

MEETING NO. 18
October 3, 2002

ERIE COUNTY LEGISLATURE

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MEETING NO. 18
October 3, 2002

The Legislature was called to order by Chairman DeBenedetti.

All Members Present.

The invocation was led by Rev. Emory Brown – Refreshing Spring Tabernacle.

The Pledge of Allegiance was led by Mr. Larson.

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

MR. GREENAN moved the approval of the minutes of Meeting No. 16 of 2002. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN DeBENEDETTI directed that the following three items be taken out of order.

FROM LEGISLATOR GREENAN

Item 2 – (Comm. 18E-3) Letter to Clerk of Legislature Re: Resignation of Position as Erie County Legislator – 9th District.

RECEIVED, FILED & PRINTED.

September 26, 2002

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

Dear Ms. Manzella,

Please be advised that I hereby resign my position as Erie County Legislator – 9th District, as well as my position as Majority Leader, effective at the close of business on September 27, 2002.

Sincerely,

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John W. Greenan

FROM LEGISLATORS CHASE, McCARVILLE, CUSACK, WEINSTEIN,
RANZENHOFER & LARSON

Item 3 – (Comm. 18E-5) Appointment of Gregory Falkner to Fill Vacancy in 9th Legislative District.

RECEIVED, FILED & PRINTED.

September 30, 2002

Laurie Manzella, Clerk
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, New York 14202

RE: Appointment of Gregory P. Falkner to fill vacancy in the 9th Legislative District.

Dear Madam Clerk:

Pursuant to Section 1904-B of the Erie County Charter, we, the undersigned representing a majority of the members of the County Legislature representing the Republican Party, do hereby appoint Gregory P. Falkner, of 97 Cove Creek Run, West Seneca, New York 14224, a duly qualified elector of the ninth legislative district, having the same political affiliation as the person last elected to such office, to fill the vacancy in the office of Ninth District County Legislature; said appointment shall take effect on October 3, 2002:

Sincerely,

JEANNE Z. CHASE
 12th District

STEVEN P. McCARVILLE
 13th District

ELISE M. CUSACK
 14th District

BARRY A. WEINSTEIN
 15th District

MICHAEL H. RANZENHOFER
 16th District

DALE W. LARSON
 17th District

FROM THE MAJORITY CAUCUS

Item 4 – (Comm. 18E-6) Designation of Legislator Barry A. Weinstein as Majority Leader.

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MR. RANZENHOFER moved to amend the document to include the signature of GREGORY P. FALKNER. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RECEIVED, FILED & PRINTED as amended.

We, the undersigned members of the Erie County Legislature, pursuant to the 2002 rules of the Erie County Legislature, do hereby designate Barry A. Weinstein as Majority Leader of the Erie County Legislature.

AL DeBENEDETTI
 6th District

JEANNE Z. CHASE
 12th District

STEVEN P. McCARVILLE
 13th District

ELISE M. CUSACK
 14th District

BARRY A. WEINSTEIN
 15th District

MICHAEL H. RANZENHOFER
 16th District

DALE W. LARSON
 17th District

GREGORY P. FALKNER
 9th District

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. WEINSTEIN presented a resolution Honoring Chet Jandzinski as He Retires from Erie County Environment & Planning. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. DeBENEDETTI presented a resolution Honoring William Miles as He Retires from Buffalo & Erie County Public Library. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. SWANICK presented a resolution Honoring William Burke Upon the Occasion of His Retirement from County Service. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 8 – MS. PEOPLES presented a resolution Honoring Omega Psi Phi Fraternity's Upcoming "Shirtsleeve Conference" to be Held 10/4/02 – 10/06/02. MR. HOLT seconded.

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CARRIED UNANIMOUSLY.

Item 9 – MR. SWANICK presented a resolution Honoring Leonard Lenihan for More Than 25 Years of Outstanding Service to Residents & Taxpayers of Erie County. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. PEOPLES presented a resolution honoring Malvin Brooks. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. DUSZA presented a resolution Honoring Polka Legend Johnny Karas. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. HOLT presented a resolution Acknowledging the United Neighborhoods Organization on Their 6th Annual 2002 County-Wide Neighborhood Conference. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 13 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 14 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 15 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 16 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 17 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #2) 2002 remain on the table.

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Item 18 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #1) 2002 be referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 19 – CHAIRMAN DeBENEDETTI directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 20 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2002 remain on the table.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 399

September 26, 2002

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT EXCEPT LEGISLATOR LARSON.

1. Item Page -2002 **AS AMENDED**
(Comm. 17E-17)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on September 11, 2002 for Roof Replacement -Wendt Beach Park, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Roof Replacement - Wendt Beach Park as follows:

ROOFING WORK

Grove Roofing

Base Bid \$104,100.00

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Alternate Bid #2	<u>\$ 26,100.00</u>
Total	\$130,200.00

and be it further,

RESOLVED, that the sum of \$12,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the sum of \$2,000.00 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 2002 Countywide Roof Replacement & Waterproofing, Project 296, Fund 410, and be it further,

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

(4-0) Legislator Larson absent.

2. Item Page -2002 (Comm. 17E-18)

COUNTY EXECUTIVE

WHEREAS, the Botanical Gardens Society has gone through a qualification based selection process for a design firm to do a planting master plan, and

WHEREAS, the Botanical Gardens Society has funds to pay for a Planting Master Plan Study, and

WHEREAS, the firm of The Portico Group, 217 Pine Street, 2nd floor, Seattle, WA 19801, is being recommended by the Botanical Gardens Society for this project,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with The Portico Group, 217 Pine Street, 2nd Floor, Seattle WA, 98101, and be it further,

RESOLVED, that the amount to be paid for said consulting services for this work, plus variable design services and reimbursables, shall not exceed \$50,000, and be it further,

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RESOLVED, that the fee allocation funded by the Botanical Gardens Society be transferred to the Department of Public Works and deposited into the Botanical Gardens, Project 203, Fund 410, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the money to be provided by the Botanical Gardens, and be it further,

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

(4-0) Legislator Larson absent.

