Clean Up Project.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE ECIDA**

Item 69 – (Comm. 12M-6) Notice of Board of Directors Meeting to be Held 6/12/02.

Received and filed.

**MEMORIAL RESOLUTIONS**

Item 70 – Legislator Dusza requested that when this legislature adjourns, it do so in memory of Town Chairman Bernard Wojtkowiak.

Item 71 – Legislator Dusza requested that when this legislature adjourns, it do so in memory of Jimmy Mahoney.

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Item 72 – Legislator Dusza requested that when this legislature adjourns, it do so in memory of Geary Zwick.

Item 73 – Legislator Marinelli requested that when this legislature adjourns, it do so in memory of William Kinnard.

Item 74 – Legislator Dale requested that when this legislature adjourns, it do so in memory of Bernard Wojtkowiak.

Item 75 – Legislator Dale requested that when this legislature adjourns, it do so in memory of Paul Thielman.

Item 76 – Legislator Chase requested that when this legislature adjourns, it do so in memory of Derrick Csati.

Item 77 – Legislator Cusack requested that when this legislature adjourns, it do so in memory of Jack Tolland.

Item 78 – Legislator Greenan requested that when this legislature adjourns, it do so in memory of Bob Aures.

**ADJOURNMENT**

Item 79 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. GREENAN moved that the Legislature adjourn until 2 p.m. Thursday, June 20, 2002.  
MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 20, 2002 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA**  
**CLERK**