3. Item Page -2002 (Comm. 17E-19)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation has submitted to the County Legislature a proposed Maintenance Plan and Agreement, pursuant to Sections 129, 130 and 131-e of the Highway Law, by which the Counties of Erie and Cattaraugus are to maintain the truss bridge for pedestrians known as the Bigelow Bridge (formally known as the Route 240X bridge over Cattaraugus Creek) and to be designated as New York Project No. 5268.28, and said proposed plan and agreement also provides for the Counties of Erie and Cattaraugus to request the Department of Transportation, to submit the aforementioned project with the recommendation that it be approved by the Administrator of the United States Federal Highway Administration, and that if such project is approved and constructed by the Department and the Administrator of the United States Federal Highway Administration, the Counties of Erie and Cattaraugus will thereafter at their own cost and expense maintain this project in a manner satisfactory to the Department of Transportation and the Administrator of the United States Federal Highway Administration, or their authorized representatives and make provision each year for such maintenance,

NOW THEREFORE BE IT

RESOLVED, that the Counties of Erie and Cattaraugus shall maintain such highway and guarantee the maintenance of such pedestrian fishing bridge and will each pay one-half the cost of such maintenance and will maintain the pedestrian fishing bridge in a manner satisfactory to the New York State Department of Transportation or its authorized representatives, and will make provision each year for such maintenance, and be it further

RESOLVED, that the New York State Department of Transportation submit such project to the Administrator of the United States Federal Highway Administration and recommend to him the approval of the same for construction with funds apportioned to the State for construction of Highways and related projects under the provisions of Federal Highway Acts, and be it further

RESOLVED, that the County Legislature act through the Commissioner of Public Works who is hereby authorized to act for this County Legislature and make and enter into agreement with the State Department of Transportation, in manner and form and substance as herein stated and in

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accordance with the form of contract herein mentioned as having been submitted to this County Legislature for action, and that this County Legislature furnish five (5) certified copies of this resolution authorizing the County Legislature to execute the agreements on behalf of the County such Commissioner of Public Works being fully authorized and directed to make and enter into agreements on behalf of Erie County in any manner and form required by the Department of Transportation, or the Administrator of the United States Federal Highway Administration and attach the seal of the County Legislature thereto, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to submit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation, one copy to the Cattaraugus County Clerk of the Legislature, one copy to the Cattaraugus County Commissioner of Public Works, and one copy each to the Erie County Commissioner of Public Works and the Erie County Comptroller.

(4-0) Legislator Larson absent.

MICHAEL H. RANZENHOFER
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 400

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ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 13

ALL MEMBERS PRESENT.

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

Item Page -2002 (Comm. 17E-28)
 a. **COUNTY EXECUTIVE:** ECSD No. 6 – Wilmuth Pumping Station Evaluation.
 (5-0)

2. RESOLVED, that the following items are hereby received, filed and referred to the REGIONALISM AD HOC COMMITTEE.

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Item Page -2002 (Comm. 16M-2)
 a. **NYPA:** Letter to Clerk of Legislature Re: Update on Power Authority's Alternative
 Licensing Procedure.
 (5-0)

Item Page -2002 (Comm. 16M-22)
 b. **VAN NESS FELDMAN:** Copy of Letter to FERC Re: Notice of Intent to File Application
 for New License for Niagara Power Project.
 (5-0)

3. Item Page -2002 (Comm. 16E-54)
COUNTY EXECUTIVE
 WHEREAS, the County of Erie has awarded Contract No. 39H to C.M.H. Co, Inc on July 5,
 2001; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature
 that scheduled improvements are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the final
 acceptance of Contract No.39H in the amount of \$324,815.08, which includes the Final Change
 Order, a decrease of \$49,563.92, and the processing of the retention payment if the amount of
 \$16,240.76.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No.39H between the County of Erie/Erie County Sewer District
 No.2 and C.M.H. Co., Inc., 2067 Old Union Road, Cheektowaga, New York 14227 be accepted in
 the amount of \$324,815.08 which includes the Final Change Order, a decrease of \$49,563.92; and be
 it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize
 Contract No.39H between the County of Erie/Erie County Sewer District No.2 and C.M.H. Co., Inc.,
 in the amount of \$324,815.08 and make final payment in the amount of \$16,240.76, from Erie
 County Sewer District No.2 Bond Account, Fund No.430, Project No.913, and return the unused
 portion of \$49,563.92 to Unallocated Account; and be if 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., Deputy Commissioner, Department of Environment and
 Planning, and one (1) certified copy to each to Gregory Dudek, Assistant County Attorney Joseph
 Passafiume, Director of Budget Management and Finance, and Nancy Naples, Erie County
 Comptroller.
 (5-0)

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4. Item Page -2002 (Comm. 17E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning monitors the Erie County Sport Fishery Promotion Program; and

WHEREAS, Jim Hanley's Northeast Outdoors, Inc. was selected as the Erie County Sport Fishery Promotion Program vendor having been selected in response to requests for proposals (RFP) in 2000; and

WHEREAS, Erie County is desirous of developing a joint television promotion program with Niagara County that promotes regional sport fishing resources in the area; and

WHEREAS, Erie County supports promoting the regions fishery assets to a national audience to increase tourism and economic development opportunities locally.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a first amendatory agreement to the January 1, 2002 agreement with Jim Hanley's Northeast Outdoors, Inc. increasing the authorized contract amount from \$65,000 to \$80,000; and be it further

RESOLVED, that this Honorable Body does hereby authorize the use of \$15,000 from the Erie County Department of Environment and Planning Budget Fund 110, Project 945, Department 620, Account 830, sub-account 0764, Sport Fishing Promotion Program for an Erie/Niagara Region Sport Fishery Promotion Program; and be it further

RESOLVED, that the requirements for request for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since this special service must be provided immediately and it is not deemed feasible nor cost effective for the County to undertake this process; and be it further

RESOLVED, that said agreement shall be for expanding the scope of the 2002 Erie County Sport Fishing Promotion Program; and be it further

RESOLVED, that upon adoption of this resolution, the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the Commissioner of the Department of Environment and Planning, the County Comptroller, and the Director of the Division of Budget, Management and Finance.

(5-0)

5. Item Page -2002 (Comm. 17E-25)

COUNTY EXECUTIVE

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has offered a grant to Erie County Sewer District No. 6 in accordance with its Program Opportunity

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Notice (PON) No. 601-01 for performance based incentives to implement submetering of various Erie County Wastewater Treatment Plants processes; and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to participating in this NYSERDA Program; and

WHEREAS, it is anticipated that Erie County Sewer District No. 6 will appropriate \$25,000 as its cost share towards funding for the energy program at the Lackawanna Wastewater Treatment Plant.

NOW, THEREFORE, BE IT

RESOLVED, that the County's Department of Environment and Planning be authorized and directed to participate with NYSERDA under PON No. 601-01 in the estimated amount of \$25,000; and be it further

RESOLVED, that an agreement with NYSERDA and/or its designated engineer to provide submetering of the Lackawanna Wastewater Treatment Plant in Erie County Sewer District No.6 is hereby approved; and be it further

RESOLVED, that these costs will be appropriated from Sewer District Fund Balance 220 854 840 698 105, Contractual Services 220 854 840 830; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

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

(5-0)

6. Item Page -2002 (Comm. 17E-26)

COUNTY EXECUTIVE

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has offered a grant to Erie County Sewer District No. 2 in accordance with its Program Opportunity Notice (PON) No. 601-01 for performance based incentives to implement submetering of various Erie County Wastewater Treatment Plants processes; and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to participating in this NYSERDA Program; and

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WHEREAS, it is anticipated that Erie County Sewer District No. 2 will appropriate \$25,000 as its cost share towards funding for the energy program at the Big Sister Wastewater Treatment Plant.

NOW, THEREFORE, BE IT

RESOLVED, that the County's Department of Environment and Planning be authorized and directed to participate with NYSERDA for funding under PON No. 601-01 in the estimated amount of \$25,000; and be it further

RESOLVED, that an agreement with NYSERDA and/or its designated engineer to provide submetering of the Big Sister Creek Treatment Plant in Erie County Sewer District No. 2 is hereby approved; and be it further

RESOLVED, that these costs will be appropriated from Sewer District Fund Balance 220 852 820 698 105, Contractual Services 220 852 820 830; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

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

7. Item Page -2002 (Comm. 17E-27)
COUNTY EXECUTIVE

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has offered a grant to the Erie County/Southtowns Sewage Treatment Agency in accordance with its Program Opportunity Notice (PON) No. 601-01 for performance based incentives to implement submetering of various Erie County Wastewater Treatment Plant processes; and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to participating in this NYSERDA Program; and

WHEREAS, it is anticipated that the Erie County Southtowns Sewage Treatment Agency will appropriate \$25,000 as its cost sharing towards funding for the energy program at the Southtowns Advanced Wastewater Treatment Plant.

NOW, THEREFORE, BE IT

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RESOLVED, that the County's Department of Environment and Planning be authorized and directed to participate with NYSERDA under PON No. 601-01 in the estimated amount of \$25,000; and be it further

RESOLVED, that an agreement with NYSERDA and/or its designated engineer to provide submetering of the Southtowns Advanced Wastewater Treatment Plant in Erie County Sewer District No. 3 is hereby approved; and be it further

RESOLVED, that these costs will be appropriated from Sewer District Fund Balance 220 853 830 698 105, Contractual Services 220 853 830 830; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

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

JOHN W. GREENAN
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 401

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PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATOR LARSON.

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

Item Page -2002 (Comm. 17M-2)

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- a. **GAR ASSOCIATION:** Limited Appraisal in a Summary Report – Great Lakes Building – 45 Oak Street.
 (4-0) Legislator Larson absent.

- 2. Item Page -2002 (Comm. 16E-29)

COUNTY EXECUTIVE

WHEREAS, funds have been received from the New York State Emergency Management Office to update Erie County’s emergency planning activities, and

WHEREAS, these funds will be used to update local emergency planning activities,

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to enter into contract with the New York State Emergency Management Office, and to accept \$2,000 awarded by them to update local emergency planning activities, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to establish a sixth grant which will assist in updating local emergency planning for the Department of Emergency Services:

Department of Emergency Services
 HMTUSA Grant Phase VI

Revenue

SFG684 - Federal Aid – Other	\$2000
TOTAL	\$2000

Appropriations

SFG821 – Dues and Fees	\$ 600
SFG825 – Long Distance Travel	1000
SFG826 – Other Expenditures	<u>400</u>
TOTAL	\$2000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Emergency Services.
 (4-0)

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JEANNE Z. CHASE
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 402

September 26, 2002

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

ALL ITEMS REMAIN ON THE TABLE.

ELISE M. CUSACK
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 403

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GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT.

1. Item Page -2002 (Comm. 17E-9)
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WHEREAS, it is necessary to recruit at Step 3 for an Assistant County Attorney position in order to secure and retain a qualified and experienced attorney in the area of medical malpractice litigation; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the variable minimum for the position of Assistant County Attorney, Job Group 16, Step 3, effective upon the commencement of County service, and be it further,

RESOLVED, that no budget transfers are necessary to accomplish the foregoing, and be it further

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

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

2. Item Page -2002 (Comm. 17E-29)

COUNTY EXECUTIVE

WHEREAS the County Clerk's Office has previously expended \$53,611 on the purchase of a new telephone system for the Downtown Branch of the Auto Bureau, and

WHEREAS following installation of the new system it was determined that the system did not provide appropriate service to the office, and

WHEREAS the Division of Information and Support Services subsequently placed a different phone system in the Downtown Auto Bureau, and

WHEREAS the difference between actual payments by the County Clerk's Office for the originally purchased phone system and the one finally installed is \$30,188,

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$30,188 is hereby transferred from the Division of Information and Support Services (DAC 110927510820), to the County Clerk's Office (DAC 110916131933), and be it further

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

(5-0)

STEVEN P. McCARVILLE
CHAIRMAN

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MR. McCARVILLE moved to separate item #1 and moved the approval of the balance of the report. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MR. McCARVILLE moved the approval of item #1. MR. WEINSTEIN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 14.973 – 2.027)

LEGISLATORS RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 404

Re: Support for Emergency Services.
(Intro. 18-1)

A RESOLUTION SUBMITTED BY LEGISLATORS MARINELLI & SWANICK

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

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

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

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,890 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>
Brighton Volunteer Fire Co.	830/1518	\$1,890	(\$1,890)	-0-
Kenmore Volunteer Fire Department, Inc. (Purchase of equipment)	830/0959	\$2,500	\$1,890	\$4,390
TOTAL			-0-	

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$606 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>OLD AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Kenmore Volunteer Fire Department, Inc. (Purchase of equipment)	830/0959	\$4,390	\$606	\$4,996
TOTAL			\$606	

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, Jennifer Anger, Administrative Assistant Erie County Legislature, Assistant County Attorney Brian D.

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White, and to Kevin Walsh, Chief, Kenmore Volunteer Fire Department, Inc., (16 Nash Road, Kenmore, NY 14217.)

Fiscal Impact: Appropriation and re-appropriation of 2002-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 405

Re: Support for a Community Organization.
 (Intro. 18-2)

A RESOLUTION SUBMITTED BY LEGISLATOR MARINELLI

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,400 from the Legislature – Contractual Expense (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>OLD AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
YWCA of WNY, Inc. (Week Without Violence)	830/0390	\$4,000	\$1,400	\$5,400
TOTAL			\$1,400	

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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, Tanya Perrin-Johnson, Chief Executive Officer, YWCA of WNY, (190 Franklin Street, Buffalo, NY 14202-2462.)

Fiscal Impact: Appropriation of 2002-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 28 – MR. SWANICK presented the following resolution and moved for immediate consideration. MR. DALE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 406

Re: Designating a Portion of Abbott Road in
Honor of Buffalo Bills Hall of Fame
Quarterback Jim Kelly. (Intro. 18-3)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK, DALE & DUSZA

WHEREAS, Abbott Road is a county-owned highway which originates in the City of Buffalo, and extends through the City of Lackawanna, and the Towns of Orchard Park and Hamburg, and

WHEREAS, former Buffalo Bills quarterback Jim Kelly was recently inducted into the Professional Football Hall of Fame in Canton, OH, capping an outstanding professional career which included leading the Bills to four consecutive trips to the Super Bowl, and

WHEREAS, Jim Kelly is the player most closely associated with the Buffalo Bills teams of the 80s and 90s, which thrilled and captivated live and television audiences in Buffalo, Erie County and Western New York, and

WHEREAS, Abbott Road is a thoroughfare immediately adjacent to Ralph Wilson Stadium – the home of the Buffalo Bills, and

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WHEREAS, a proposal has been made to rename that portion of Abbott Road between Southwestern Boulevard and Bills Drive as “Jim Kelly Boulevard,” as a fitting honor to Jim’s illustrious career, and, more importantly, to the many civic and philanthropic causes to which Jim Kelly has dedicated his post-football career, and

WHEREAS, this portion of Abbott Road is commercial in nature; its eastern half is comprised of Ralph Wilson Stadium and its western half is comprised primarily of businesses, and

WHEREAS, designating – as opposed to renaming – that portion of Abbott Road in this manner would be supplementary in nature; it would require no changes of address for businesses and would allow for the county to appropriately honor one of the all-time great Buffalo Bills,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does offer its most sincere congratulations to Jim Kelly upon the occasion of his election to the Professional Football Hall of Fame, and be it further

RESOLVED, that this Honorable Body does hereby authorize that the portion of Abbott Road (CR 4) located between Bills Drive to the south and Southwestern Boulevard to the north, in the Town of Orchard Park, to be designated “Jim Kelly Boulevard,” and be it further

RESOLVED, that said designation of Abbott Road as “Jim Kelly Boulevard” is supplementary to the existing Abbott Road name, with said section of Abbott Road to be affixed with signage indicating the street’s designation as “Jim Kelly Boulevard” above existing or new Abbott Road signage, ensuring that no businesses or residents are mandated to change their mailing addresses, and be it further

RESOLVED, that the Deputy Commissioner of Public Works – Highways be and hereby is authorized and directed to cause said portion of Abbott Road to be so designated by completing any and all paperwork necessary to effectuate such designation, by informing town officials, state officials, and local residents of such designation, and by the posting of appropriate signage consistent with such designation, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Commissioner of Public Works, the Deputy Commissioner of Public Works – Highways, the Commissioner of the New York State Department of Transportation, the Supervisor of the Town of Orchard Park, and to Jim Kelly.

Fiscal Impact: Minimal.

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

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CARRIED UNANIMOUSLY.

Item 29 – MR. DALE presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 407

Re: Support for a Community Beautification Project. (Intro. 18-4)

A RESOLUTION SUBMITTED BY LEGISLATOR DALE

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$200 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>
Friends of the Woods	830/0382	\$200	(\$200)	-0-
Neighborhood Information Center, Inc. (Community beautification)	830/0741	\$170,132	\$200	\$170,332
TOTAL			-0-	

and be it further

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

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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; First Administrative Assistant Legislature Kelly A. Brown; Stanley Wrobel, Neighborhood Information Center, Inc., (1170 Broadway, Buffalo, NY 14212.)

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

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

CARRIED UNANIMOUSLY.

Item 30 – MR. SWANICK presented the following resolution and moved for immediate consideration. MR. DALE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 408

Re: Urging NYS to Cap Mandatory Local Share
 Contributions to Medicaid Program.
 (Intro. 18-5)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK, DALE, DUSZA &
 MARINELLI

WHEREAS, the Medicaid program was established in 1965 as a jointly funded cooperative venture between the Federal and State governments to assist States in providing adequate, quality health care to an eligible disadvantaged population, and

WHEREAS, under Medicaid each State administers its own program which includes: establishing its own eligibility standards; determining the type, amount, duration and scope of services; and setting the rate of payment for services, and

WHEREAS, a national formula requires the federal government to pay 50% of the costs and the New York State to bear the remaining 50%, and

WHEREAS, New York is one of only a handful of States that require county governments to pay for Medicaid costs not covered by the federal government, and of these most only charge local governments for the administrative costs associated with the program, and

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WHEREAS, in fact, a 1994 survey report from the Advisory Council on Intergovernmental Relations on local government responsibilities in health care reported that New York State's local taxpayers fund an astounding 84% of all local share dollars paid nationwide, and

WHEREAS, since the enactment of the Medicaid program, counties in New York State have been required to share in the costs of services, with local taxpayers funding approximately \$4 billion through county budgets, and

WHEREAS, Erie County's mandated Medicaid costs have increased over \$24 million in just the last four years from \$117.30 million in 1998 to \$141.44 this fiscal year, and

WHEREAS, Medicaid is just one of several State mandated county share expenditures which total \$336.03 million in Erie County this year alone, and

WHEREAS, with 2002 Erie County property tax revenues estimated at approximately \$153 million, it is rational to accept, without State mandates for Social Services and Medicaid, there would be no need to collect County property taxes, and

WHEREAS, counties across the state are reporting on average 58% of their budgets are mandated by the state, and

WHEREAS, larger counties similar to Erie County such as Suffolk, Westchester and Nassau Counties are projecting a Medicaid cost increase in excess of \$20 million for 2003, and

WHEREAS, facing severe financial hardships, most New York Counties are being forced to consider significant property tax increases, additional sales taxes, reduced services, and employee layoffs to pay for these mounting state mandates, and

WHEREAS, in recent weeks a bi-partisan partnership of County Executives from Nassau, Suffolk and Westchester Counties came together to protest the ever increasing State mandates and call for a cap on their counties' local share of Medicaid costs at the 2001 levels; advocate for a reduction in pharmaceutical costs and fight against County contribution toward the cost of Family Health Plus,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature remains persistent in its message that Erie County taxpayers cannot afford the heavy burden of escalating New York State mandates, and

RESOLVED, pending the State reassuming current County mandated social services expenses, this Honorable Body hereby joins the call for a cap on county local share Medicaid costs at 2001 levels, advocates for a reduction in pharmaceutical costs and re-states our belief that the state should pay for newly developed programs such as Family Health Plus, and

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RESOLVED, that this Honorable Body does further reaffirm its support for programs and initiatives on the state level which seek to extend health care services and benefits to those who cannot afford them, but does oppose efforts on the state level to impose new unfunded state mandates on county taxpayers, and

RESOLVED, that certified copies of this resolution be forwarded to Governor George A. Pataki, the Western New York Delegation of State Representatives, Erie County Executive Joel A. Giambra, Nassau County Executive Thomas R. Suozzi, Suffolk County Executive Robert J. Gaffney and Westchester County Executive Andrew J. Spano.

Fiscal Impact: Positive for Erie County Taxpayers.

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

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors:

DeBENEDETTI, WEINSTEIN, FALKNER, CHASE, McCARVILLE, CUSACK, RANZENHOFER, LARSON, KUWIK, SCHROEDER, FISHER & PEOPLES

MR. SWANICK moved the approval of the resolution as amended. MR. DALE seconded. MR. HOLT voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.207 – 0.793)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 409

Re: Support for State Legislation Enacting the
DWI Omnibus Act of 2001 (S.3621)
(Intro. 18-6)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

WHEREAS, the laws of New York State are deficient when it comes to deterring individuals from driving a motor vehicle and other vehicles while under the influence of alcohol, and

WHEREAS, recent studies show that a majority of drivers are impaired at .08% BAC (Blood Alcohol Content) but current law does not allow for these individuals to be charged with Driving While Intoxicated (DWI) unless their BAC is at or in excess of .10% BAC, and

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WHEREAS, mandatory license suspension under New York State's "prompt suspension" law does not go into effect until a driver's BAC reaches .10%, and

WHEREAS, current law only allows for intoxication to be measured by blood and not breath, therefore requiring police officers to convert the breath alcohol measurement to a blood alcohol measurement leaving the conversion to be scrutinized by a defendant charged with DWI, and

WHEREAS, the DWI Omnibus Act of 2001 would lower the legal limit for DWI from .10% to .08% BAC, and

WHEREAS, a court shall suspend a driver's license under New York State's "prompt suspension" law at .08% BAC rather than .10% BAC, and

WHEREAS, under the new law, police will be authorized to measure BAC by breath as well as by blood to create an alternative standard for measuring a motorist's level of intoxication, and

WHEREAS, if New York State lowers the legal limit for DWI from .10% to .08% BAC then more federal road funding would be available, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature lends its support to the strengthening of New York State DWI laws, and be it further

RESOLVED, that this Honorable Body does hereby urge the New York State Senate to pass the DWI Omnibus Act of 2001, S.3621, that the New York State Assembly introduce companion legislation on this subject, and New York State Governor George Pataki sign these bills into law when passed, and be it further

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

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors:

DeBENEDETTI, WEINSTEIN, FALKNER, McCARVILLE, CUSACK, RANZENHOFER, LARSON, SWANICK, KUWIK, SCHROEDER, FISHER, DALE & DUSZA.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 410

Re: Support for Enacting NY Automobile Insurance Fraud and Premium Reduction Act (NYAIFPRA) to Reduce Insurance Fraud & Lower Cost of Premiums. (Intro. 18-7)

A RESOLUTION SUBMITTED BY LEGISLATOR RANZENHOFER

WHEREAS, the New York State Assembly has introduced legislation to enact the New York Automobile Insurance Fraud and Premium Reduction Act (NYAIFPRA), and

WHEREAS, the frequency and cost of no-fault automobile claims in New York are rising at an alarming rate, and

WHEREAS, an inordinate number of these no-fault automobile claims are a result of fraud, and

WHEREAS, no-fault fraud includes staged accidents, falsified accident reporting and fictitious or unnecessary medical treatments, and

WHEREAS, the no-fault managed care option of NYAIFPRA, which contains out-of-control medical costs, would be reinstated, and

WHEREAS, the NYAIFPRA no-fault managed care option would provide injured persons with adequate flexibility in selecting a health care provider for their injuries under no-fault claims, and

WHEREAS, sophisticated medical treatment and diagnostic testing protocols would be employed in the evaluation and treatment of injuries sustained in automobile accidents to detect whether fraud exists, and

WHEREAS, NYAIFPRA contains reasonable time frames for notification of a claim and submission of medical bills to insurers with provisions intended to curb the fraudulent over-utilization of medical treatments, and

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WHEREAS, arbitration would be the exclusive remedy for claim disputes under the Act rather than litigation, and

WHEREAS, NYAIFPRA also directs \$3.1 million in resources to district attorneys, the front line in the battle against no-fault fraud, for prosecution of these crimes;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is highly supportive of reducing the instances of insurance fraud, thus lowering the cost of automobile insurance premiums in New York State, and be it further

RESOLVED, that this Honorable Body does hereby urge the New York State Assembly to pass the New York Automobile Insurance Fraud and Premium Reduction Act and does hereby urge the New York State Senate to introduce companion legislation on this subject, and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Assembly Speaker Sheldon Silver, NYS Senate Majority Leader Joseph Bruno and the Western New York delegation of the New York State Legislature.

Fiscal Impact: To be determined.

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

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors:

DeBENEDETTI, WEINSTEIN, FALKNER, CHASE, McCARVILLE, CUSACK,
 RANZENHOFER, LARSON, SWANICK, KUWIK, HOLT, FISHER, DALE & DUSZA

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

CARRIED. (WEIGHTED VOTE: 16.039 – 0.961)

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 33 – MR. McCARVILLE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Intro. 5-10. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 411

Re: Support for Televised Legislative Sessions
and committee Meetings.

A RESOLUTION SUBMITTED BY LEGISLATORS DALE, SWANICK, HOLT & DUSZA

WHEREAS, the Erie County Legislature is the policymaking legislative assembly for the county of Erie, and

WHEREAS, this Honorable Body is well covered by officials of the print and electronic media, and

WHEREAS, during the last quarter of the last century, televised coverage of the United States House of Representatives through C-SPAN and its affiliate networks revolutionized television and radio coverage of public institutions, most especially the United States Congress, and

WHEREAS, in the early 1990s, New York State experimented with a similar network, then known as NY-SCAN, and has recently re-started televised coverage of the proceedings of the New York State Legislature on television and over the internet, and

WHEREAS, for a short period in the 1990s, the Erie County Legislature allowed for televised broadcast of its legislative sessions, although success was mixed, and

WHEREAS, an individual affiliated with the Buffalo Independent Media Center, Gary F. Mooney, has written to legislators seeking assent for his efforts to visually and audibly record sessions and committee meetings of the Erie County Legislature for broadcast on Community Access Cable Television (CATV) channels in Erie County, and

WHEREAS, thus far, Mr. Mooney has acted with professionalism and a sincere concern to bring forth the proceedings of the Legislature to the general public at large, and

WHEREAS, Mr. Mooney has received official credentials as a member of the press, having been issued a New York State Sheriffs' Association press pass by the Erie County Sheriff's Office, and

WHEREAS, Mr. Mooney has studied and sets his professional and ethical guidelines by the New York State Open Government Laws, NYS Law: Freedom of Information Law (Public Officers Law, sections 84-90) and the Open Meetings Law (Public Officers Law, sections 100-111), and

WHEREAS, Mr. Mooney has successfully provided similar services in the past for the citizens of Monroe County and Rochester, NY, and

WHEREAS, Mr. Mooney has indicated that the rights to the recorded sound and images resulting from his work product, that which is produced through his own efforts, shall remain under his control, and shall be available in an archived format from the Buffalo Independent Media Center,

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that this library shall be known as "The Public Hearing Archive," and shall be available to the general public for an as-yet undetermined fee, and

WHEREAS, inasmuch as this Honorable Body maintains a deep commitment to openness, it is altogether fitting and proper that a resolution be adopted formalizing authorization for such activities,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to openness in government and to express its eagerness to best publicize its proceedings for the consumption of the general public at large, and be it further

RESOLVED, that this Honorable Body does hereby authorize Mr. Gary Mooney to record the proceedings of the Erie County Legislature for unabridged broadcast on local Community Access Cable Television (CATV) channels in Erie County, and be it further

RESOLVED, that no funds shall be allocated from the county for the specific recording and archiving service, and be it further

RESOLVED, that Mr. Mooney is hereby requested, as a courtesy, to report to the Erie County Legislature on a bi-annual basis within the Legislature's Government Affairs Committee to inform legislators as to the relative success of his efforts in this regard, and be it further

RESOLVED, that certified copies of this resolution be sent to Gary F. Mooney, the Buffalo Independent Media Center, Lyle Toohey, President, Western New York chapter of the League of Women Voters, Scott Harshbarger, President, New York State Common Cause, Blair Horner, Executive Director, New York Public Interest Research Group (NYPIRG), and to the Director of the Buffalo and Erie County Public Library System.

FISCAL IMPACT: None for resolution.

MR. SWANICK moved to send the resolution back to the GOVERNMENT AFFAIRS COMMITTEE. MR. DALE seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 8.498 – 8.502)

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

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MR. WEINSTEIN moved to call the question on the amendment. MR. McCARVILLE seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote be taken to call the question.

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

CARRIED. (WEIGHTED VOTE: 8.502 – 8.498)

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken on the amendment.

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

CARRIED. (WEIGHTED VOTE: 8.502 – 8.498)

ADD the following Co-Sponsors:

McCARVILLE, CUSACK & CHASE

DELETE all WHEREAS and RESOLVE clauses, and REPLACE with the following:

WHEREAS, it has been a long established principle in the United States of America that government should be as open as practically possible to its particular constituents, and

WHEREAS, James Madison, "Father" of the United States Constitution stated that, "Knowledge will forever govern ignorance and a people who mean to be their own governors must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy or perhaps both", and

WHEREAS, this freedom of the public to acquire knowledge and information regarding governmental proceedings is a unique and cherished aspect of the democracy we hold dear in the United States of America, and

WHEREAS, there has been a fundamental tension throughout the history of American government between privacy concerns of government and issues of public decorum and etiquette during the deliberative process, citizen access to governmental information and citizen observation of the public business, and

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WHEREAS, the architects of government in this great country understood this tension and crafted requirements that government provide a fair degree of access to its citizens, but tempered this grant to avoid unfettered and unregulated access, and

WHEREAS, the New York State Legislature, in fostering this principle of open government with limits, has adopted the Open Meetings Law, N.Y. Public Officers Law §§100-111 et. seq., which is predicated on the belief that “it is essential to the maintenance of a democratic society that the public business be performed in an open and public manner”, and

WHEREAS, the Open Meetings Law also states that "The people must be able to remain informed if they are to retain control over those who are their public servants", and

WHEREAS, the New York State Legislature has provided in the Open Meetings Law that public bodies must make all reasonable efforts to provide barrier-free access to the public for information and observation, and

WHEREAS, the Open Meetings Law provides for various exceptions and exemptions for certain types of meetings and information, and

WHEREAS, while the Open Meetings Law obligates governments, like the Erie County Legislature, to perform public business in the open for observation by the body politic, the public that attends has the responsibility to act in a reasonable and non-disruptive manner that does not upset the deliberative process, and

WHEREAS, under the Open Meetings Law, the Erie County Legislature has, in the past, allowed and encouraged members of its constituency to exercise their right and their freedom as citizens of the United States of America to obtain knowledge of Erie County government’s activities by observing public meetings,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature has long stood for open access to its business by the public and credentialed media and does hereby reaffirm its commitment to the Open Meetings Law, the freedoms that living in a democracy provides, and transparency in government, and be it further

RESOLVED, that this Honorable Body hereby reaffirms the right of the public to attend and observe the Erie County Legislature at its deliberative process at legislative sessions and committee meetings to foster truth in government and enhance the public’s confidence in public proceedings, and be it further

RESOLVED, that this Honorable Body hereby encourages all interested members of the body politic and credentialed media to attend and observe the public business of the Erie County

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Legislature consistent with the provisions of the Open Meetings Law, the Rules of Order of the Erie County Legislature, and the policies and procedures of this Honorable Body.

MR. RANZENHOFER moved to further amend the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsor:
 RANZENHOFER

MR. DALE moved to send the resolution as amended back to the GOVERNMENT AFFAIRS COMMITTEE. MR. SWANICK seconded.

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 8.498 – 8.502)

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

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

Item 34 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 17E-16. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 412

Re: Roofing Work at Akron Falls Park, #KM-02-07.

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

CARRIED UNANIMOUSLY.

ADD the following:

WHEREAS, the Department of Public Works received bids on September 18, 2002 for Roof Replacement – Akron Falls Park and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Roof Replacement – Akron Falls Park as follows:

ROOFING WORK

Jameson Roofing Co., Inc.

Base Bid	\$129,989.00	
Masonry – Alt. #R-1A	\$ 43,430.00	
Masonry – Alt. #R-1B	<u>\$ 32,300.00</u>	
Total		\$205,719.00

and be it further,

RESOLVED, that the sum of \$25,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the sum of \$2,000.00 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 following: 2002 Countywide Roof Replacement & Waterproofing, Project 296, Fund 410, in the amount of \$144,489.00 and 2002 Countywide Exterior Rehabilitation, Project 293, Fund 410, in the amount of \$88,230.00 and be it further,

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 35 – MR. WEINSTEIN moved for a suspension of the rules to include an item not on the agenda. MS. CHASE seconded.

GRANTED.

RESOLUTION NO. 413

Re: Reallocation of Funds. (Intro. 18-8)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

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

WHEREAS, during the July 11, 2002 Session of the Erie County Legislature funding was appropriated to the Traffic Safety Board for Stop-DWI programming, and

WHEREAS, funding for this program would be more appropriately handled via an interdepartmental transfer to the Erie County Stop-DWI Office rather than to the Traffic Safety Board, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$4,600 from Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, Account 830, Sub Account 1596 Traffic Safety Board (1109213018301596) to the Legislature – Contractual fund (110905100830), and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$4,600 from the Legislature – Contractual Expense (DAC: 110905100830) to Grant Fund, Interfund Revenue-Subsidiary, County Executive Stop-DWI Program (2816831106861100), and be it further

RESOLVED, the County Executive's Stop-DWI Program Budget is hereby amended to increase the following account: Other Expenses, Traffic Safety Board (281683110826300) \$4,600, and be it further

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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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; and to John F. Sullivan, Director of the Office of Stop-DWI.

Fiscal Impact: Appropriation of 2002 - budgeted funds

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

CARRIED UNANIMOUSLY.

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

GRANTED.

RESOLUTION NO. 414

Re: Funding for Various Community
Organizations. (Intro. 18-9)

A RESOLUTION SUBMITTED BY LEGISLATORS RANZENHOFER & LARSON

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 \$17,984 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301

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Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Hy View Fire District # 8 <i>(fire prevention)</i>	830/	\$2,500
Clarence Historical Society <i>(historical preservation)</i>	830/	\$2,500
Amherst Rodent Control <i>(public health - rodent control)</i>	830/1277	\$1,000
Clarence Senior Center <i>(senior programming)</i>	830/1141	\$8,989
Olmsted Center for the Visually Impaired Preschool <i>(Aladdin Rainbow CCTV – aid for visually impaired)</i>	830/	\$2,995
TOTAL		\$17,984

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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Alan Blachowski, Hy-View Fire District No. 8 (8 Airport Avenue, Cheektowaga, NY 14225); Elisha Braaten, Clarence Historical Society (10465 Main Street, Clarence, NY 14031); Leonard Fiegl, Senior Refuse Officer, Amherst Rodent Control (5583 Main Street, Williamsville, NY 14221); Janice Whittier, Clarence Senior Center (46 Thompson Road, Clarence, NY 14031); and to Judy McCoy, Olmsted Center for the Visually Impaired Preschool (1170 Main Street, Buffalo, NY 14209).

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

Item 37 – MR. WEINSTEIN moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.

Comm. 18E-32 From CHAIRMAN DeBENEDETTI Re: 2002 Committee Assignments (Revised).

RECEIVED, FILED & PRINTED.

October 3, 2002

2002 COMMITTEE ASSIGNMENTS (Revised)

ECONOMIC DEVELOPMENT

Chair: Michael H. Ranzenhofer
 Vice Chair: Dale W. Larson
 Members: Gregory P. Falkner
 Edward J. Kuwik
 George A. Holt Jr.

Clerk: *Barbara Burke*

HUMAN SERVICES

Chair: Barry A. Weinstein
 Vice Chair: Dale W. Larson
 Members: Jeanne Z. Chase
 Judith P. Fisher
 George A. Holt, Jr.

Clerk: *Robin Sion*

FINANCE & MANAGEMENT

Chair: Dale W. Larson
 Vice Chair: Michael H. Ranzenhofer
 Members: Gregory P. Falkner
 Crystal D. Peoples
 Charles M. Swanick

Clerk: *Brad Rybczynski*

COMMUNITY ENRICHMENT

Chair: Elise M. Cusack
 Vice Chair: Barry A. Weinstein
 Members: Steven P. McCarville
 Lynn M. Marinelli
 Judith P. Fisher

Clerk: *Brad Rybczynski*

ENERGY & ENVIRONMENT

GOVERNMENT AFFAIRS

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Chair: George A. Holt Jr.
 Vice Chair: Michael H. Ranzenhofer
 Members: Jeanne Z. Chase
 Raymond K. Dusza
 David Dale

Chair: Steven P. McCarville
 Vice Chair: Jeanne Z. Chase
 Members: Elise M. Cusack
 Charles M. Swanick
 Lynn M. Marinelli

Clerk: *Joseph Speth*

Clerk: *Joseph Speth*

PUBLIC SAFETY

Chair: Jeanne Z. Chase
 Vice Chair: Dale W. Larson
 Members: Steven P. McCarville
 Edward J. Kuwik
 Raymond K. Dusza

Clerk: *Joseph Spino, Jr.*

REGIONALISM AD HOC

Chair: Barry A. Weinstein
 Vice Chair: Steven P. McCarville
 Members: Elise M. Cusack
 Mark J. F. Schroeder
 David Dale

Clerk: *Tod Kniazuk*

Al DeBenedetti – Erie County Legislature Chairman

Item 38 – MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda. MR. HOLT seconded.

GRANTED.

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

GRANTED.

Comm. 18E-33 From LEGISLATORS PEOPLES & HOLT Re: West Nile Virus.

COMMUNICATIONS FROM ELECTED OFFICIALS**FROM LEGISLATOR SWANICK**

Item 39 – (Comm. 18E-1) Copy of Letter to County Executive Re: Recommendation for Minority Caucus Appointment to Commission on Status of Women.

Received and filed.

FROM THE COMPTROLLER

MEETING NO. 18
October 3, 2002

ERIE COUNTY LEGISLATURE

Item 40 – Apportionment & Distribution of 4% Sales Tax Revenue Received by Erie County from NYS for 9/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 410

Re: Appointment of John W. Greenan as
 Commissioner of Personnel. (Comm. 18E-4)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of John W. Greenan as Commissioner of Personnel for Erie County for a six year term beginning on September 30, 2002.

MR. WEINSTEIN moved the approval of the resolution. MR. RANZENHOFER seconded. MR. DALE voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 – 0.888)

Item 42 – (Comm. 18E-7) DPW – Amendments to Personnel Positions.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 43 – (Comm. 18E-8) Engineering Agreement Close-Out (11-5-98) – Bergmann Associates, Engineers, Architects, Surveyors.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 44 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 417

Re: Personnel – Commissioner of Personnel –
 Variable Minimum. (Comm. 18E-9)

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WHEREAS, the 2002 Erie County budget resolutions stipulate that both the County Executive and the Legislature must approve all requests for authority to recruit at a higher increment level; and

WHEREAS, the authorization of a variable minimum for the position of Commissioner of Personnel is crucial to the delivery of essential public services; and

WHEREAS, it is necessary to recruit at step 2 of job group 18 in order to secure and retain a qualified and experienced individual.

NOW, THEREFORE, BE IT

RESOLVED, that a variable minimum is hereby approved for the following title commencing September 30, 2002 as follows:

<u>Title</u>	<u>Job Group</u>
Commissioner of Personnel	18-2

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 45 – (Comm. 18E-10) Appointments & Reappointments to EC Community Coordinating Council on Children & Families.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 46 – (Comm. 18E-11) Appointment of Peter Vito to Conditional Release Commission.

RECEIVED, FILED & PRINTED.

September 30, 2002

The Honorable
 Erie County Legislature
 25 Delaware Avenue

MEETING NO. 18
October 3, 2002

ERIE COUNTY LEGISLATURE

Buffalo, New York 14202

Re: Appointment to Conditional Release Commission.

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Section 271, New York State Corrections Law Article 12, do hereby appoint the following individual to the Conditional Release Commission for the term stated.

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRATION</u>
PETER M. VITO 461 Linwood Avenue Buffalo, NY 14209	September 1, 2005

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG:bmc

cc: Appointee

Commissioner George B. Alexander, Dept. of Probation

Item 47 – (Comm. 18E-12) Flexible Benefits – Tax Free Qualified Parking.

Item 48 – (Comm. 18E-13) Deferred Compensation Plan.

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

Item 49 – (Comm. 18E-14) Centralized Regional GIS/Real Property/Tax System.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 50 – (Comm. 18E-15) DISS – Director of Fleet Operations Position.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 51 – (Comm. 18E-16) Sale of County Owned Inventory – Carl Avenue, Town of Cheektowaga.

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Item 52 – (Comm. 18E-17) Sale of County Owned Inventory – Olympic Avenue, Town of Hamburg.

Item 53 – (Comm. 18E-18) Sale of County Owned Inventory – 4743 Harlem Road, Town of Amherst.

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

Item 54 – (Comm. 18E-19) Health – HIV Seroprevalence Study 7/1/02 – 6/30/03.

Item 55 – (Comm. 18E-20) Health – Division of Medical Examiner NYS Archives Microfilming Grant 7/1/02 – 6/30/03.

Item 56 – (Comm. 18E-21) Health – Lease Agreement for WIC Program Distribution Site – 155 Lawn Avenue, City of Buffalo.

Item 57 – (Comm. 18E-22) Health – Healthy Heart Program Grant 7/1/02 – 3/31/03.

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

Item 58 – (Comm. 18E-23) Notice of Adoption – ECSD 2003 Assessment Rolls.

Item 59 – (Comm. 18E-24) ECSD Nos. 1, 2, 4 & 5 – Web Based Operation & Maintenance Manual Agreement.

Item 60 – (Comm. 18E-25) ECSD No. 2 – 18 Mile Creek/Sweetland Pumping Station Modification & Site Improvements Contract “A” – Close-Out – Paul Gallo Contracting.

Item 61 – (Comm. 18E-26) ECSD No. 3/Southtowns Sewage Treatment Agency – Transfer of Funds.

Item 62 – (Comm. 18E-27) ECSD No. 4 – EC Sewer Agency Report Modification of Plans (2002).

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

FROM THE COMPTROLLER

Item 63 – (Comm. 18E-28) Bond Resolution – \$1,140,000 – Reconstruction of Existing Courthouse Buildings – Increase in Authorization.

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Item 64 – (Comm. 18E-29) Bond Resolution – \$1,840,000 – Partial Reconstruction/Improvements at Various County Buildings.

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

FROM THE SHERIFF

Item 65 – (Comm. 18E-30) Personnel Adjustments.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR LARSON

Item 66 – (Comm. 18E-31) Letter to Budget Director Re: Accounting of Recent Expenditures & Fund Balances.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 67 – (Comm. 18D-1) Notice of County Executive's Public Hearing on Local Law Intro No. 8 – 2002.

RECEIVED, FILED & PRINTED.

September 20, 2002

VIA HAND DELIVERY

Ms. Laurie A. Manzella, Clerk
 Erie County Legislature
 25 Delaware Avenue, 7th Floor
 Buffalo, New York 14202

RE: Notice of Public Hearing
 Local Law Intro. No. 8-2002

Dear Ms. Manzella:

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October 3, 2002

ERIE COUNTY LEGISLATURE

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on September 19, 2002.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF
 Erie County Attorney

By: MELISSA O. HEIMERL
 Assistant County Attorney

encl.

cc: Frederick A. Wolf, Erie County Attorney
 Susannah M. Bochenek, 2nd Assistant County Attorney
 Thomas P. DeMartino, Esq., Senior Executive Assistant
 (all w/o attachment)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing Friday, October 4, 2002 at 9:30 a.m., concerning:

A LOCAL LAW in relation to N.Y. County Law Section 224-a concerning a voluntary registry to notify interested citizens of Erie County regarding commercial pesticide applications on abutting property for the eliminating of noxious weeds.

The hearing will be held in the Ceremonial Courtroom, Part 6, 2nd floor of the old County Hall, 92 Franklin Street, in the City of Buffalo.

On September 19, 2002, the Erie County Legislature adopted Erie County Local Law Intro. No. 8 of 2002. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
 Erie County Executive

Item 68 – (Comm. 18D-2) Notice of Claims.

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Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DEP

Item 69 – (Comm. 18D-3) SEQR – Solicitation for Lead Agency Status – 45 Oak Street & 100 North Division Street, City of Buffalo.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMC

Item 70 – (Comm. 18D-4) Notice of Board of Managers Meeting to be Held 10/17/02.

Item 71 – (Comm. 18D-5) Notice of Finance Committee Meeting to be Held 10/25/02.

Item 72 – (Comm. 18D-6) Notice of JCC/Planning Committee Meeting to be Held 10/25/02.

Item 73 – (Comm. 18D-7) Agenda for Meeting Held 9/27/02 & Minutes of Previous Meeting.

The above four items were received and filed.

FROM THE COUNTY ATTORNEY

Item 74 – (Comm. 18D-8) Instructions to Clerk of Legislature for Presenting Proposition to Board of Elections Commissioners.

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 75 – (Comm. 18D-9) Copy of Letter to Board of Elections Re: Proposition for 11/5/02 General – Local Law Intro No. 2 – 2002.

Item 76 – (Comm. 18D-10) Copy of Memo to 2nd County Attorney Re: Proposition No. 1 – 11/5/02 General Election.

Item 77 – (Comm. 18D-11) Letter to Chairman DeBenedetti Re: Resignation of John W Greenan.

The above three items were received and filed.

FROM THE COUNTY ATTORNEY

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October 3, 2002

ERIE COUNTY LEGISLATURE

Item 78 – (Comm. 18D-12) Notice of Claim.

Item 79 – (Comm. 18D-13) Notice of Claim.

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM SENATOR RATH

Item 80 – (Comm. 18M-1) Receipt of Resolution.

Received and filed.

FROM THE NFTA

Item 81 – (Comm. 18M-2) Board Minutes from Meeting Held 8/19/02.

Received and filed.

FROM THE URS CORPORATION

Item 82 – (Comm. 18M-3) Electronic Mail Re: Niagara Power Project Relicensing.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE CITY OF BUFFALO DEPARTMENT OF ASSESSMENT

Item 83 – (Comm. 18M-4) Transit Mall Service Charge Roll.

Received and filed.

FROM THE ERIE COUNTY REPUBLICAN COMMITTEE

Item 84 – (Comm. 18M-5) Letter to Clerk of Legislature Re: 9th Legislative District Endorsement of Gregory Falkner.

Received and filed.

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MEMORIAL RESOLUTIONS

Item 85 – Legislator Dusza requested that when this legislature adjourns, it do so in memory of William Giambra.

Item 86 – Legislator Holt requested that when this legislature adjourns, it do so in memory of Ida Hill.

Item 87 – Legislator Marinelli requested that when this legislature adjourns, it do so in memory of Thomas Delaney.

Item 88 – Legislator McCarville requested that when this legislature adjourns, it do so in memory of Kevin Maloney.

Item 89 – Legislator Fisher requested that when this legislature adjourns, it do so in memory of Herbert Richardson.

Item 90 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Marvin Epst.

Item 91 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Joseph Nowicki.

ADJOURNMENT

Item 93 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. WEINSTEIN moved that the Legislature adjourn until 2 p.m. Thursday, October 17, 2002. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, October 17, 2002 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK