

MEETING NO. 5
February 28, 2002

ERIE COUNTY LEGISLATURE

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The Legislature was called to order by Chairman DeBenedetti.

All Members Present except Legislator Fisher.

A moment of silence was held.

The Pledge of Allegiance was led by Ms. Peoples.

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. 19 of 2001. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 2 – MS. CHASE presented a resolution Honoring Hamburg Chamber of Commerce First Annual Student Star Awardees. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 3 – MS. MARINELLI presented a resolution Honoring Bruno Pistrin Upon His Retirement from ECC. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. DUSZA presented a resolution Honoring Captain John Howlett Upon His Retirement from the Cheektowaga Police Force. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. DUSZA presented a resolution Commemorating Christine Ziemba on Becoming the First Female Chief of the Cheektowaga Police Department. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 6 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #1) 2001 remain on the table.

Item 7 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #2) 2001 remain on the table.

Item 8 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #3) 2001 remain on the table.

Item 9 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 remain on the table.

Item 10 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 11 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 12 – CHAIRMAN DeBENEDETTI directed that Local Law No. 10 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 13 – CHAIRMAN DeBENEDETTI directed that Local Law No. 1 (Print #1) 2002 remain on the table.

Item 14 – CHAIRMAN DeBENEDETTI directed that Local Law No. 1 (Print #2) 2002 remain on the table.

Item 15 – CHAIRMAN DeBENEDETTI directed that Local Law No. 1 (Print #3) 2002 remain on the table.

Item 16 – MR. SWANICK moved to remove Local Law No. 1 (Print #4) 2002 from the table. MR. DALE seconded.

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 7.513 – 8.502)

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

Item 17 – MR. GREENAN moved to remove Local Law No. 2 (Print #1) 2002 from the table. MR. RANZENHOFER seconded.

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 8.502 – 7.513)

COUNTY OF ERIE

RECEIVED
ERIE COUNTY LEGISLATURE

2002 FEB -5 A 10:46

Local Law No. _____ - 2002
Local Law Intro. No. 2 - 2002

A LOCAL LAW amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to the composition of the county legislative districts.¹

BE IT ENACTED BY LEGISLATURE OF THE COUNTY OF ERIE, AS FOLLOWS:

Section 1. Sections 105 and 106 of Article I of Local Law No. 1-1959, as amended by Local Law No. 2-1991, and Section 201 of Article II of Local Law No. 1-1959, as amended by Local Law No. 1-1967, constituting the Erie County Charter, is hereby amended to read as follows:

ARTICLE I
ERIE COUNTY AND ITS GOVERNMENT

Section 105. Legislative Districts. The County of Erie is hereby divided into fifteen [seventeen] districts[, bounded and] described as follows:

DISTRICT NO. 1

Bounded on the west by Lake Erie, being part of the Town of Hamburg except the south part which is in Legislative District 12; all of the City of Lackawanna; and the southwest part of the City of Buffalo contiguous to Legislative Districts 6, 3, and 2; and except Legislative Districts 7 and 11.

The common line between Legislative District 1 and Legislative District 12 is described as follows:

Beginning at the shore line of Lake Erie, the west line of the County of Erie, at its intersection with the centerline of Pleasant Avenue extended to the north; thence southerly, southeasterly, southerly, and generally easterly along the centerline of Pleasant Avenue to its intersection with the centerline of West Pleasant Drive; thence easterly along the centerline of West Pleasant Drive and the centerline extended to the centerline of the New York State Thruway; thence northerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of South Park Avenue; thence northerly along the centerline of South Park Avenue to its intersection with the centerline of Southwestern Boulevard; thence northeasterly along the centerline of Southwestern Boulevard to its intersection with the centerline of the New York State Thruway; thence northerly along the centerline of the New York State Thruway to its intersection

¹ Pursuant to Section 204 of the Erie County Charter, matters to be eliminated from the Charter are enclosed in brackets and new matters to be added to the Charter are underscored.

with the centerline of Big Tree Road; thence easterly along the centerline of Big Tree Road to its intersection with the centerline of McKinley Parkway; thence southerly along the centerline of McKinley Parkway to its intersection with the centerline of Bayview Road; thence southeasterly along the centerline of Bayview Road to its intersection with the centerline of Armor Duells Corner Road; thence easterly along the centerline of Armor Duells Corner Road to the east line of the Town of Hamburg.

The common boundary between Legislative District 1 and Legislative District 2 is described as follows:

Beginning at the intersection of the centerline of Broadway with the intersection of the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of the former Penn Central Railroad right of way; thence southwesterly along the centerline of the Penn Central Railroad right of way to an extension to the south of Milburn Street in a straight line; thence southerly along Milburn Street extended to its intersection with the centerline of William Street; thence easterly along the centerline of William Street to its intersection with the centerline of New Babcock Street; thence southwesterly along the centerline of New Babcock Street and the centerline extended to the southwest in a straight line to the intersection of the extended centerline of New Babcock Street with the centerline of the former Erie-Lackawanna Railroad; thence southwesterly along the centerline of the Erie-Lackawanna Railroad to its intersection with the former B & C Railroad lands; thence southwesterly along the centerline of the B & C Railroad lands to the centerline of the Niagara Section of the New York State Thruway; thence westerly along the Niagara Section of the New York State Thruway to its intersection with the centerline of Hamburg Street; thence southwesterly along the centerline of Hamburg Street to its intersection with the centerline of South Park Avenue; thence northwesterly along the centerline of South Park Avenue to its intersection with the centerline of Louisiana Street; thence southwesterly along the centerline of Louisiana Street to its intersection with the centerline of O'Connell Street; thence southeasterly along the centerline of O'Connell Street to its intersection with the centerline of Vicennes Street; thence southwesterly along the centerline of Vicennes Street to its intersection with the centerline of Republic Street; thence easterly along the centerline of Republic Street extended to the centerline of the former Erie-Lackawanna Railroad's lands; thence northerly and easterly along the centerline of the Erie-Lackawanna Railroad's lands to its intersection with the centerline of Fitzgerald Street extended to the southwest in a straight line; thence northeasterly along the centerline of Fitzgerald Street to its intersection with the centerline of South Park Avenue; thence along the centerline of South Park Avenue to its intersection with the centerline of the former Penn Central Railroad lines; thence southerly and easterly along the centerline of the former Penn Central Railroad lands to its intersection with the centerline of Tifft Street; thence northeasterly along the centerline of Tifft Street to its intersection with the centerline of Hopkins Street; thence southerly along the centerline of Hopkins Street to its intersection with the centerline of the former B. R. & P. Railroad; thence southeasterly along the centerline of the railroad to its intersection with the north line of the City of Lackawanna; thence easterly along the north line of the City of Lackawanna to its intersection with the west line of the Town of West Seneca.

The common boundary between Legislative District 1 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Pine Street; thence southwesterly along the centerline of Pine Street to its intersection with the centerline of South Division Street; thence southeasterly along the centerline of South Division Street to its intersection with the centerline of Hamburg Street; thence easterly along the centerline of Hamburg Street to its intersection with the centerline of Jefferson Avenue; thence northeasterly along the centerline of Jefferson Avenue to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Smith Street; thence northerly along the centerline of Smith Street to its intersection with the centerline of Howard Street; thence easterly along the centerline of Howard Street to its intersection with the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of Wilson Street; thence northerly along the centerline of Wilson Street to its intersection with the centerline of Broadway; thence northeasterly along the centerline of Broadway to its intersection with the centerline of Bailey Avenue.

The common boundary between Legislative District 6 and Legislative District 1 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street projected to the westerly line of the City of Buffalo.

[All of the City of Lackawanna.

ALSO, all of that portion of the Town of Hamburg bounded and enclosed in the following description:

COMMENCING at the intersection of the north line of the Town of Hamburg and the east line of the Town of Hamburg; thence westerly along the north line of the Town of Hamburg to the west line of the Town of Hamburg; thence southerly along the west line of the Town of Hamburg to Birchwood Drive extended; thence south along the center line of each of Birchwood Drive extended and Birchwood Drive to Ganymede Lane; thence easterly along the center line of Ganymede Lane to West Lane; thence southerly along the center line of West Lane to Lake Shore Road; thence southwesterly along the center line of Lake Shore Road to Dover Road; thence south along the center line of Dover Road extended to the Conrail right-of-way; thence northeasterly along

the Conrail right-of-way to Pleasant Avenue; thence southerly and easterly along the center line of Pleasant Avenue to West Pleasant Drive; thence easterly on West Pleasant Drive to the New York State Thruway right-of-way; thence northeasterly along said right-of-way to the west line of the Village of Hamburg at its intersection with the New York State Thruway right-of-way; thence northeasterly along the Hamburg Village line to Camp Road; thence northwest along Camp Road to the more northerly right-of-way line of the New York State Thruway; thence northeasterly along said right-of-way to South Park Avenue; thence north along the center line of South Park Avenue to Southwestern Boulevard; thence northeasterly along the centerline of Southwestern Boulevard to the New York State Thruway right-of-way; thence northerly along said right-of-way to Milestrip Road; thence east along the center line of Milestrip Road to Dickens Road; thence northeasterly along the center line of Dickens Road to Bethford Drive; thence southerly along the center line of Bethford Drive to Milestrip Road; thence east along the center line of Milestrip Road to the east line of the Town of Hamburg; thence northerly along the east line of the Town of Hamburg to the point or place of beginning.

ALSO, all that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of the west line of the City of Buffalo and Virginia Street extended; thence southerly along the west line of the City of Buffalo to the south line of the City of Buffalo; thence east, southerly, easterly, and northerly with all of its meanderings along the south line of the City of Buffalo to the intersection of Dorrance Avenue and the B.R. & P. Railroad; thence northwesterly along the B.R. & P. Railroad to Hopkins Street; thence north along the center line of Hopkins Street to Tift Street; thence westerly and southwesterly along the center line of Tift Street to the Penn Central Railroad; thence northerly along the center line of the Penn Central Railroad to its intersection with South Park Avenue and Fitzgerald Street; thence southerly along the center line of Fitzgerald Street extended to the Erie Lackawanna Railroad; thence southwesterly along the Erie Lackawanna Railroad to Vincennes Street; thence northerly along the center line of Vincennes Street to O'Connell Avenue; thence westerly along the center line of O'Connell Avenue to Louisiana Street; thence northerly along the center line of Louisiana Street to South Park Avenue; thence easterly along the center line of South Park Avenue to Hamburg Street; thence northerly along the center line of Hamburg Street to the New York State Thruway; thence easterly along the center line of the New York State Thruway to the B.C. Railroad; thence northeasterly along the B.C. Railroad to the Erie Lackawanna Railroad; thence northeasterly along the Erie Lackawanna Railroad to Babcock Street extended; thence northeasterly along Babcock Street extended to New Babcock Street; thence northeasterly along the center line of New Babcock Street to William Street; thence west along the centerline of William Street to Milburn Street extended; thence north along the center line of Milburn Street extended to the Penn Central Railroad; thence southwesterly along the Penn Central Railroad to Addison Street; thence westerly along the centerline of Addison Street to Smith Street; thence southerly along the center line of Smith Street to Eagle Street; thence northwesterly along the center line of Eagle Street to Jefferson Avenue; thence southerly along the center line of Jefferson Avenue to South Division Street; thence westerly along the center line of South Division Street to Pine Street; thence northerly along the center line of Pine Street to Eagle Street; thence westerly

along the center line of Eagle Street to Washington Street; thence northerly along the center line of Washington Street to West Huron Street; thence westerly along the center line of West Huron Street to Franklin Street; thence northerly along the center line of Franklin Street to West Chippewa Street; thence westerly along the center line of West Chippewa Street to Georgia Street; thence southwesterly along the center line of Georgia Street to Niagara Street; thence northwesterly along the center line of Niagara Street to Carolina Street thence southwesterly along the center line of Carolina Street to Busti Avenue extended; thence northwesterly along Busti Avenue extended to Virginia Street; thence southwesterly along the center line of Virginia Street extended to the point or place of beginning.]

DISTRICT NO. 2

The south part of the City of Buffalo and the south west part of the Town of Cheektowaga bounded on the west by Legislative District 1, on the north by Legislative Districts 3 and 8, on the east by Legislative District 8, Legislative District 9 and the Town of West Seneca and on the south by Legislative District 1 and the Town of West Seneca.

The common boundary between Legislative District 1 and Legislative District 2 is described as follows:

Beginning at the intersection of the centerline of Broadway with the intersection of the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of the former Penn Central Railroad right of way; thence southwesterly along the centerline of the Penn Central Railroad right of way to an extension to the south of Milburn Street in a straight line; thence southerly along Milburn Street extended to its intersection with the centerline of William Street; thence easterly along the centerline of William Street to its intersection with the centerline of New Babcock Street; thence southwesterly along the centerline of New Babcock Street and the centerline extended to the southwest in a straight line to the intersection of the extended centerline of New Babcock Street with the centerline of the former Erie-Lackawanna Railroad; thence southwesterly along the centerline of the Erie-Lackawanna Railroad to its intersection with the former B & C Railroad lands; thence southwesterly along the centerline of the B & C Railroad lands to the centerline of the Niagara Section of the New York State Thruway; thence westerly along the Niagara Section of the New York State Thruway to its intersection with the centerline of Hamburg Street; thence southwesterly along the centerline of Hamburg Street to its intersection with the centerline of South Park Avenue; thence northwesterly along the centerline of South Park Avenue to its intersection with the centerline of Louisiana Street; thence southwesterly along the centerline of Louisiana Street to its intersection with the centerline of O'Connell Street; thence southeasterly along the centerline of O'Connell Street to its intersection with the centerline of Vicennes Street; thence southwesterly along the centerline of Vicennes Street to its intersection with the centerline of Republic Street; thence easterly along the centerline of Republic Street extended to the centerline of the former Erie-Lackawanna Railroad's lands; thence northerly and easterly along the centerline of the Erie-Lackawanna Railroad's lands to its intersection with the centerline of Fitzgerald Street extended to the southwest in a straight line; thence

northeasterly along the centerline of Fitzgerald Street to its intersection with the centerline of South Park Avenue; thence along the centerline of South Park Avenue to its intersection with the centerline of the former Penn Central Railroad lines; thence southerly and easterly along the centerline of the former Penn Central Railroad lands to its intersection with the centerline of Tift Street; thence northeasterly along the centerline of Tift Street to its intersection with the centerline of Hopkins Street; thence southerly along the centerline of Hopkins Street to its intersection with the centerline of the former B. R. & P. Railroad; thence southeasterly along the centerline of the railroad to its intersection with the north line of the City of Lackawanna; thence easterly along the north line of the City of Lackawanna to its intersection with the west line of the Town of West Seneca.

The common boundary between Legislative District 2 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bailey Avenue with the centerline of Broadway; thence easterly along the centerline of Broadway to the west line of the Town of Cheektowaga.

The common line between Legislative District 2 and Legislative District 8 is described as follows:

Beginning in the centerline of Union Road at its intersection with the centerline of Cayuga Creek; thence northerly along the centerline of Union Road to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of the New York State Thruway; thence northerly along the New York State Thruway to its intersection with the centerline of the former Lehigh Valley Railroad lands; thence southwestly along the centerline of the Lehigh Valley Railroad lands to its intersection with the centerline of Harlem Road; thence northerly along the centerline of Harlem Road to its intersection with the centerline of Broadway; thence westerly along the centerline of Broadway to the east line of the City of Buffalo.

The common line between Legislative District 2 and Legislative District 9 is described as follows:

Beginning at the intersection of the centerline of Cayuga Creek with the centerline of Union Road; thence in a generally westerly direction along the centerline of Cayuga Creek to a northeast corner of the Town of West Seneca; thence continuing westerly along the north line of the Town of West Seneca to the east line of the City of Buffalo; thence southerly along the meandering east line of the City of Buffalo to the southeast corner of the City of Buffalo (near the centerline of Dorrance Avenue.)

[All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of Dorrance Avenue and the B.R.&P. Railroad; thence northwesterly along the B.R.&P. Railroad to its intersection with Hopkins Street; thence northerly along the center line of Hopkins Street to Tift Street; thence westerly and northwesterly along the

center line of Tift Street to Penn Central Railroad; thence northerly along the Penn Central Railroad to its intersection with South Park Avenue and Fitzgerald Street; thence southerly along the centerline of Fitzgerald Street extended to the Erie Lackawanna Railroad; thence westerly on the Erie Lackawanna Railroad to Vincennes Street; thence northerly along the center line of Vincennes Street to O'Connell Avenue; thence westerly along the center line of O'Connell Avenue to Louisiana Street; thence northerly along the center line of Louisiana Street to South Park Avenue; thence easterly along the center line of South Park Avenue to Hamburg Street; thence northerly along the center line of Hamburg Street to the New York State Thruway; thence easterly along the New York State Thruway to the B.C. Railroad; thence northeasterly along the B.C. Railroad to the Erie Lackawanna Railroad; thence northeasterly along the Erie Lackawanna Railroad to its intersection with New Babcock Street extended; thence northeasterly along the center line of New Babcock Street extended to William Street; thence westerly along the centerline of William Street to the intersection of Milburn Street extended; thence northerly along the center line of Milburn Street extended to the Penn Central Railroad; thence northeasterly along the Penn Central Railroad to Bailey Avenue; thence southerly along the center line of Bailey Avenue to Stanley Street; thence easterly along the center line of Stanley Street to Greene Street; thence northerly along the center line of Greene Street to Reimann Street; thence easterly along the center line of Reimann Street to Longnecker Street; thence northerly along the center line of Longnecker Street to King Street; thence northerly and easterly along the center line of King Street to Ideal Street; thence southerly along the centerline of Ideal Street to Reimann Street; thence easterly along the center line of Reimann Street to North Ogden Street; thence northerly along the center line of North Ogden Street to Reimann Street; thence easterly along the center line of Reimann Street to the east line of the City of Buffalo; thence south along the east line of the City of Buffalo to the south line of the City of Buffalo at Dorrance Avenue; thence easterly along the centerline of Dorrance Avenue to the point or place of beginning.]

DISTRICT NO. 3

Part of the City of Buffalo bounded on the east by Cheektowaga and Legislative District 1; on the north by Legislative Districts 7 and 6; on the west by Legislative Districts 6 and 1; and on the south by Legislative Districts 1 and 2.

The common boundary between Legislative District 1 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Pine Street; thence southwesterly along the centerline of Pine Street to its intersection with the centerline of South Division Street; thence southeasterly along the centerline of South Division Street to its intersection with the centerline of Hamburg Street; thence easterly along the centerline of Hamburg Street to its intersection with the centerline

of Jefferson Avenue; thence northeasterly along the centerline of Jefferson Avenue to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Smith Street; thence northerly along the centerline of Smith Street to its intersection with the centerline of Howard Street; thence easterly along the centerline of Howard Street to its intersection with the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of Wilson Street; thence northerly along the centerline of Wilson Street to its intersection with the centerline of Broadway; thence northeasterly along the centerline of Broadway to its intersection with the centerline of Bailey Avenue.

The common boundary between Legislative District 6 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bryant Street with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of North Street; thence easterly along the centerline of North Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Allen Street; thence westerly along the centerline of Allen Street to its intersection with the centerline of College Street; thence southerly along the centerline of College Street to its intersection with the centerline of Virginia Street; thence easterly along the centerline of Virginia Street to its intersection with the centerline of Delaware Avenue; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of Edward Street; thence westerly along the centerline of Edward Street to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Tupper Street; thence westerly along the centerline of Tupper Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Whitney Place; thence southeasterly along the centerline of Whitney Place to its intersection with the centerline of Georgia Street; thence southwesterly along the centerline of Georgia Street to its intersection with the centerline of Niagara Street; thence northwesterly along the centerline of Niagara Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Trenton Street extended to the southeast in a straight line; thence northwesterly along the Trenton Street extension to its intersection with the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street and its centerline extended to the centerline of the Niagara Section of the New York State Thruway.

The common boundary line between Legislative District 7 and Legislative District 3 is described as follows:

Beginning in the centerline of East Delevan Avenue at its intersection with the east line of the City of Buffalo; thence westerly along the centerline of East Delevan Avenue to its intersection with the centerline of Chelsea Street; thence southerly along the centerline of Chelsea Street and Chelsea Street extended to the south to its intersection with the centerline of East Ferry Street; thence

easterly along the centerline of East Ferry Street to its intersection with the centerline of Kehr Street; thence southerly along the centerline of Kehr Street to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of East Ferry Street; thence westerly along the centerline of East Ferry Street to its intersection with the centerline of the Kensington Expressway; thence southerly along the centerline of the Kensington Expressway to its intersection with a projection to the east of the centerline of Glenwood Avenue extended to the east; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Wohlers Avenue; thence southerly along the centerline of Wohlers Avenue to its intersection with the centerline of East Utica Street; thence westerly along the centerline of East Utica Street to its intersection with the centerline of Roehrer Avenue; thence northerly along the centerline of Roehrer Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Storz Avenue; thence northerly along the centerline of Storz Avenue to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to its intersection with the centerline of Dupont Street; thence northerly along the centerline of Dupont Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Jefferson Avenue; thence southerly along the centerline of Jefferson Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Chester Street; thence northerly along the centerline of Chester Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Utica Street; thence westerly along the centerline of Utica Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Bryant Street; thence westerly along the centerline of Bryant Street to the centerline of Richmond Avenue.

The common boundary between Legislative District 2 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bailey Avenue with the centerline of Broadway; thence easterly along the centerline of Broadway to the west line of the Town of Cheektowaga.

[All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of Main Street and Woodlawn Avenue; thence easterly along the center line of Woodlawn Avenue to Chester Street; thence south along the center line of Chester Street to Glenwood Avenue; thence east along the center line of Glenwood Avenue to Jefferson Avenue; thence north along the center line of Jefferson Avenue to Woodlawn Avenue; thence east along Woodlawn Avenue to Dupont Avenue; thence south along the center line of Dupont Avenue to Winslow Avenue; thence east along the center line of Winslow Avenue to Storz

Avenue; thence south along the center line of Storz Avenue to Glenwood Avenue; thence east along the center line of Glenwood Avenue to Roehrer Avenue; thence south along the center line of Roehrer Avenue to Utica Street; thence east along the center line of Utica Street to Wohlers Avenue; thence northerly along the center line of Wohlers Avenue to Glenwood Avenue; thence east along the center line of Glenwood Avenue to its intersection with the Kensington Expressway; thence northerly along the center line of the Kensington Expressway to its intersection at East Ferry Street; thence easterly along the center line of East Ferry Street to Fillmore Avenue; thence south along the center line of Fillmore Avenue to Winslow Avenue; thence east along the center line of Winslow Avenue to Kehr Street; thence north along the center line of Kehr Street to East Ferry Street; thence west along the center line of East Ferry Street to Chelsea Place; thence north along the center line of Chelsea Place to East Delavan Avenue; thence easterly along the center line of East Delavan Avenue to Courtland Street; thence south along the center line of Courtland Street to Easton Avenue; thence east along the centerline of Easton Avenue to the east line of the City of Buffalo at Eggert Road; thence south along the east line of the City of Buffalo to Genesee Street; thence westerly along the center line of Genesee Street to Forman Street; thence south and easterly along the center line of Forman Street to Peace Street; thence south along the center line of Peace Street to Doat Street; thence west along the center line of Doat Street to its intersection with the former Erie Lackawanna Railroad; thence north along the center line of the former Erie Lackawanna Railroad to Moeller Street extended, thence west along the center line of Moeller Street extended to Warring Avenue; thence northerly along the center line of Warring Avenue to Antwerp Street; thence west along the center line of Antwerp Street to Bailey Avenue; thence south along the center line of Bailey Avenue to Doat Street; thence west along the center line of Doat Street to Burgard Place; thence south along the center line of Burgard Place to Fay Street; thence south along the center line of Fay Street to the intersection of the former Penn Central Railroad; thence westerly along the center line of the former Penn Central Railroad to Koons Avenue extended; thence northerly along the center line of Koons Avenue extended to Walden Avenue; thence west along the center line of Walden Avenue to Mills Street; thence south along the center line of Mills Street to Sycamore Street; thence westerly along the center line of Sycamore Street to Strauss Street; thence south along the centerline of Strauss Street to Broadway; thence west along the center line of Broadway to Detroit Street; thence south along the center line of Detroit Street to West Peckham Street; thence west along the center line of West Peckham Street to Smith Street; thence south along the center line of Smith Street to Eagle Street; thence west along the center line of Eagle Street to Jefferson Avenue; thence south along the center line of Jefferson Avenue to South Division Street; thence west along the center line of South Division Street to Pine Street; thence north along the center line of Pine Street to Eagle Street; thence west along the center line of Eagle Street to Washington Street; thence north along the center line of Washington Street to Huron Street; thence westerly along the center line of Huron Street to Franklin Street; thence north along the center line of Franklin Street to West Chippewa Street; thence westerly along the center line of West Chippewa Street to Whitney Place; thence northerly and west along the center line of Whitney Place to Carolina Street; thence northerly and east along the center line of Carolina Street to West Tupper Street; thence east along the center line of West Tupper Street to Main Street; thence north along the center line of Main Street to Virginia Street; thence west along the center line of Virginia Street to Delaware Avenue; thence north along the center line of Delaware

Avenue to West Utica Street; thence east along the center line of West Utica Street to Main Street; thence north along the center line of Main Street to the point or place of beginning.]

DISTRICT NO. 4

All of the Towns of Newstead, Clarence, Amherst, and Cheektowaga, excepting therefrom those portions of the Town of Amherst and the Town of Cheektowaga which lie within Legislative Districts 2, 8, 9, 14 and 15, which exceptions are the westerly portion of the Town of Amherst and the south and west portions of the Town of Cheektowaga.

The common boundary of Legislative District 4 and Legislative District 8 is described as follows:

Beginning at the northeast corner of that part of the Village of Depew which lies within the Town of Cheektowaga in the center of Transit Road; thence westerly along the north line of the Village of Depew to an angle point in the north line of the Village of Depew just northwest of Patsy Lane; thence southerly parallel with Patsy Lane to the centerline of Rehm Road; thence westerly along the centerline of Rehm Road to a northwest corner of the Village of Depew; thence southerly along a west line of the Village of Depew to a north line of the Village of Depew; thence westerly along a north line of the Village of Depew to its intersection with a north-south branch of lands formerly belonging to the New York Central Railroad Company; thence northerly and westerly along the centerline of the railway lands to a projection to the north in a straight line of the rear line of lots on the east side of Satinwood Drive; thence northerly along the rear lines projected to the north to the centerline of Genesee Street; thence westerly along the centerline of Genesee Street to its intersection with the centerline of the Kensington Expressway; thence westerly along the Kensington Expressway to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to its intersection with an extension to the east in a straight line of the rear line of lots fronting on the south side of Clearvale Drive; thence westerly along the rear line, as extended, to the centerline of Beach Road; thence northerly along the centerline of Beach Road to its extension to the east of a line drawn along the rear line of lots on the south side of Hemenway Road; thence westerly along the rear line extended in a straight line to the west to the centerline of the New York State Thruway; thence northerly along the centerline of the Thruway to its intersection with the centerline of Huth Road extended to the west.

The common boundary between Legislative District 4 and Legislative District 14 is described as follows:

Beginning at the intersection of the centerline of the New York State Thruway with the centerline of Huth Road; thence northerly along the centerline of the Thruway and the centerline extended to the north in a straight line to the intersection of the extension with the south line of the Town of Amherst.

The common boundary between Legislative District 4 and Legislative District 15 is described as follows:

Beginning at the intersection of the south line of the Town of Amherst with a projection to the north in a straight line of the north-south portion of the New York State Thruway; thence easterly along the irregular south line of the Town of Amherst to its intersection with the centerline of Youngs Road; thence northerly along the centerline of Youngs Road to its intersection with the centerline of Main Street; thence easterly along the centerline of Main Street to the southwest corner of Lot 108, Township 12, Range 7 of the Holland Land Company's Survey; thence northerly along the west line of Lot 108 to the centerline of Sheridan Drive; thence westerly along the centerline of Sheridan Drive to its intersection with the centerline of Ayer Road; thence northerly along the irregular centerline of Ayer Road to its intersection with the centerline of Klein Road; thence easterly along the centerline of Klein Road to its intersection with the centerline of Paradise Road; thence northerly along the centerline of Paradise Road to its intersection with the centerline of Wellington Drive; thence westerly along the irregular centerline of Wellington Drive to its intersection with the centerline of Hearthstone Drive; thence northerly along the centerline of Hearthstone Drive to its intersection with the centerline of Wood Acres Drive; thence westerly and northerly along the centerline of Wood Acres Drive to its intersection with the centerline of Buttonwood Lane; thence westerly along the centerline of Buttonwood Lane to its intersection with the centerline of Youngs Road Extension; thence northerly along the centerline of Youngs Road Extension to the centerline of the former New York Central Railroad line; thence westerly along the centerline of the railroad to its intersection with the centerline of Hopkins Road; thence northerly along the centerline of Hopkins Road to the north line of the Town of Amherst.

[All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of the west line of the City of Buffalo and Breckenridge Street extended; thence easterly along the center line of each of Breckenridge Street extended and Breckenridge Street to Grant Street; thence north along the center line of Grant Street to Boyd Street; thence east along the center line of Boyd Street to Parkdale Avenue; thence north along the center line of Parkdale Avenue to Auburn Street; thence east along the center line of Auburn Street to Baynes Street; thence northerly along the center line of Baynes Street to Forest Avenue; thence east along the center line of Forest Avenue to Elmwood Avenue; thence north along the center line of Elmwood Avenue to Middlesex Avenue; thence east along the centerline of Middlesex Avenue to Lincoln Parkway; thence south along the center line of Lincoln Parkway to its intersection with the Scajaquada Expressway; thence easterly along the center line of the Scajaquada Expressway to its intersection with Delaware Avenue; thence northerly along the center line of Delaware Avenue to the center line of the former Penn Central Railroad; thence easterly along the center line of the former Penn Central Railroad to Colvin Avenue; thence northerly along the centerline of Colvin Avenue to Linden Avenue; thence easterly along the center line of Linden Avenue to Parkside Avenue; thence north along the center line of Parkside Avenue to Hertel Avenue; thence east along the center line of Hertel Avenue to Main Street; thence southerly along the center line of Main Street to Amherst Street; thence west along the center line of Amherst Street to Fairfield Street; thence southerly along the center line of Fairfield Street to Main Street; thence southerly along the center line of Main Street to the center line of the former Penn Central Railroad tracks; thence southerly

along the centerline of the former Penn Central Railroad tracks to Jewett Avenue; thence northwesterly along the center line of Jewett Avenue to Jewett Parkway; thence northwesterly along the centerline of Jewett Parkway to Crescent Avenue; thence southwesterly along the center line of Crescent Avenue to Florence Avenue; thence southeasterly along the center line of Florence Avenue to Main Street; thence southerly along the center line of Main Street to West Delavan Avenue; thence west along the center line of West Delavan Avenue to Linwood Avenue; thence southerly along the center line of Linwood Avenue to Lafayette Avenue; thence east along the center line of Lafayette Avenue to Oxford Avenue; thence southerly along the center line of Oxford Avenue to West Ferry Avenue; thence easterly along the center line of West Ferry Avenue to Main Street; thence southerly along the centerline of Main Street to West Utica Avenue; thence easterly along the center line of West Utica Avenue to Delaware Avenue; thence southerly along the center line of Delaware Avenue to Virginia Street; thence easterly along the center line of Virginia Street to Main Street; thence southerly along the center line of Main Street to West Tupper Street; thence easterly along the center line of West Tupper Street to Carolina Street; thence westerly along the center line of Carolina Street to Whitney Place; thence southerly along the center line of Whitney Place to Georgia Street; thence southwesterly along the center line of Georgia Street to Niagara Street; thence northerly along Niagara Street to Carolina Street; thence westerly along the center line of Carolina Street to Busti Avenue extended; thence northerly along the center line of Busti Avenue extended to Virginia Street; thence southwesterly along the center line of Virginia Street extended to the west line of the City of Buffalo; thence northwest and north along the west line of the City of Buffalo to the point or place of beginning.]

DISTRICT NO. 5

The Towns of Sardinia, Holland, Wales, Marilla, Alden, Elma, and Lancaster, excepting therefrom that portion of the Town of Lancaster which lies within District 8, adjacent to Transit Road.

The common boundary of Legislative District 8 and Legislative District 5 is described as follows:

Beginning at the southwest corner of the Town of Lancaster; thence easterly along the south line of the Town of Lancaster to the southeast corner of Lot 98, Township 10, Range 6 of the Holland Land Company's Survey; thence northerly along the east line of Lot 98, Lot 97, Lot 96 to the centerline of Country Place extended to the west in a straight line to the west line of Lot 91; thence easterly along the centerline of Country Place and Country Place extended and along the centerline of Old Post Road to the centerline of Aurora Street; thence northerly along the centerline of Aurora Street to the south line of the Village of Lancaster; thence westerly along the south line of the Village of Lancaster to the southwest corner of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Como Park Boulevard; thence easterly along the centerline of Como Park Boulevard to its intersection with a west line of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Walden Avenue; thence easterly along the centerline of Walden Avenue to its intersection with

the centerline of Central Avenue; thence northerly and westerly along the centerline of Central Avenue to its intersection with the centerline of Pleasant View Avenue; thence westerly along the centerline of Pleasant View Avenue to the centerline of Transit Road, the west line of the Town of Lancaster.

[All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of Genesee Street with the east line of the City of Buffalo; thence westerly along the center line of Genesee Street to Forman Street; thence south and easterly along the center line of Forman Street to Peace Street; thence south along the center line of Peace Street to Doat Street; thence west along the center line of Doat Street to its intersection with the former Erie Lackawanna Railroad tracks; thence north along the center line of the former Erie Lackawanna Railroad tracks to Moeller Street extended; thence west along the center line of Moeller Street extended to Warring Avenue; thence northerly along the center line of Warring Avenue to Antwerp Street; thence westerly along the center line of Antwerp Street to Bailey Avenue; thence south along the center line of Bailey Avenue to Doat Street; thence west along the center line of Doat Street to Burgard Place; thence south along the centerline of Burgard Place to Fay Street; thence south along the center line of Fay Street to the intersection of the former Penn Central Railroad tracks; thence westerly along the center line of the former Penn Central Railroad tracks to Koons Avenue extended; thence northerly along the center line of Koons Avenue extended to Walden Avenue; thence west along the center line of Walden Avenue to Mills Street; thence south along the centerline of Mills Street to Sycamore Street; thence west along the center line of Sycamore Street to Strauss Street; thence south along the center line of Strauss Street to Broadway; thence west along the center line of Broadway to Detroit Street; thence south along the center line of Detroit Street to West Peckham Street; thence west along the center line of West Peckham to Smith Street; thence south along the center line of Smith Street to Addison Street; thence east along the center line of Addison Street to its intersection with the tracks of the former Penn Central Railroad; thence easterly along the center line of the tracks of the former Penn Central Railroad to its intersection with Bailey Avenue; thence southerly along the center line of Bailey Avenue to Stanley Street; thence east along the center line of Stanley Street to Greene Street; thence north along the center line of Greene Street to Reimann Street; thence east along the center line of Reimann Street to Longnecker Street; thence northerly along the center line of Longnecker Street to King Street; thence northerly and east along the center line of King Street to Ideal Street; thence south along the center line of Ideal Street to Reimann Street; thence east along the center line of Reimann Street to North Ogden Street; thence north along the center line of North Ogden Street to Reimann Street; thence east along the center line of Reimann Street to the east line of the City of Buffalo; thence north along the east line of the City of Buffalo to the point or place of beginning.

ALSO, all that portion of the Town of Cheektowaga bounded and enclosed as follows:

COMMENCING at the intersection of the west line of the Town of Cheektowaga and the center line of William Street; thence northerly along the west line of the Town of Cheektowaga to

the rear lot lines of lots on the south side of Southgate Road; thence easterly along said lot lines to a point on the rear lot line of the lots on the south side of Southgate Road, and a line projected northerly from the center line of Kenville Road, approximately one hundred eighty feet east and parallel to the west town line of the Town of Cheektowaga; thence southerly along said line to the center line of Kenville Road; thence southerly and easterly along the center line of Kenville Road and then extended easterly to the center line of Harlem Road; thence north along the center line of Harlem Road to the centerline of Homesgarth Avenue; thence east along the center line of Homesgarth Avenue; to Roycroft Boulevard, thence south along the center line of Roycroft Boulevard to Seton Road; thence east along the center line of Seton Road to Woodbridge Avenue; thence north along the center line of Woodbridge Avenue to Huth Road; thence east along the center line of Huth Road to the center line of the New York State Thruway; thence south along the center line of the New York State Thruway to the rear lot lines of lots on the south of Hemenway Street; thence east along said rear lot lines to Beach Road; thence north along center line of Beach Road to the rear lot lines on the south side of Huth Road; thence east along said rear lot lines to Union Road; thence south along the center line of Union Road to Genesee Street; thence easterly along the center line of Genesee Street to Smith Street; thence southerly along the center line of Smith Street to Broad Street; thence east along the center line of Broad Street to Dick Road; thence southeasterly along the center line of Dick Road to its intersection with the center line of the Scajaquada Creek; thence easterly along the Scajaquada Creek to its intersection with Bahama Lane; thence south along the centerline of Bahama Lane to Zoerb Avenue; thence west along the center line of Zoerb Avenue to Nagel Drive; thence south along the center line of Nagel Drive to Walden Avenue; thence westerly along the center line of Walden Avenue to Union Road; thence north along the center line of Union Road to its intersection with the Scajaquada Creek; thence westerly along the center line of the Scajaquada Creek and all its meanderings to its intersection with the New York State Thruway; thence southerly along the center line of the New York State Thruway to Broadway; thence westerly along the center line of Broadway to Harlem Road; thence south along the center line of Harlem Road to William Street; thence west along the center line of William Street to the point or place of beginning.]

DISTRICT NO. 6

The north west part of the City of Buffalo, bounded on the north by the Town of Tonawanda; on the east by Legislative Districts 11, 7, and 3; on the south by Legislative District 1; not including Legislative District 2.

The common boundary between Legislative District 6 and Legislative District 1 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street projected to the westerly line of the City of Buffalo.

The common boundary between Legislative District 6 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bryant Street with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of North Street; thence easterly along the centerline of North Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Allen Street; thence westerly along the centerline of Allen Street to its intersection with the centerline of College Street; thence southerly along the centerline of College Street to its intersection with the centerline of Virginia Street; thence easterly along the centerline of Virginia Street to its intersection with the centerline of Delaware Avenue; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of Edward Street; thence westerly along the centerline of Edward Street to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Tupper Street; thence westerly along the centerline of Tupper Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Whitney Place; thence southeasterly along the centerline of Whitney Place to its intersection with the centerline of Georgia Street; thence southwesterly along the centerline of Georgia Street to its intersection with the centerline of Niagara Street; thence northwesterly along the centerline of Niagara Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Trenton Street extended to the southeast in a straight line; thence northwesterly along the Trenton Street extension to its intersection with the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street and its centerline extended to the centerline of the Niagara Section of the New York State Thruway.

The common boundary between Legislative District 6 and Legislative District 7 is described as follows:

Beginning at the intersection of the centerline of Claremont Avenue with the centerline of Potomac Avenue; thence southerly along the centerline of Claremont Avenue to its intersection with the centerline of Dorchester Road; thence westerly along the centerline of Dorchester Road to its intersection with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of Bryant Street.

The common boundary between Legislative District 6 and Legislative District 11 is described as follows:

Beginning in the north line of the City of Buffalo at its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Bedford Avenue; thence easterly along the centerline of Bedford Avenue to its intersection with the centerline of Lincoln Parkway; thence southerly along the centerline of Lincoln Parkway to its intersection with the centerline of Middlesex Road; thence westerly along the centerline of Middlesex Road to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Forest

Avenue; thence westerly along the centerline of Forest Avenue to its intersection with the centerline of Claremont Avenue; thence southerly along the centerline of Claremont Avenue to the centerline of Potomac Avenue.

[All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of the west line of the City of Buffalo and Breckenridge Street extended; thence easterly along the center line of each of Breckenridge Street extended and Breckenridge Street to Grant Street; thence north along the center line of Grant Street to Boyd Street; thence east along the center line of Boyd Street to Parkdale Avenue; thence north along the center line of Parkdale Avenue to Auburn Street; thence east along the center line of Auburn Street to Baynes Street; thence northerly along the center line of Baynes Street to Forest Avenue; thence east along the center line of Forest Avenue to Elmwood Avenue; thence north along the center line of Elmwood Avenue to Middlesex Avenue; thence east along the centerline of Middlesex Avenue to Lincoln Parkway; thence south along the center line of Lincoln Parkway to its intersection with the Scajaquada Expressway; thence easterly along the center line of the Scajaquada Expressway to its intersection with Delaware Avenue; thence northerly along the center line of Delaware Avenue to the center line of the former Penn Central Railroad; thence easterly along the center line of the former Penn Central Railroad to Colvin Avenue; thence northerly along the centerline of Colvin Avenue to Linden Avenue; thence easterly along the center line of Linden Avenue to Parkside Avenue; thence north along the center line of Parkside Avenue to Hertel Avenue; thence east along the center line of Hertel Avenue to Main Street; thence northerly along the center line of Main Street to the former Erie Lackawanna Railroad tracks; thence northerly and westerly along the former Erie Lackawanna Railroad tracks to its intersection with Starin Avenue; thence north along the centerline of Starin Avenue to St. Lawrence Avenue; thence west along the center line of St. Lawrence Avenue to Hobmoor Avenue; thence south along the center line of Hobmoor Avenue extended to Taunton Place; thence west along the center line of Taunton Place to Colvin Avenue; thence north along the center line of Colvin Avenue to its intersection with the north line of the City of Buffalo; thence west and northwesterly along the north line of the City of Buffalo to the west line of the City of Buffalo; thence southwestly and south along the west line of the City of Buffalo to the point or place of beginning.]

DISTRICT NO. 7

The north east corner of the City of Buffalo bounded on the north by the Town of Amherst and Legislative District 11; on the east by the Town of Cheektowaga; on the south by Legislative District 3; and on the west by Legislative Districts 6 and 11.

The common boundary line between Legislative District 7 and Legislative District 11 is described as follows:

Beginning at the intersection of the north line of the City of Buffalo with the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the

centerline of Winspear Avenue; thence westerly along the centerline of Winspear Avenue to its intersection with the centerline of Northrup Place; thence southerly and westerly along the centerline of Northrup Place to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of West Winspear Avenue; thence westerly along the centerline of West Winspear Avenue and West Winspear Avenue extended to the lands of the former Erie-Lackawanna Railroad; thence southeasterly along the centerline of the lands of the former Erie-Lackawanna Railroad to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Amherst Street; thence westerly along the centerline of Amherst Street to its intersection with the centerline of Fairfield Street; thence southeasterly along the centerline of Fairfield Street to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of West Delevan Avenue; thence westerly along the centerline of West Delevan Avenue to its intersection with the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to its intersection with the centerline of Potomac Avenue; thence westerly along the centerline of Potomac Avenue to its intersection with the centerline of Claremont Street.

The common boundary line between Legislative District 7 and Legislative District 3 is described as follows:

Beginning in the centerline of East Delevan Avenue at its intersection with the east line of the City of Buffalo; thence westerly along the centerline of East Delevan Avenue to its intersection with the centerline of Chelsea Street; thence southerly along the centerline of Chelsea Street and Chelsea Street extended to the south to its intersection with the centerline of East Ferry Street; thence easterly along the centerline of East Ferry Street to its intersection with the centerline of Kehr Street; thence southerly along the centerline of Kehr Street to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of East Ferry Street; thence westerly along the centerline of East Ferry Street to its intersection with the centerline of the Kensington Expressway; thence southerly along the centerline of the Kensington Expressway to its intersection with a projection to the east of the centerline of Glenwood Avenue extended to the east; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Wohlers Avenue; thence southerly along the centerline of Wohlers Avenue to its intersection with the centerline of East Utica Street; thence westerly along the centerline of East Utica Street to its intersection with the centerline of Roehrer Avenue; thence northerly along the centerline of Roehrer Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Storz Avenue; thence northerly along the centerline of Storz Avenue to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to its intersection with the centerline of Dupont Street; thence northerly along the centerline of Dupont Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Jefferson Avenue; thence southerly along the centerline of Jefferson Avenue to its intersection with the centerline of Glenwood

Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Chester Street; thence northerly along the centerline of Chester Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Utica Street; thence westerly along the centerline of Utica Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Bryant Street; thence westerly along the centerline of Bryant Street to the centerline of Richmond Avenue.

The common boundary between Legislative District 6 and Legislative District 7 is described as follows:

Beginning at the intersection of the centerline of Claremont Avenue with the centerline of Potomac Avenue; thence southerly along the centerline of Claremont Avenue to its intersection with the centerline of Dorchester Road; thence westerly along the centerline of Dorchester Road to its intersection with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of Bryant Street.

[All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of Main Street and Woodlawn Avenue; thence easterly along the center line of Woodlawn Avenue to Chester Street; thence south along the center line of Chester Street to Glenwood Avenue; thence east along the center line of Glenwood Avenue to Jefferson Avenue; thence north along the center line of Jefferson Avenue to Woodlawn Avenue; thence east along the center line of Woodlawn Avenue to Dupont Street; thence south along the center line of Dupont Street to Winslow Avenue; thence east along the center line of Winslow Avenue to Storz Avenue; thence south along the center line of Storz Avenue to Glenwood Avenue; thence east along the center line of Glenwood Avenue to Roehrer Avenue; thence south along the center line of Roehrer Avenue to East Utica Street; thence easterly along the center line of East Utica Street to Wohlers Avenue; thence northerly along the center line of Wohlers Avenue to Glenwood Avenue; thence east along the center line of Glenwood Avenue to its intersection with the Kensington Expressway; thence northerly along the center line of the Kensington Expressway to its intersection with East Ferry Street; thence east along the center line of East Ferry Street to Fillmore Avenue; thence south along the center line of Fillmore Avenue to Winslow Avenue; thence east along the center line of Winslow Avenue to Kehr Street; thence north along the center line of Kehr Street to East Ferry Street; thence west along the center line of East Ferry Street to Chelsea Place; thence north along the center line of Chelsea Place to East Delavan Avenue; thence easterly along the center line of East Delavan Avenue to Courtland Street; thence north along the center line of Courtland Street to Easton Avenue; thence east along the centerline of Easton Avenue to the east line of the City of Buffalo; thence north along the east line of the City of Buffalo and all its meanderings to the north line of the City of Buffalo; thence westerly along the meanderings of the north line of the City of Buffalo to its intersection with Allenhurst Road; thence southeasterly along the center line of Allenhurst Road to Main Street; thence southwesterly along the center line of Main Street to

Englewood Avenue; thence northwesterly along the center line of Englewood Avenue to Cornell Street; thence southwesterly along the center line of Cornell Street to Tyler Street; thence northwesterly along the center line of Tyler Street to Mildred Street; thence north along the center line of Mildred Street to Merrimac Street; thence west along the centerline of Merrimac Street extended to its intersection with the former Erie Lackawanna Railroad tracks; thence southerly along the former Erie Lackawanna Railroad tracks to Main Street; thence southerly along the center line of Main Street to Amherst Street; thence west along the center line of Amherst Street to Fairfield Street; thence southerly along the center line of Fairfield Street to Main Street; thence south along the centerline of Main Street to the former Penn Central Railroad tracks; thence south along the center line of the former Penn Central Railroad tracks to Jewett Avenue; thence northerly and west along the center line of Jewett Avenue to Jewett Parkway; thence northerly and west along the center line of Jewett Parkway to Crescent Avenue; thence southerly along the center line of Crescent Avenue to Florence Avenue; thence easterly along the center line of Florence Avenue to Main Street; thence southerly along the center line of Main Street to West Delavan Avenue; thence westerly along the center line of West Delavan Avenue to Linwood Avenue; thence south along the center line of Linwood Avenue to Lafayette Avenue; thence east along the center line of Lafayette Avenue to Oxford Avenue; thence south along the center line of Oxford Avenue to West Ferry Street; thence east along the center line of West Ferry Street to Main Street; thence south along the center line of Main Street to the point or place of beginning.]

DISTRICT NO. 8

Part of the Towns of Cheektowaga and Lancaster; bounded on the west by the City of Buffalo; on the north by Legislative Districts 14 and 4; on east by Legislative District 5; and on the south by Legislative Districts 9 and 2.

The common boundary between Legislative District 14 and Legislative District 8 is described as follows:

Beginning at a point in the west line of the Town of Cheektowaga at its intersection with a projection to the west of the rear line of lots on the south side of Southgate Road; thence easterly along the south lot lines to a projection to the north in a straight line of the centerline of that part of the westerly part of Kenville Road which runs north and south; thence southerly and easterly along the centerline of Kenville Road and Kenville Road extended easterly in a straight line to the centerline of Harlem Road; thence along the centerline of Harlem Road to the centerline of Homesgarth Avenue; thence east along the centerline of Homesgarth Avenue to the centerline of Roycroft Boulevard; thence southerly along the centerline of Roycroft Boulevard to the centerline of Seton Road; thence east along the centerline of Seton Road to the centerline of Woodbridge Avenue; thence north along the centerline of Woodbridge Avenue to the centerline of Huth Road; thence east along the centerline of Huth Road to the centerline of the New York State Thruway.

The common boundary of Legislative District 4 and Legislative District 8 is described as follows:

Beginning at the northeast corner of that part of the Village of Depew which lies within the Town of Cheektowaga in the center of Transit Road; thence westerly along the north line of the Village of Depew to an angle point in the north line of the Village of Depew just northwest of Patsy Lane; thence southerly parallel with Patsy Lane to the centerline of Rehm Road; thence westerly along the centerline of Rehm Road to a northwest corner of the Village of Depew; thence southerly along a west line of the Village of Depew to a north line of the Village of Depew; thence westerly along a north line of the Village of Depew to its intersection with a north-south branch of lands formerly belonging to the New York Central Railroad Company; thence northerly and westerly along the centerline of the railway lands to a projection to the north in a straight line of the rear line of lots on the east side of Satinwood Drive; thence northerly along the rear lines projected to the north to the centerline of Genesee Street; thence westerly along the centerline of Genesee Street to its intersection with the centerline of the Kensington Expressway; thence westerly along the Kensington Expressway to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to its intersection with an extension to the east in a straight line of the rear line of lots fronting on the south side of Clearvale Drive; thence westerly along the rear line, as extended, to the centerline of Beach Road; thence northerly along the centerline of Beach Road to its extension to the east of a line drawn along the rear line of lots on the south side of Hemenway Road; thence westerly along the rear line extended in a straight line to the west to the centerline of the New York State Thruway; thence northerly along the centerline of the Thruway to its intersection with the centerline of Huth Road extended to the west.

The common boundary of Legislative District 8 and Legislative District 5 is described as follows:

Beginning at the southwest corner of the Town of Lancaster; thence easterly along the south line of the Town of Lancaster to the southeast corner of Lot 98, Township 10, Range 6 of the Holland Land Company's Survey; thence northerly along the east line of Lot 98, Lot 97, Lot 96 to the centerline of Country Place extended to the west in a straight line to the west line of Lot 91; thence easterly along the centerline of Country Place and Country Place extended and along the centerline of Old Post Road to the centerline of Aurora Street; thence northerly along the centerline of Aurora Street to the south line of the Village of Lancaster; thence westerly along the south line of the Village of Lancaster to the southwest corner of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Como Park Boulevard; thence easterly along the centerline of Como Park Boulevard to its intersection with a west line of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Walden Avenue; thence easterly along the centerline of Walden Avenue to its intersection with the centerline of Central Avenue; thence northerly and westerly along the centerline of Central Avenue to its intersection with the centerline of Pleasant View Avenue; thence westerly along the centerline of Pleasant View Avenue to the centerline of Transit Road, the west line of the Town of Lancaster.

The common boundary line between Legislative District 9 and Legislative District 8 is described as follows:

Beginning at the southeast corner of the Town of Cheektowaga; thence northerly along the east line of the Town of Cheektowaga to its intersection a projection to the east of the rear lot lines of lots on the south side of Madeira Drive; thence westerly along the rear lot lines of Madeira Drive to the rear lot lines on the east side of Dubonet Drive; thence southerly along the rear lines of lots on the east side of Dubonet Drive to the rear line projected to the east of lots on the south side of Dubonet Drive; thence westerly along the rear lines of the lots on the south side of Dubonet Drive to the intersection of the projected rear lot lines with the projected rear lot line of lots on the westerly side of Dubonet Drive; thence northerly along the rear lot lines of lots on the west side of Dubonet Drive to the rear lot line of lots on the north side of Davidson Drive; thence westerly along the rear line of lots on Davidson Drive projected to the centerline of Borden Road; thence northerly along the centerline of Borden Road to a projection to the east in a straight line of the rear lot lines of lots on the south side of Losson Road; thence westerly along the rear lot lines of lots on the south side of Losson Road to a projection to the north in a straight line of the rear line of lots on the east side of Woodgate Drive; thence southerly along the projection of the rear line of lots on the east side of Woodgate Drive and the rear lot lines on the east side of Woodgate Drive to a projection to the east and west of the rear lines of lots on the north side of Barbados Drive (south); thence westerly along the rear lot lines on the north side of Barbados Drive (south) to the rear lot line of lots on the west side of the westerly most portion of Barbados Drive projected to the north and south; thence southerly along the projection of rear lot lines on the westerly most portion of Barbados Drive to the rear lot lines of lots on the north side of Le Havre; thence westerly along the rear line of lots on the north side of Le Havre and the rear lot lines projected to the west to a line drawn along the westerly lot line of lots on Mayberry Drive West which line is projected to the north in a straight line to the former railroad lands; thence northeasterly along the railroad lands to their intersection with the centerline of Losson Road; thence westerly along the centerline of Losson Road to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to the centerline of Cayuga Creek.

The common line between Legislative District 2 and Legislative District 8 is described as follows:

Beginning in the centerline of Union Road at its intersection with the centerline of Cayuga Creek; thence northerly along the centerline of Union Road to its intersection with the centerline of William Street; thence westerly along the center line of William Street to its intersection with the centerline of the New York State Thruway; thence northerly along the New York State Thruway to its intersection with the centerline of the former Lehigh Valley Railroad lands; thence southwestward along the centerline of the Lehigh Valley Railroad lands to its intersection with the centerline of Harlem Road; thence northerly along the centerline of Harlem Road to its intersection with the centerline of Broadway; thence westerly along the centerline of Broadway to the east line of the City of Buffalo.

[All of that portion of the Town of Cheektowaga bounded and enclosed in the following description:

COMMENCING at the intersection of the east line of the Town of Cheektowaga and the south line of the Town of Cheektowaga; thence westerly, northerly, and westerly along the south line of the Town of Cheektowaga to the west line of the Town of Cheektowaga; thence north along the west line of the Town of Cheektowaga to its intersection with William Street; thence east along the center line of William Street to Harlem Road; thence north along the center line of Harlem Road to Broadway; thence easterly along the center line of Broadway to the New York State Thruway; thence north along the center line of the New York State Thruway to its intersection with the Scajaquada Creek thence easterly along the center line of the Scajaquada Creek to its intersection with Union Road; thence south along the centerline of Union Road to Walden Avenue; thence easterly along the center line of Walden Avenue to Nagel Drive; thence north along the center line of Nagel Drive to Zoerb Avenue; thence east along the center line of Zoerb Avenue to Bahama Lane; thence north along the center line of Bahama Lane to the Scajaquada Creek; thence easterly along the center line of the Scajaquada Creek to its intersection with the west line of the incorporated Village of Depew; thence northwesterly along said west line to the north line of the incorporated Village of Depew; thence easterly, northerly and easterly with all of its meanderings along the north line of the incorporated Village of Depew to its intersection with the east line of the Town of Cheektowaga; thence south along the east line of the Town of Cheektowaga to the point or place of beginning.

ALSO, all that portion of the Town of Lancaster contained within the boundaries of the incorporated Village of Depew.]

DISTRICT NO. 9

All of the Town of West Seneca and the south part of the Town of Cheektowaga; excepting from the Town of Cheektowaga Legislative Districts 2, 8, 14, and 4.

The common line between Legislative District 2 and Legislative District 9 is described as follows:

Beginning at the intersection of the centerline of Cayuga Creek with the centerline of Union Road; thence in a generally westerly direction along the centerline of Cayuga Creek to a northeast corner of the Town of West Seneca; thence continuing westerly along the north line of the Town of West Seneca to the east line of the City of Buffalo; thence southerly along the meandering east line of the City of Buffalo to the southeast corner of the City of Buffalo (near the centerline of Dorrance Avenue.)

The common boundary line between Legislative District 9 and Legislative District 8 is described as follows:

Beginning at the southeast corner of the Town of Cheektowaga; thence northerly along the east line of the Town of Cheektowaga to its intersection a projection to the east of the rear lot lines of lots on the south side of Madeira Drive; thence westerly along the rear lot lines of Madeira Drive to the rear lot lines on the east side of Dubonet Drive; thence southerly along the rear lines of lots on the east side of Dubonet Drive to the rear line projected to the east of lots on the south side of

Dubonet Drive; thence westerly along the rear lines of the lots on the south side of Dubonet Drive to the intersection of the projected rear lot lines with the projected rear lot line of lots on the westerly side of Dubonet Drive; thence northerly along the rear lot lines of lots on the west side of Dubonet Drive to the rear lot line of lots on the north side of Davidson Drive; thence westerly along the rear line of lots on Davidson Drive projected to the centerline of Borden Road; thence northerly along the centerline of Borden Road to a projection to the east in a straight line of the rear lot lines of lots on the south side of Losson Road; thence westerly along the rear lot lines of lots on the south side of Losson Road to a projection to the north in a straight line of the rear line of lots on the east side of Woodgate Drive; thence southerly along the projection of the rear line of lots on the east side of Woodgate Drive and the rear lot lines on the east side of Woodgate Drive to a projection to the east and west of the rear lines of lots on the north side of Barbados Drive (south); thence westerly along the rear lot lines on the north side of Barbados Drive (south) to the rear lot line of lots on the west side of the westerly most portion of Barbados Drive projected to the north and south; thence southerly along the projection of rear lot lines on the westerly most portion of Barbados Drive to the rear lot lines of lots on the north side of Le Havre; thence westerly along the rear line of lots on the north side of Le Havre and the rear lot lines projected to the west to a line drawn along the westerly lot line of lots on Mayberry Drive West which line is projected to the north in a straight line to the former railroad lands; thence northeasterly along the railroad lands to their intersection with the centerline of Losson Road; thence westerly along the centerline of Losson Road to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to the centerline of Cayuga Creek.

[All of the Town of Elma. All of the Town of West Seneca.]

DISTRICT NO. 10

All of the Town of Grand Island; all of the City of Tonawanda; and part of the Town of Tonawanda, excepting from the Town of Tonawanda Legislative Districts 11 and 14.

The common boundary between Legislative District 10 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with the projection to the west in a straight line of the rear line of lots on the north side of Paramount Parkway; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of the projection to the east of the rear line of lots on the south side of Lowell Road; thence westerly along the rear line of lots on Lowell Road and rear lines projected westerly to the intersection of the projection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the projection of the rear line of lots on the south side of Thurston Avenue; thence westerly along the rear line of lots on the south side of Thurston Avenue and their projection to the intersection of the projection with the centerline of the former NYC & HR Railroad; thence southwestward along the centerline of the railroad to its intersection with the centerline of Pullman Avenue projected to the west; thence easterly in the centerline of Pullman

Avenue to the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to the north line of the Village of Kenmore; thence easterly along the irregular north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village to its intersection with a north line of the Village of Kenmore; thence easterly along the same north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village of Kenmore to the north line of the City of Buffalo; thence westerly along the north line of the City of Buffalo to its intersection with the centerline of Elmwood Avenue.

The common boundary between Legislative District 14 and Legislative District 10 is described as follows:

Beginning at the northeast corner of the corner of the City of Tonawanda; thence southerly along the irregular east line of the City of Tonawanda to the southeast corner of the City of Tonawanda; thence westerly along the south line of the City of Tonawanda to the centerline of former Erie Railroad; thence southeasterly along the centerline of the railroad to its intersection with the centerline of the Youngman Highway; thence westerly along the centerline of the Youngman Highway to its intersection with the centerline of Delaware Avenue; thence southeasterly along the centerline of Delaware Avenue to the intersection of the centerline of Delaware Avenue with a projection to the west of the rear lot lines of lots on the north side of Paramount Parkway.

[All the City of Tonawanda. All of the Town of Grand Island.

ALSO, that portion of the Town of Tonawanda bounded and enclosed in the following description:

COMMENCING at the intersection of the north line of the Town of Tonawanda and Delaware Avenue; thence southerly along the center line of Delaware Avenue to the rear north lot line of Traverse Boulevard; thence easterly along the rear north lot lines of Traverse Boulevard to their intersection with Jewell Street; thence southerly along the center line of Jewell Street to Traverse Boulevard; thence easterly along the center line of Traverse Boulevard to Colvin Boulevard; thence southerly along the center line of Colvin Boulevard to the north line of the Village of Kenmore; thence westerly along the north line of the Village of Kenmore to Delaware Road; thence continuing west along the center line of Kenwood Road to Delaware Avenue; thence southerly along the center line of Delaware Avenue to Westgate Road; thence westerly along the center line of Westgate Road to Elmwood Avenue; thence southerly along the center line of Elmwood Avenue to Lincoln Boulevard; thence easterly along the center line of Lincoln Boulevard to Eugene Avenue; thence southerly along the center line of Eugene Avenue to Mang Avenue; thence westerly along the center line of Mang Avenue to Elmwood Avenue; thence southerly along the center line of Elmwood Avenue to the south line of the Town of Tonawanda; thence westerly along the south line of the Town of Tonawanda to the west line of the Town of Tonawanda; thence northwesterly and northerly along the west line of the Town of Tonawanda to the north line of the Town of Tonawanda; thence southeasterly and easterly along the north line of the Town of Tonawanda to the point or place of beginning.]

DISTRICT NO. 11

Part of the Town of Tonawanda; excepting Legislative Districts 10 and 14; and part of the City of Buffalo bordered by Legislative Districts 6 and 7; and excepting Legislative Districts 1, 2, and 3.

The common boundary between Legislative District 10 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with the projection to the west in a straight line of the rear line of lots on the north side of Paramount Parkway; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of the projection to the east of the rear line of lots on the south side of Lowell Road; thence westerly along the rear line of lots on Lowell Road and rear lines projected westerly to the intersection of the projection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the projection of the rear line of lots on the south side of Thurston Avenue; thence westerly along the rear line of lots on the south side of Thurston Avenue and their projection to the intersection of the projection with the centerline of the former NYC & HR Railroad; thence southwesterly along the centerline of the railroad to its intersection with the centerline of Pullman Avenue projected to the west; thence easterly in the centerline of Pullman Avenue to the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to the north line of the Village of Kenmore; thence easterly along the irregular north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village to its intersection with a north line of the Village of Kenmore; thence easterly along the same north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village of Kenmore to the north line of the City of Buffalo; thence westerly along the north line of the City of Buffalo to its intersection with the centerline of Elmwood Avenue.

The common line between Legislative District 14 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with an extension to the west in a straight line of the rear line lots on the north side of Paramount Parkway; thence easterly along the rear line of lots on the north side of Paramount Parkway to an extension of the centerline of Jewel Street projected to the north in a straight line; thence southerly along the Jewel Street centerline projection and along the centerline of Jewel Street to the centerline of Traverse Boulevard; thence easterly along the centerline of Traverse Boulevard to its intersection with the centerline of Colvin Boulevard; thence southerly along the centerline of Colvin Boulevard to its intersection with the centerline of Sheridan Drive; thence easterly along the centerline of Sheridan Drive to the east line of the Town of Tonawanda; thence southerly along the east line of the Town of Tonawanda to the north line of the City of Buffalo; thence easterly along the north line of the City of Buffalo to the centerline of Main Street; thence northeasterly along the centerline of Main Street to the centerline of Bailey Avenue.

The common boundary line between Legislative District 7 and Legislative District 11 is described as follows:

Beginning at the intersection of the north line of the City of Buffalo with the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of Winspear Avenue; thence westerly along the centerline of Winspear Avenue to its intersection with the centerline of Northrup Place; thence southerly and westerly along the centerline of Northrup Place to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of West Winspear Avenue; thence westerly along the centerline of West Winspear Avenue and West Winspear Avenue extended to the lands of the former Erie-Lackawanna Railroad; thence southeasterly along the centerline of the lands of the former Erie-Lackawanna Railroad to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Amherst Street; thence westerly along the centerline of Amherst Street to its intersection with the centerline of Fairfield Street; thence southeasterly along the centerline of Fairfield Street to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of West Delevan Avenue; thence westerly along the centerline of West Delevan Avenue to its intersection with the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to its intersection with the centerline of Potomac Avenue; thence westerly along the centerline of Potomac Avenue to its intersection with the centerline of Claremont Street.

The common boundary between Legislative District 6 and Legislative District 11 is described as follows:

Beginning in the north line of the City of Buffalo at its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Bedford Avenue; thence easterly along the centerline of Bedford Avenue to its intersection with the centerline of Lincoln Parkway; thence southerly along the centerline of Lincoln Parkway to its intersection with the centerline of Middlesex Road; thence westerly along the centerline of Middlesex Road to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Forest Avenue; thence westerly along the centerline of Forest Avenue to its intersection with the centerline of Claremont Avenue; thence southerly along the centerline of Claremont Avenue to the centerline of Potomac Avenue.

[All that portion of the Town of Tonawanda bounded and enclosed in the following description:

COMMENCING at the intersection of the north line of the Town of Tonawanda and Delaware Avenue; thence southerly along the center line of Delaware Avenue to the rear north lot line of Traverse Boulevard; thence east along the rear north lots of Traverse Boulevard to Jewell Street; thence south along the center line of Jewell Street to the center line of Traverse Boulevard; thence east along the center line of Traverse Boulevard to Colvin Boulevard; thence south along the

centerline of Colvin Boulevard to the north line of the Village of Kenmore; thence westerly along the north line of the Village of Kenmore to its intersection with Delaware Road; thence continuing west along the center line of Kenwood Road to Delaware Avenue; thence southerly along the center line of Delaware Avenue to Westgate Road; thence west along the centerline of Westgate Road to Elmwood Avenue; thence south along the center line of Elmwood Avenue to Lincoln Boulevard; thence east along the center line of Lincoln Boulevard to Eugene Avenue; thence south along the center line of Eugene Avenue to Mang Avenue; thence west along Mang Avenue to Elmwood Avenue; thence south along the center line of Elmwood Avenue to Kenmore Avenue; thence east along the center line of Kenmore Avenue to Niagara Falls Boulevard; thence north along the center line of Niagara Falls Boulevard to Chalmers Avenue; thence west along the center line of Chalmers Avenue to Berkley Street; thence west along the center line of Berkley Street to the rear lot line of lots abutting on the west side of Wendel Avenue; thence south along the rear lot line of lots abutting on the west side of Wendel Avenue to Chelsea Street; thence west along the center line of Chelsea Street to Parkhurst Boulevard; thence northerly along the center line of Parkhurst Boulevard to Briarhurst Drive; thence east along the center line of Briarhurst Drive to Niagara Falls Boulevard; thence north along the center line of Niagara Falls Boulevard to Brighton Road; thence west along the centerline of Brighton Road to Overbrook Avenue; thence northerly along the center line of Overbrook Avenue to the rear lot lines of lots abutting on the south side of Green Acres Road; thence east along the rear lot lines of lots abutting on the south side of Green Acres Road to Niagara Falls Boulevard; thence north along the center line of Niagara Falls Boulevard to the north line of the Town of Tonawanda; thence southwesterly, southerly, and westerly along the north line of the Town of Tonawanda to the point or place of beginning.

ALSO, all that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of the north line of the City of Buffalo and the center line of Colvin Avenue; thence south along the center line of Colvin Avenue to Taunton Place; thence east along the center line of Taunton Place to Norwalk Avenue; thence north along the center line of Norwalk Avenue to St. Lawrence Avenue; thence east along the center line of St. Lawrence Avenue to Starin Avenue; thence south along the centerline of Starin Avenue to its intersection with the former Erie Lackawanna Railroad; thence easterly along the former Erie Lackawanna Railroad to its intersection with Merrimac Street extended; thence east along the center line of Merrimac Street extended to Mildred Street; thence southwest along the center line of Mildred Street to Tyler Street; thence southeasterly along the center line of Tyler Street to Cornell Street; thence northerly along the center line of Cornell Street to Englewood Avenue; thence southeasterly along the center line of Englewood Avenue to Main Street; thence northeasterly along the centerline of Main Street to Allenhurst Road; thence northwesterly and northerly along the center line of Allenhurst Road to the north line of the City of Buffalo; thence west along the north line of the City of Buffalo to the point or place of beginning.]

DISTRICT NO. 12

All of the Towns of Brant, North Collins, Boston, Eden, Evans, and Hamburg, except the northerly portion of the Town of Hamburg which lies in Legislative District 1.

The common line between Legislative District 1 and Legislative District 12 is described as follows:

Beginning at the shore line of Lake Erie, the west line of the County of Erie, at its intersection with the centerline of Pleasant Avenue extended to the north; thence southerly, southeasterly, southerly, and generally easterly along the centerline of Pleasant Avenue to its intersection with the centerline of West Pleasant Drive; thence easterly along the centerline of West Pleasant Drive and the centerline extended to the centerline of the New York State Thruway; thence northerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of South Park Avenue; thence northerly along the centerline of South Park Avenue to its intersection with the centerline of Southwestern Boulevard; thence northeasterly along the centerline of Southwestern Boulevard to its intersection with the centerline of the New York State Thruway; thence northerly along the centerline of the New York State Thruway to its intersection with the centerline of Big Tree Road; thence easterly along the centerline of Big Tree Road to its intersection with the centerline of McKinley Parkway; thence southerly along the centerline of McKinley Parkway to its intersection with the centerline of Bayview Road; thence southeasterly along the centerline of Bayview Road to its intersection with the centerline of Armor Duells Corner Road; thence easterly along the centerline of Armor Duells Corner Road to the east line of the Town of Hamburg.

[All of the Town of Evans. All of the Town of Eden.

ALSO, all that portion of the Town of Hamburg bounded and enclosed in the following description:

COMMENCING at the intersection of the east line of the Town of Hamburg and the south line of the Town of Hamburg; thence west along the south line of the Town of Hamburg with all its meanderings to the west line of the Town of Hamburg; thence northerly and easterly along the west line of the Town of Hamburg to its intersection with Birch Wood Drive extended; thence southerly along the center line of Birch Wood Drive to Ganymede Lane; thence easterly along the center line of Ganymede Lane to West Lane; thence southerly along the center line of West Lane to Lake Shore Road; thence southeasterly along the center line of Lake Shore Road to Dover Road; thence southerly along the center line of Dover Road extended to the Conrail right-of-way; thence northeasterly along the Conrail right-of-way to Pleasant Avenue; thence southerly and easterly along the center line of Pleasant Avenue to West Pleasant Drive; thence easterly along the center line of West Pleasant Drive to the New York State Thruway right-of-way; thence easterly along the New York State Thruway right-of-way to the west line of the Village of Hamburg; thence northeasterly along the north west line of the Village of Hamburg to Camp Road; thence northwesterly along the

center line of Camp Road to the New York State Thruway right-of-way; thence northeasterly along the New York State Thruway right-of-way to South Park Avenue; thence north along the center line of South Park Avenue to Southwestern Boulevard; thence northeasterly along the center line of Southwestern Boulevard to the New York State Thruway right-of-way; thence northerly along the New York State Thruway right-of-way to the intersection of Milestrip Road; thence east along the center line of Milestrip Road to the intersection of Dickens Road; thence northeasterly along the center line of Dickens Road to Bethford Drive; thence southerly along the center line of Bethford Drive to Milestrip Road; thence east along the center line of Milestrip Road to the east line of the Town of Hamburg; thence southerly along the east line of the Town of Hamburg to the point or place of beginning.

ALSO, all that portion of the Town of Orchard Park bounded and enclosed in the following description:

COMMENCING at the intersection of the north line of the Town of Orchard Park and the west line of the Town of Orchard Park; thence southerly and easterly along the west line of the Town of Orchard Park to its intersection with the Southern (219) Expressway right-of-way; thence northeasterly along the centerline of the Southern Expressway until a point one hundred forty-two feet southwest of the intersection with Powers Road; thence westerly along the south property line of lands fronting on Powers Road; thence north along the west line of Lot 20 Township 9 Range 7; thence northerly along the west property line of lands fronting on Murphy Road to the west property line fronting on Duerr Road; thence westerly along lands fronting on California Road and Duerr Road; thence northwesterly along the west property line of lands fronting on California Road to Big Tree Road; thence easterly along the center line of Big Tree Road to the Southern Expressway; thence northerly along the center line of the Southern Expressway to the intersection at Milestrip Road; thence east along Milestrip Road to the intersection of Southwestern Boulevard; thence northeasterly along Southwestern Boulevard to the center of the North Branch of Smokes Creek; thence northwesterly along the center of the North Branch of Smokes to Lake Avenue; thence west along the center line of Lake Avenue to Bieler Road; thence northerly along the center line of Bieler Road to Berg Road; thence northeasterly along the center line of Berg Road to the north line of the Town of Orchard Park; thence west along the north line of the Town of Orchard Park until the point or place of beginning.]

DISTRICT NO. 13

All of the Towns of Orchard Park, Aurora, Colden, Concord and Collins.

[All of the Towns of Aurora, Colden, Boston, Collins, North Collins and Brant.

ALSO, all that portion of the Town of Orchard Park bounded and enclosed in the following description:

COMMENCING at the intersection of the northern line and western line of the Town of Orchard Park; thence south along the western line of the Town of Orchard Park to the southern line

of the Town of Orchard Park; thence west and northwesterly along the southern line of the Town of Orchard Park to its intersection with the center line of the Southern Expressway; thence northerly along the center line of the Southern Expressway to its intersection with the south property line of lands fronting on Powers Road; thence westerly along the south property lines of the lands fronting on Powers Roads to the west line of Lot 20, Township 9, Range 7; thence north along the west line of Lot 20, Township 9, Range 7 to the center line of Powers Road; thence westerly along the center line of Powers Road to the west property line of lands fronting on Murphy Road; thence northerly along the west property line of lands fronting on Murphy Road and continuing northerly along the west property line of lands fronting on Duerr Road to the west property line of lands fronting on California Road; thence northerly along the west property line of lands fronting of California Road to the center line of Big Tree Road; thence easterly along the center line of Big Tree Road to the Southern Expressway; thence northerly along the center line of the Southern Expressway to its intersection with Milestrip Road; thence east along Milestrip Road to Southwestern Boulevard; thence northeasterly along Southwestern Boulevard to the center of the North Branch of Smokes Creek; thence northwesterly along the center of the North Branch of Smokes Creek to the center line of Lake Avenue; thence west along the center line of Lake Avenue to the centerline of Bieler Road; thence north along the center line of Bieler Road to the center line of Berg Road; thence northeasterly along the center line of Berg Road to the north line of the Town of Orchard Park; thence easterly, northerly and easterly along the north line of the Town of Orchard Park to the point or place of beginning.]

DISTRICT NO. 14

Part of the Town of Tonawanda except Legislative Districts 10 and 11; part of the Town of Amherst except Legislative Districts 15 and 4; and part of the Town of Cheektowaga except Legislative Districts 4, 8, 9, and 2.

The common line between Legislative District 14 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with an extension to the west in a straight line of the rear line lots on the north side of Paramount Parkway; thence easterly along the rear line of lots on the north side of Paramount Parkway to an extension of the centerline of Jewel Street projected to the north in a straight line; thence southerly along the Jewel Street centerline projection and along the centerline of Jewel Street to the centerline of Traverse Boulevard; thence easterly along the centerline of Traverse Boulevard to its intersection with the centerline of Colvin Boulevard; thence southerly along the centerline of Colvin Boulevard to its intersection with the centerline of Sheridan Drive; thence easterly along the centerline of Sheridan Drive to the east line of the Town of Tonawanda; thence southerly along the east line of the Town of Tonawanda to the north line of the City of Buffalo; thence easterly along the north line of the City of Buffalo to the centerline of Main Street; thence northeasterly along the centerline of Main Street to the centerline of Bailey Avenue.

The common boundary between Legislative District 14 and Legislative District 10 is described as follows:

Beginning at the northeast corner of the corner of the City of Tonawanda; thence southerly along the irregular east line of the City of Tonawanda to the southeast corner of the City of Tonawanda; thence westerly along the south line of the City of Tonawanda to the centerline of former Erie Railroad; thence southeasterly along the centerline of the railroad to its intersection with the centerline of the Youngman Highway; thence westerly along the centerline of the Youngman Highway to its intersection with the centerline of Delaware Avenue; thence southeasterly along the centerline of Delaware Avenue to the intersection of the centerline of Delaware Avenue with a projection to the west of the rear lot lines of lots on the north side of Paramount Parkway.

The common line between Legislative District 15 and Legislative District 14 is described as follows:

Beginning at a point in Tonawanda Creek where it is intersected by the north line of the Town of Tonawanda and a south line of the Town of Amherst; thence easterly along the north line of the Town of Tonawanda to the west line of the Town of Amherst; thence southerly along the west line of the Town of Amherst to the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Chestnut Ridge Road; thence southerly along the centerline of Chestnut Ridge Road to its intersection with the centerline of Edgewater Drive; thence easterly, northerly and easterly along the centerline of Edgewater Drive to its intersection with the centerline of Kaymar Drive; thence southerly, easterly, and northerly along the irregular centerline of Kaymar Drive to its intersection with the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Sweet Home Road; thence southerly and westerly along the centerline of Sweet Home Road to its intersection with the centerline of the Youngman Highway; thence southerly and easterly along the centerline of the Youngman Highway to its intersection with Main Street; thence continuing southerly on a projection to the south in a straight line of the centerline of the Youngman Highway through the lands of the State of New York to the intersection of the Youngman Highway projection with the north line of the Town of Cheektowaga.

The common boundary between Legislative District 14 and Legislative District 8 is described as follows:

Beginning at a point in the west line of the Town of Cheektowaga at its intersection with a projection to the west of the rear line of lots on the south side of Southgate Road; thence easterly along the south lot lines to a projection to the north in a straight line of the centerline of that part of the westerly part of Kenville Road which runs north and south; thence southerly and easterly along the centerline of Kenville Road and Kenville Road extended easterly in a straight line to the centerline of Harlem Road; thence along the centerline of Harlem Road to the centerline of Homesgarth Avenue; thence east along the centerline of Homesgarth Avenue to the centerline of Roycroft Boulevard; thence southerly along the centerline of Roycroft Boulevard to the centerline of Seton Road; thence east along the centerline of Seton Road to the centerline of Woodbridge

Avenue; thence north along the centerline of Woodbridge Avenue to the centerline of Huth Road; thence east along the centerline of Huth Road to the centerline of the New York State Thruway.

The common boundary between Legislative District 4 and Legislative District 14 is described as follows:

Beginning at the intersection of the centerline of the New York State Thruway with the centerline of Huth Road projected to the west; thence northerly along the centerline of the Thruway and the centerline extended to the north in a straight line to the intersection of the extension with the south line of the Town of Amherst.

[All that portion of the Town of Tonawanda bounded and enclosed in the following description:

COMMENCING at the intersection of Chalmers Avenue and the east line of the Town of Tonawanda; thence westerly along the center line of Chalmers Avenue to Berkley Street; thence westerly along the center line of Berkley Street to the rear lot lines of the lots abutting on the west side of Wendel Avenue; thence south along the rear lot lines of the lots abutting on the west side of Wendel Avenue to Chelsea Street; thence west along the center line of Chelsea Street to Parkhurst Boulevard; thence northerly along the center line of Parkhurst Boulevard to Briarhurst Drive; thence east along the center line of Briarhurst Drive to Niagara Falls Boulevard; thence south along the center line of Niagara Falls Boulevard to the point or place of beginning; In addition,

COMMENCING at the intersection of Niagara Falls Boulevard and Brighton Road; thence west along the center line of Brighton Road to Overbrook Avenue; thence northerly along the center line of Overbrook Avenue to the rear lot lines of the lots abutting on the south side of Green Acres Road; thence west along said rear lot lines to the rear lot lines of lots abutting the east side of Fries Road; thence southerly along said rear lot lines to Glenalby Road; thence west along the center line of Glenalby Road to the rear lot lines of lots abutting the west side of Parker Boulevard; thence north along said rear lot lines to the Youngmann Expressway; thence easterly along the center line of the Youngmann Expressway to Niagara Falls Boulevard; thence south along the center line of Niagara Falls Boulevard to the point or place of beginning. ALSO, all that portion of the Town of Amherst bounded and enclosed in the following description:

COMMENCING at the intersection of the west and south lines of the Town of Amherst; thence north along said west line of the Town of Amherst to the north line of the Town of Amherst; thence continuing along the said north line of the Town of Amherst to the center line of Hopkins Road; thence southerly along the center line of Hopkins Road to Londonderry Lane; thence westerly along the center line of Londonderry Lane to Miller Road; thence northerly along the center line of Miller Road to French Road; thence west along the center line of French Road to the intersection of the Niagara, Lockport and Ontario Power Company high power lines; thence southerly along Niagara, Lockport and Ontario Power Company high power lines to its intersection with the New York Central Railroad; thence westerly along the centerline of the New York Central Railroad to the John James Audobon Parkway; thence southerly along the John James Audobon Parkway to its

intersection with Ellicott Creek; thence westerly along the meanderings of Ellicott Creek to Skinnersville Road extended; thence west along the center line of Skinnersville Road extended to Sweet Home Road; thence southerly along the center line of Sweet Home Road to its intersection with the Lehigh Valley Railroad; thence southeasterly along the Lehigh Valley Railroad to a point where it intersects the east rear lot lines of Sweet Home Road; thence south, southwesterly and south along the east rear lot lines of Sweet Home Road to their intersection with Sheridan Drive; thence easterly along the center line of Sheridan Drive to its intersection with the Lehigh Valley Railroad; thence southeasterly along the Lehigh Valley Railroad to its intersection with the east line of Greater Lot Number 11; thence south along the easterly line of Greater Lot Number 11 to Main Street; thence westerly along the center line of Main Street to Washington Highway; thence southerly along the center line of Washington Highway to a point intersecting with the back lot lines of homes on the south side of Kings Highway; thence westerly along the rear lot lines of homes on the south side of Kings Highway to a point intersecting the rear lot lines on the east side of Berryman Drive; thence southerly along the rear lot lines of lots on the east side of Berryman Drive to the south line of the Town of Amherst; thence westerly along the south line of the Town of Amherst to the west line of the Town of Amherst; thence northerly and westerly along the west line of the Town of Amherst with all its meanderings to Main Street; thence southwesterly along the center line of Main Street to Kenmore Avenue; thence west along the center line of Kenmore Avenue to the point or place of beginning.

ALSO, all that portion of the Town of Cheektowaga bounded and enclosed as follows:

COMMENCING at the intersection of the north line of the Town of Cheektowaga with the west line of the Town of Cheektowaga; thence southerly along the west line of the Town of Cheektowaga to the rear lot lines of lots on the south side of Southgate Road; thence easterly along said lot lines to a point on the rear lot line of the lots on the south side of Southgate Road and a line projected northerly from the center line of Kenville Road, approximately one hundred eighty feet east and parallel to the westerly town line of the Town of Cheektowaga; thence southerly along said line to the center line of Kenville Road; thence southerly and easterly along the center line of Kenville Road and then extended easterly to the center line of Harlem Road; thence north along the center line of Harlem Road to Homesgarth Avenue; thence east along the center line of Homesgarth Avenue to Roycroft Boulevard; thence south along the center line of Roycroft Boulevard to Seton Road; thence east along the center line of Seton Road to Woodbridge Avenue; thence north along the center line of Woodbridge Avenue to Huth Road; thence east along the center line of Huth Road to the New York State Thruway; thence southerly along the center line of the New York State Thruway to the rear lot lines of lots on the south side of Hemenway Street; then east along said rear lot lines to Beach Road; thence north along the center line of Beach Road to the rear lot lines of lots on the south side of South Huth Road and Huth Road; thence east along said rear lot lines to Union Road; thence north along the center line of Union Road to Cleveland Drive; thence easterly along the center line of Cleveland Drive to Montfort Drive; thence northerly along the center line of Montfort Drive to the north line of the Town of Cheektowaga; thence westerly along the north line of the Town of Cheektowaga to the point or place of beginning.]

DISTRICT NO. 15

The Town of Amherst except Legislative Districts 14 and 4.

The common line between Legislative District 15 and Legislative District 14 is described as follows:

Beginning at a point in Tonawanda Creek where it is intersected by the north line of the Town of Tonawanda and a south line of the Town of Amherst; thence easterly along the north line of the Town of Tonawanda to the west line of the Town of Amherst; thence southerly along the west line of the Town of Amherst to the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Chestnut Ridge Road; thence southerly along the centerline of Chestnut Ridge Road to its intersection with the centerline of Edgewater Drive; thence easterly, northerly and easterly along the centerline of Edgewater Drive to its intersection with the centerline of Kaymar Drive; thence southerly, easterly, and northerly along the irregular centerline of Kaymar Drive to its intersection with the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Sweet Home Road; thence southerly and westerly along the centerline of Sweet Home Road to its intersection with the centerline of the Youngman Highway; thence southerly and easterly along the centerline of the Youngman Highway to its intersection with Main Street; thence continuing southerly on a projection to the south in a straight line of the centerline of the Youngman Highway through the lands of the State of New York to the intersection of the Youngman Highway projection with the north line of the Town of Cheektowaga.

The common boundary between Legislative District 4 and Legislative District 15 is described as follows:

Beginning at the intersection of the south line of the Town of Amherst with a projection to the north in a straight line of the north-south portion of the New York State Thruway; thence easterly along the irregular south line of the Town of Amherst to its intersection with the centerline of Youngs Road; thence northerly along the centerline of Youngs Road to its intersection with the centerline of Main Street; thence easterly along the centerline of Main Street to the southwest corner of Lot 108, Township 12, Range 7 of the Holland Land Company's Survey; thence northerly along the west line of Lot 108 to the centerline of Sheridan Drive; thence westerly along the centerline of Sheridan Drive to its intersection with the centerline of Ayer Road; thence northerly along the irregular centerline of Ayer Road to its intersection with the centerline of Klein Road; thence easterly along the centerline of Klein Road to its intersection with the centerline of Paradise Road; thence northerly along the centerline of Paradise Road to its intersection with the centerline of Wellington Drive; thence westerly along the irregular centerline of Wellington Drive to its intersection with the centerline of Hearthstone Drive; thence northerly along the centerline of Hearthstone Drive to its intersection with the centerline of Wood Acres Drive; thence westerly and northerly along the centerline of Wood Acres Drive to its intersection with the centerline of Buttonwood Lane; thence westerly along the centerline of Buttonwood Lane to its intersection with the centerline of Youngs Road Extension; thence northerly along the centerline of Youngs Road Extension to the centerline

of the former New York Central Railroad line; thence westerly along the centerline of the railroad to its intersection with the centerline of Hopkins Road; thence northerly along the centerline of Hopkins Road to the north line of the Town of Amherst.

[All that portion of the Town of Amherst bounded and enclosed in the following description:

COMMENCING at the intersection of Hopkins Road and Londonderry Lane; thence westerly along the center line of Londonderry Lane to Miller Road; thence northerly along the center line of Miller Road to French Road; thence westerly along the center line of French Road to the intersection of the Niagara, Lockport and Ontario Power Company high power lines; thence southerly along the Niagara, Lockport and Ontario Power Company high power lines to its intersection with the New York Central Railroad; thence westerly along the center line of the New York Central Railroad to John James Audobon Parkway; thence southerly along the John James Audobon Parkway to its intersection with Ellicott Creek; thence northeasterly along the meanderings of Ellicott Creek to Skinnersville Road extended; thence west along the center line of Skinnersville Road extended to Sweet Home Road; thence southerly along the center line of Sweet Home Road to its intersection with the Lehigh Valley Railroad; thence southeasterly along the Lehigh Valley Railroad to a point where it intersects the rear lot lines of Sweet Home Road; thence south, southwesterly and south along the rear lot lines of Sweet Home Road to their intersection with Sheridan Drive; thence easterly along the center line of Sheridan Drive to its intersection with the Lehigh Valley Railroad; thence southeasterly along the Lehigh Valley Railroad to its intersection with the east line of Greater Lot Number 11; thence south along the easterly line of Greater Lot Number 11 to Main Street; thence westerly along the center line of Main Street to Washington Highway; thence southerly along the center line of Washington Highway to a point intersecting with the back lot lines of homes on the south side of Kings Highway; thence westerly along the rear lot lines of homes on the south side of Kings Highway to a point intersecting the rear lot lines on the east side of Berryman Drive; thence southerly along the rear lot lines of lots on the east side of Berryman Drive to the south line of the Town of Amherst; thence easterly along the south line of the Town of Amherst to Youngs Road; thence north along the center line of Youngs Road to Main Street; thence east along the center line of Main Street to the line of Greater Lot Number 108, Township 12, Range Number 7; thence north along the line of Greater Lot Number 108, Township 12, Range Number 7 to its intersection with Sheridan Drive at Ayer Road; thence north along the center line of Ayer Road to Klein Road; thence westerly along the center line of Klein Road to Chaplewoods Drive; thence north along the center line of Chaplewoods Drive to Crown Point Lane; thence northeasterly along the center line of Crown Point Lane to Deer Run Road; thence east along the center line of Deer Run Road to Presentation Drive; thence north along the center line of Presentation Drive to Wellingwood Drive; thence east along the center line of Wellingwood Drive to Hearthstone Drive; thence northerly along the center line of Hearthstone Drive to Wood Acres Drive; thence north and west along the center line of Wood Acres Drive to Buttonwood Lane; thence northwest along the center line of Buttonwood Lane to Youngs Road extension; thence north along the Youngs Road extension to its intersection with the New York Central Railroad; thence westerly along the New York Central Railroad to its intersection

with Hopkins Road; thence north along the center line of Hopkins Road to the point or place of beginning.]

[DISTRICT NO. 16

All that portion of the Town of Amherst bounded and enclosed in the following description:

COMMENCING at the intersection of Youngs Road and the New York State Thruway; thence north along the center line of Youngs Road to Main Street; thence east along the center line of Main Street to the line of Greater Lot Number 108, Township 12, Range Number 7; thence north along the line of Greater Lot Number 108, Township 12, Range Number 7 to its intersection with Sheridan Drive at Ayer Road; thence north along the center line of Ayer Road to Klein Road; thence westerly along the center line of Klein Road to Chapel Woods Drive; thence north along the centerline of Chapel Woods Drive to Crown Point Lane; thence northerly along the center line of Crown Point Lane to Deer Run Road; thence east along the center line of Deer Run Road to Presentation Drive; thence north along the center line of Presentation Drive to Wellingwood Drive; thence east along the center line of Wellingwood Drive to Hearthstone Drive; thence northerly along the center line of Hearthstone Drive to Wood Acres Drive; thence north and west along the center line of Wood Acres Drive to Buttonwood Lane; thence northwest along the center line of Buttonwood Lane to Youngs Road Extension; thence north along the Youngs Road Extension to its intersection with the New York Central Railroad; thence westerly along the New York Central Railroad to its intersection with Hopkins Road; thence north along the center line of Hopkins Road to the north line of the Town of Amherst; thence north and easterly along the north line of the Town of Amherst with all its meanderings to the east line of the Town of Amherst; thence southerly along the east line of the Town of Amherst to its intersection with the New York State Thruway; thence westerly along the center of the New York State Thruway to the point or place of beginning.

ALSO, all of the Town of Clarence.

ALSO, all of the Town of Newstead.

ALSO, all that portion of the Town of Cheektowaga bounded and enclosed in the following description:

COMMENCING at the intersection of the north line of the Town of Cheektowaga and Transit Road; thence southerly along the center line of Transit Road to its intersection with the north line of the incorporated Village of Depew; thence westerly, southerly, and westerly with all of its meanderings along the north line of the incorporated Village of Depew to Dick Road; thence northerly along the center line of Dick Road to Broad Street; thence west along the center line of Broad Street to Smith Street; thence northerly along the center line of Smith Street to Genesee Street; thence westerly along the center line of Genesee Street to Union Road; thence north along the centerline of Union Road to Cleveland Drive; thence easterly along the center line of Cleveland

Drive to Montfort Road; thence northerly along the center line of Montfort Road to the north line of the Town of Cheektowaga; thence east, north, and easterly with all of its meanderings along the north line of the Town of Cheektowaga to the point or place of beginning.]

[DISTRICT NO. 17]

All the Towns of Alden, Concord, Holland, Marilla, Sardinia, Wales, and Lancaster, excepting therefrom that portion of the Town of Lancaster which is enclosed in the incorporated village of Depew.]

Section 106. Legislative Districts, continued. The seventeen legislative districts as previously bounded and described by Local Law No. 2-1991 [Local Law No. 3-1981] shall continue as such for the limited purpose of continuing in office the legislators presently elected from said districts and shall cease to exist as such on January 1, 2004 [January 1, 1992]. For the purpose of the general election of 2003 [1991] and all other purposes, except as herein [before] provided, the County of Erie is divided into fifteen [seventeen] districts[, bounded and] described as contained in section one hundred five herein.

ARTICLE II
LEGISLATIVE BRANCH

Section 201. County legislature constituted. Until December 31, 2003, the county legislature shall be composed of seventeen [twenty] members who shall be elected one from each of the seventeen [twenty] legislative districts set forth in section one hundred five [hereof] of Local Law 2-1991. Effective January 1, 2004, the county legislature shall be composed of fifteen members who shall be elected one from each of the fifteen legislative districts set forth in section one hundred five hereof. The county legislators representing the seventeen or fifteen [twenty] legislative districts heretofore or herein created, as the case may be, when lawfully convened shall constitute the county legislature, which shall be the legislative and governing body of the county.

Section 2. If any clause, sentence, paragraph, section or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 3. The clerk of the Erie County Legislature is hereby authorized and directed to cause a copy of the foregoing local law to be published in the county's official newspapers.

MEETING NO. 5
February 28, 2002

ERIE COUNTY LEGISLATURE

Section 4. This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law after approval by the electors of the County of Erie in accordance with the requirements for conducting a referendum.

 Albert DeBenedetti

 John W. Greenan

 Jeanne Z. Chase

 Steven P. McCarville

 Elise M. Cusack

 Barry A. Weinstein, M.D.

 Michael H. Ranzenhofer

 Dale W. Larson

MR. SWANICK moved to send Local Law No. 2 (Print #1) to committee. MR. DALE seconded.

CHAIRMAN DeBENEDETTI directed that a roll call be taken.

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

FAILED. (WEIGHTED VOTE: 7.513 – 8.502)

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

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 8.502 – 7.513)

COMMITTEE REPORTS

Item 18 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

February 14, 2002

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 3

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

AS AMENDED

- | | | | | |
|----|---|------|-------|----------------|
| 1. | Item | Page | -2001 | (Intro. 18-12) |
| | HOLT, DeBENEDETTI, GREENAN, KUWIK, FISHER, PEOPLES, DUSZA, SWANICK, MARINELLI, CHASE, McCARVILLE, WEINSTEIN, RANZENHOFER, LARSON, SCHROEDER & DALE | | | |

WHEREAS, the city's vacancy rate ranks third in the nation, and

WHEREAS, according to the 2000 U. S. Census the population in the city has diminished by 11% over the past 10 years, and

WHEREAS, although this has had a tremendous impact on the East Side of the city, the long term effect would devastate the entire city of Buffalo, and

WHEREAS, residential development in the downtown area will generate a mass market for enhanced living attraction, increase opportunities for small business development, and

WHEREAS, the long-term effect will produce employment opportunities, create a circulation of revenue, which will increase the standard of living.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the residential development in downtown Buffalo in efforts to revitalize our economy.

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

AS AMENDED

- | | | | | |
|----|------|------|-------|---------------|
| 2. | Item | Page | -2002 | (Comm. 4E-23) |
|----|------|------|-------|---------------|

COUNTY EXECUTIVE

WHEREAS, The County of Erie, desires to participate in the retention and expansion of Rich Products Corporation in the City of Buffalo and Erie County; and

WHEREAS, The company was considering options for its frozen food operations; and

WHEREAS, The expansion of the activity in Buffalo will be the preferred alternative for new work which will promote the retention of existing jobs and the creation of approximately 40 new jobs; and

WHEREAS, The offer of job training for existing and new employees at the Erie County facilities was important to Rich Products Corporation's decision to stay and grow in Erie County; and

WHEREAS, The Buffalo and Erie County Workforce Investment Board is expected to approve funding in the amount of approximately \$355,000.00 for this project,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Buffalo and Erie County Workforce Development Consortium, in amounts not to exceed a total of \$355,000.00, for the purpose of providing job skills training to existing and new employees of the Rich Products Corporation; and be it further

RESOLVED, That the source of these funds shall be \$355,000.00 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will be transferred to a separate subaccount under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That the Erie County Department of Environment and Planning and the Buffalo and Erie County Workforce Investment Board will file a written report with the Erie County Legislature by July 1, 2002 in the status of the aforementioned project and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.
 (5-0) Legislator Greenan absent. Chairman DeBenedetti present as Ex-Officio Member.

3. Item Page -2002 (Comm. 4E-55)

COUNTY EXECUTIVE

(A)

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

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

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

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

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

To the Legislature:

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

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

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

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

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

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

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the

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Erie Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

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

(B)

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

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

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

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

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

To the Legislature:

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

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

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

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

The operation of a sports stadium and ancillary facilities is vital to the continued operation of the Buffalo Bisons, a Triple A minor league affiliate of the Cleveland Indians, whose presence in the

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City of Buffalo and County of Erie benefits the residents hereof by providing and promoting recreation, entertainment, trade and commerce.

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

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

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

MICHAEL H. RANZENHOFER
CHAIRMAN

MR. RANZENHOFER moved to separate items #1 and #3 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to amend item #1 to add Ms. CUSACK as a co-sponsor. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to send item #3 back to the ECONOMIC DEVELOPMENT COMMITTEE. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

February 14, 2002

FINANCE & MANAGEMENT

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COMMITTEE
REPORT NO. 3

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

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

- | | | | | |
|----|--|------|-------|---------------|
| | Item | Page | -2001 | (Comm. 21D-2) |
| a. | BUDGET, MANAGEMENT & FINANCE: Notice that Regionalism & Economic Development Fund Has Been Encumbered.
(5-0) Legislator Greenan absent. Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2002 | (Comm. 4D-1) |
| b. | DPW: Copy of Memo from Commissioner Lehman to John Rizzo Re: Non-Compliance with County Purchasing Procedures.
(5-0) Legislator Greenan absent. Chairman DeBenedetti present as Ex-Officio Member. | | | |
| | Item | Page | -2002 | (Comm. 4E-7) |
| c. | COMPTROLLER: Apportionment & Distribution of 4% Sales Tax Received by Erie County form NYS for January.
(5-0) Legislator Greenan absent. Chairman DeBenedetti present as Ex-Officio Member. | | | |

AS AMENDED

- | | | | | |
|----|---|------|-------|---------------|
| 2. | Item | Page | -2001 | (Comm. 1D-9A) |
| | BUDGET, FINANCE & MANAGEMENT | | | |

(A)

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

EMAIL DOCUMENT IS 202624EM.DOC.

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it ,

RESOLVED, that petitions numbered 202149 through 202150 inclusive

be hereby **denied** based upon the recommendation of the Director of Real Property Services and be charged back to the applicable\ Towns and / or Cities.

The Erie County Director of Real Property Services has determined these petitions can not be reduced through the petition process. This is a valuation issue and must be brought before the Board of Review in the Town of Alden for reconciliation.

Petition No. 202149 / 102 - ASSESSOR - Refund - \$665.11

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SBL No. 96.00-2-16.3 - TOWN OF ALDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 665.11 - Town/SpecialDist/School

Charge to : ALDEN CENTRAL 665.11

REFUND - ERROR IN ESSENTIAL FACT, THE SQUARE FOOTAGE USED TO DETERMINE THE ASSESSED VALUE WAS INCORRECT. THE ASSESSMENT WAS 155,100 AND SHOULD BE 131,700.

CHECK IN FAVOR OF: MARVIN J & LOIS LEWIS

Petition No. 202150/ 2002 - ASSESSOR - Cancel - \$318.53

SBL No. 96.00-2-16.3 - TOWN OF ALDEN

Acct. No. 112 - \$ 160.20 - County

Acct. No. 132 - \$ 158.33 - Town/SpecialDist/School

Charge to : TOWN OF ALDEN 89.47
 ALDEN FIRE PROTECTION 68.86

CANCEL - ERROR IN ESSENTIAL FACT, THE SQUARE FOOTAGE USED TO DETERMINE THE ASSESSED VALUE WAS INCORRECT. THE ASSESSMENT WAS 155,100 AND SHOULD BE 131,700.

(B)

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

EMAIL DOCUMENT IS 202622EM.DOC

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it ,

RESOLVED, that petitions numbered 202081 through 202148 inclusive be hereby approved based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 202081 / 2002 - ASSESSOR - Cancel - \$4,547.68

SBL No. 141.08-1-13.121 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 4,547.68 - Town/SpecialDist/School

Charge to : ECSD #6 SAN SEWER 4,547.68

CANCEL - CLERICAL ERROR, PARCEL WAS OVERCHARGED ON THE SEWER TAX. THE GALLONAGE FIGURE USED WAS 3097 AND SHOULD BE 453. RPTL 550(2)E

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Petition No. 202082 / 2002 - ASSESSOR - Cancel - \$1,226.93

SBL No. 142.19-1-10 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,226.93 - Town/SpecialDist/School

Charge to : ECSD #6 SAN SEWER 1,226.93

CANCEL - CLERICAL ERROR, THE FLOW CHARGE USED TO DETERMINE THE SEWER CHARGE WAS INCORRECT. RPTL 550(2)E.

Petition No. 202083 / 2002 - ASSESSOR - Cancel - \$984.41

SBL No. 42.20-3-1 - TOWN OF AMHERST

Acct. No. 112 - \$ 415.88 - County

Acct. No. 132 - \$ 568.53 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 511.37
 TRANSIT FIRE PROTECTION 57.16

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 277,800 AND SHOULD BE 192,000. RPTL 550(2)A

Petition No. 202084 / 2002 - ASSESSOR - Cancel - \$443.45

SBL No. 55.19-1-4 - TOWN OF AMHERST

Acct. No. 112 - \$ 169.65 - County

Acct. No. 132 - \$ 273.80 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 241.78
 SNYDER # 7 FIRE DISTRICT 32.02

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 125,000 AND SHOULD BE 90,000. RPTL 550(2)A.

Petition No. 202085 / 2002 - ASSESSOR - Cancel - \$1,176.27

SBL No. 26.03-1-23.1 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,176.27 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 1,176.27

CANCEL - CLERICAL ERROR, OVERCHARGED FOR SEWER TAX AND THE PRE TREAT CHARGE WAS PLACED ON PARCEL IN ERROR. RPTL 550(2)E

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Petition No. 202086 / 2009 - ASSESSOR - Cancel - \$172.24

SBL No. 28.08-5-8 - TOWN OF AMHERST

Acct. No. 112 - \$ 68.84 - County

Acct. No. 132 - \$ 103.40 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	89.40
SWORMSVILE FIRE PROTECTIO	14.00

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 219,400 AND SHOULD BE 205,200. RPTL 550(2)A.

Petition No. 202087 / 2002 - ASSESSOR - Cancel - \$38,452.27

SBL No. 28.13-2-50 - TOWN OF AMHERST

Acct. No. 112 - \$ 19,485.84 - County

Acct. No. 132 - \$ 18,966.43 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	18,966.43
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CANCEL - CLERICAL ERROR, THE PUBLIC HOUSING EXEMPTION IN THE AMOUNT\ OF 4,725,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202088 / 2002 - ASSESSOR - Cancel - \$503.39

SBL No. 40.07-3-4 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 503.39 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	179.77
AMHERST # 9 FIRE PROTECTI	323.62

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 1,300,000 AND SHOULD BE 956,700. RPTL 550(2)A

Petition No. 202089 / 2002 - ASSESSOR - Cancel - \$52.19

SBL No. 40.07-3-4./B - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 52.19 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	18.63
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AMHERST # 9 FIRE PROTECTI 33.56

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 690,000 AND SHOULD BE 654,400.
 RPTL 550(2)A.

Petition No. 202090 / 2002 - ASSESSOR - Cancel - \$173.02

SBL No. 40.11-2-48 - TOWN OF AMHERST
 Acct. No. 112 - \$ 65.19 - County
 Acct. No. 132 - \$ 107.83 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 94.45
 AMHERST # 9 FIRE PROTECTI 13.38

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 129,200 AND SHOULD BE 115,000.
 RPTL 550(2)A

Petition No. 202091 / 2002 - ASSESSOR - Cancel - \$167.59

SBL No. 40.68-1-41./144A - TOWN OF AMHERST
 Acct. No. 112 - \$ 74.11 - County
 Acct. No. 132 - \$ 93.48 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 93.48

CANCEL - CLERICAL ERROR, THE CONDO EXEMPTION IN THE AMOUNT OF 1,700
 WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE EXEMPTION SHOULD BE
 17,000. RPTL 550(2)B.

Petition No. 202092 / 2002 - ASSESSOR - Cancel - \$851.19

SBL No. 56.18-1-15 - TOWN OF AMHERST
 Acct. No. 112 - \$ 466.66 - County
 Acct. No. 132 - \$ 384.53 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 384.53

CANCEL - CLERICAL ERROR, THE RPTL 520 THAT WAS PLACED ON THIS PARCEL
 SHOULD HAVE GONE ON SBL 56.18-10-15. RPTL 550(2)E.

Petition No. 202093 / 2002 - ASSESSOR - Cancel - \$100.98

SBL No. 56.55-1-1./148 - TOWN OF AMHERST
 Acct. No. 112 - \$ 42.66 - County

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Acct. No. 132 - \$ 58.32 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 52.45
 TRANSIT FIRE PROTECTION 5.87

CANCEL CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 85,500 AND SHOULD BE 76,700.
 RPTL 550(2)A

Petition No. 202094 / 2002 - ASSESSOR - Cancel - \$4,575.45

SBL No. 67.12-1-15.1 - TOWN OF AMHERST

Acct. No. 112 - \$ 1,885.09 - County

Acct. No. 132 - \$ 2,690.36 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 2,201.31
 EGGERTSVILLE DIST #6 489.05

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 1,388,900 AND SHOULD BE 1,000,000.
 RPTL 550(2)A

Petition No. 202095 / 2002 - ASSESSOR - Cancel - \$179.11

SBL No. 67.71-4-20 - TOWN OF AMHERST

Acct. No. 112 - \$ 92.47 - County

Acct. No. 132 - \$ 86.64 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 86.64

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
 19,075 WAS MISCALCULATED. THE CORRECT EXEMPTION IS IN THE AMOUNT OF
 38,150. RPTL 550(2)B

Petition No. 202096 / 2002 - ASSESSOR - Cancel - \$147.27

SBL No. 69.13-3-35 - TOWN OF AMHERST

Acct. No. 112 - \$ 68.41 - County

Acct. No. 132 - \$ 78.86 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 78.86

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 105,600 AND SHOULD BE 86,000.
 RPTL 550(2)A

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Petition No. 202097 / 2002 - ASSESSOR - Cancel - \$660.05

SBL No. 69.16-3-1.1/55 - TOWN OF AMHERST

Acct. No. 112 - \$ 275.49 - County

Acct. No. 132 - \$ 384.56 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	326.38
MAIN TRANSIT FIRE PROTECT	58.18

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 158,900 AND SHOULD BE 98,900.
 RPTL 550(2)A

Petition No. 202098 / 2002 - ASSESSOR - Cancel - \$229.93

SBL No. 69.18-7-15 - TOWN OF AMHERST

Acct. No. 112 - \$ 96.95 - County

Acct. No. 132 - \$ 132.98 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	113.59
MAIN TRANSIT FIRE PROTECT	19.39

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 250,000 AND SHOULD BE 230,000.
 RPTL 550(2)A

Petition No. 202099 / 2002 - ASSESSOR - Cancel - \$238.55

SBL No. 69.20-2-11 - TOWN OF AMHERST

Acct. No. 112 - \$ 93.27 - County

Acct. No. 132 - \$ 145.28 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	110.67
MAIN TRANSIT FIRE PROTECT	34.61

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 184,700 AND SHOULD BE 149,000.
 RPTL 550(2)A

Petition No. 202100 / 2002 - ASSESSOR - Cancel - \$374.47

SBL No. 80.06-11-24 - TOWN OF AMHERST

Acct. No. 112 - \$ 193.32 - County

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Acct. No. 132 - \$ 181.15 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 181.15

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 48,745 (45%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202101 / 2002 - ASSESSOR - Cancel - \$252.39

SBL No. 80.08-6-33 - TOWN OF AMHERST

Acct. No. 112 - \$ 117.79 - County

Acct. No. 132 - \$ 134.60 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 134.60

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 124,300 AND SHOULD BE 100,000. RTPL 550(2)A

Petition No. 202102 / 102 - ASSESSOR - Refund - \$1,266.96

SBL No. 80.12-7-3 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,266.96 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT 1,266.96

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 67,500 (50%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 202103 / 2002 - ASSESSOR - Cancel - \$391.98

SBL No. 91.09-3-26 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 164.36 - County

Acct. No. 132 - \$ 227.62 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA 227.62

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 21,200 (50%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

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Petition No. 202104/ 2002 - ASSESSOR - Cancel - \$108.71

SBL No. 91.05-2-17 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 29.09 - County

Acct. No. 132 - \$ 79.62 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA 79.62

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 12,358 FOR COUNTY TAX AND 7415 FOR TOWN TAX WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202105 / 2002 - ASSESSOR - Cancel - \$278.62

SBL No. 91.10-7-27 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 86.64 - County

Acct. No. 132 - \$ 191.98 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA 191.98

CANCDL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 22,350 FOR COUNTY TAX AND 17,880 FOR TOWN TAX WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202106 / 2002 - ASSESSOR - Cancel - \$310.22

SBL No. 125.11-5-13 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 199.63 - County

Acct. No. 132 - \$ 110.59 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA 110.59

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 25,750 FOR COUNTY TAX AND 10,300 FOR TOWN TAX WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202107 / 2002 - ASSESSOR - Refund - \$317.66

SBL No. 43.14-1-2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 317.66 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 317.66

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REFUND - CLERICAL ERROR, THE PARCEL RECEIVED THE BASIC STAR EXEMPTION
 IN THE AMOUNT OF 30,000 AND WAS ENTITLED TO THE ENHANCED STAR
 EXEMPTION IN THE AMOUNT OF 50,000. RPTL 550(2)B.
 CHECK IN FAVOR OF: JANE CEMPURA CLARENCE CENTRAL

Petition No. 202108/ 2002 - ASSESSOR - Cancel - \$344.40

SBL No. 44.00-4-1.2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 344.40 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 344.40

CANCEL - CLERICAL ERROR, THE TCSD #2 WAS CHARGED TO THIS PARCEL
 IN ERROR. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
 RPTL 550(2)E

Petition No. 202109 / 2002 - ASSESSOR - Refund - \$251.12

SBL No. 58.00-1-5.112 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 251.12 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 251.12

REFUND - CLERICAL ERROR, THE TCSD #2 WAS CHARGED TO THIS PARCEL
 IN ERROR. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
 RPTL 550(2)E
 CHECK IN FAVOR OF: MARK & DEBORAH ROBERTS

Petition No. 202110 / 2002 - ASSESSOR - Cancel - \$236.77

SBL No. 58.00-1-5.118 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 236.77 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 236.77

CANCEL - CLERICAL ERROR, THE TCSD #2 WAS CHARGED TO THIS PARCEL IN
 ERROR. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
 RPTL 550(2)E.

Petition No. 202111 / 2002 - ASSESSOR - Cancel - \$717.49

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ERIE COUNTY LEGISLATURE

SBL No. 58.00-1-5.2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 717.49 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 717.49

CANCEL - CLERICAL ERROR, THE TCSD#2 WAS CHARGED IN ERROR ON THIS PARCEL. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
 RPTL 550(2)E

Petition No. 202112/ 2002 - ASSESSOR - Cancel - \$545.29

SBL No. 58.00-1-8.12 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 545.29 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 545.29

CANCEL - CLERICAL ERROR, THS TCSD #2 WAS CHARGED IN ERROR TO THIS PARCEL. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
 RPTL 550(2)E

Petition No. 202113 / 2002 - ASSESSOR - Cancel - \$172.20

SBL No. 58.00-1-8.2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 172.20 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 172.20

CANCEL - CLERICAL ERROR, THE TCSD#2 WAS CHARGED IN ERROR ON THIS PARCEL. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
 RPTL 550(2)E.

Petition No. 202114 / 2002 - ASSESSOR - Refund - \$200.90

SBL No. 58.00-1-9 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 200.90 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 200.90

REFUND - CLERICAL ERROR, THE TCSD #2 WAS CHARGED IN ERROR TO THIS

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PARCEL. THE PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
 RPTL 550(2)E.
 CHECK IN FAVOR OF: ERIC & ANNE PUTNAM

Petition No. 202115 / 2002 - ASSESSOR - Cancel - \$93.27

SBL No. 58.00-1-10.12 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 93.27 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 93.27

CANCEL - CLERICAL ERROR, THE TCSD#2 WAS PLACED ON THIS PARCEL IN
 ERROR. THIS PARCEL IS NOT HOOKED INTO THE SEWER DISTRICT.
 RPTL 550(2)E

Petition No. 202116 / 2002 - ASSESSOR - Refund - \$215.25

SBL No. 58.00-1-10.21 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 215.25 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 215.25

REFUND - CLERICAL ERROR, TCSD #2 WAS PLACED ON PARCEL IN ERROR. THE
 PARCEL IS NOT HOOKED UP TO THIS SEWER DISTRICT. RPTL 550(2)E
 CHECK IN FAVOR OF: THOMAS J SOBCZAK

Petition No. 202117 / 2002 - ASSESSOR - Cancel - \$294.17

SBL No. 58.00-1-10.41 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 294.17 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 294.17

CANCEL - CLERICAL ERROR, THE TCSD #2 WAS PLACED ON THIS PARCEL IN
 ERROR. THIS PARCEL IS NOT HOOKED UP TO THIS SEWER DISTRICT.
 RPTL 550(2)E

Petition No. 202118 / 2002 - ASSESSOR - Cancel - \$344.40

SBL No. 58.00-1-10.6 - TOWN OF CLARENCE

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Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 344.40 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 344.40

CANCEL - CLERICAL ERROR, THE TCSD#2 WAS PLACED ON THIS PARCEL IN
 ERROR. THIS PARCEL IS NOT HOOKED UP TO THIS SEWER DISTRICT.
 RPTL 550(2)E

Petition No. 202119/ 2002 - ASSESSOR - Cancel - \$566.82

SBL No. 58.00-1-10.7 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 566.82 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 566.82

CANCEL - CLERICAL ERROR, THE TCSD #2 WAS PLACED ON THIS PARCEL IN
 ERROR. THIS PARCEL IS NOT HOOKED UP TO THIS SEWER DISTRICT.
 RPTL 550(2)E

Petition No. 202120 / 2002 - ASSESSOR - Cancel - \$157.85

SBL No. 58.00-1-11 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 157.85 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 157.85

CANCEL - CLERICAL ERROR, THE TCSD #2 WAS PLACED ON THIS PARCEL IN
 ERROR. THIS PARCEL IS NOT HOOKED UP TO THIS SEWER DISTRICT.
 RPTL 550(2)E

Petition No. 202121 / 2002 - ASSESSOR - Cancel - \$165.02

SBL No. 58.00-1-22.2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 165.02 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 165.02

CANCEL - CLERICAL ERROR, THE TCSD#2 TAX WAS PLACED ON THIS PARCEL

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IN ERROR. THIS PARCEL IS NOT HOOKED UP TO THIS SEWER DISTRICT.
RPTL 550(2)E

Petition No. 202122 / 2002 - ASSESSOR - Cancel - \$100.45

SBL No. 58.00-2-13 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 100.45 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 100.45

CANCEL - CLERICAL ERROR, THE TCSD#2 TAX WAS PLACED ON THIS PARCEL
IN ERROR. THIS PARCEL IS NOT HOOKED UP WITH THIS SEWER DISTRICT.
RPTL 550(2)E

Petition No. 202123 / 2002 - ASSESSOR - Cancel - \$150.67

SBL No. 58.00-2-14 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 150.67 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 150.67

CANCEL - CLERICAL ERROR, THE TCSD#2 TAX WAS PLACED ON THIS PARCEL
IN ERROR. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
RPTL 550(2)E

Petition No. 202124 / 2002 - ASSESSOR - Cancel - \$222.42

SBL No. 58.00-2-15.3 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 222.42 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 222.42

CANCEL - CLERICAL ERROR, THE TCSD #2 TAX WAS PLACED ON THIS PARCEL
IN ERROR. THIS PARCEL IN NOT HOOKED INTO THIS SEWER DISTRICT.
RPTL 550(2)E

Petition No. 202125 / 2002 - ASSESSOR - Refund - \$330.05

SBL No. 58.00-2-17.112 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

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Acct. No. 132 - \$ 330.05 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 330.05

REFUND - CLERICAL ERROR, THE TCSD#2 TAX WAS PLACED ON THIS PARCEL
 IN ERROR. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
 RPTL 550(2)E
 CHECK IN FAVOR OF: MARK & CARLA ARCURI

Petition No. 202126 / 2002 - ASSESSOR - Cancel - \$222.42

SBL No. 58.00-2-17.2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 222.42 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 222.42

CANCEL - CLERICAL ERROR, THE TCSD#2 TAX WAS PLACED ON THIS PARCEL
 IN ERROR. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
 RPTL 550(2)E

Petition No. 202127 / 2002 - ASSESSOR - Refund - \$938.60

SBL No. 58.00-2-31 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 938.60 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 938.60

REFUND - CLERICAL ERROR, THE TCSD#2 TAX WAS PLACED ON THIS PARCE
 IN ERROR. THIS PARCEL IS NOT HOOKED INTO THIS SEWER TAX.
 RPTL 550(2)E
 CHECK IN FAVOR OF: RICHARD & JOANNE SHEREMETA

Petition No. 202128 / 2002 - ASSESSOR - Cancel - \$545.29

SBL No. 58.00-2-31 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 545.29 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 545.29

CANCEL - CLERICAL ERROR, THE TCSD#2 TAX WAS PLACED ON THIS PARCEL
 IN ERROR. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
 RPTL 550(2)E

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ERIE COUNTY LEGISLATURE

Petition No. 202129 / 2002 - ASSESSOR - Cancel - \$186.55

SBL No. 58.00-2-38 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 186.55 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 186.55

CANCEL - CLERICAL ERROR, THS TCSD#2 TAX WAS PLACED ON THIS PARCEL
 IN ERROR. THIS PARCEL IS NOT HOOKED INTO THIS SEWER DISTRICT.
 RPTL 550(2)E

Petition No. 202130 / 102 - ASSESSOR - Refund - \$1,588.34

SBL No. 72.10-3-3 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,588.34 - Town/SpecialDist/School

Charge to : CLARENCE CENTRAL 1,588.34

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THIS PARCEL. THE ASSESSED VALUE WAS 181,800 AND SHOULD BE 81,800.
 RPTL 550(2)A

CHECK IN FAVOR OF: VINCENT T & LINDA BUCCITELLI

Petition No. 202131 / 2002 - ASSESSOR - Cancel - \$883.99

SBL No. 72.10-3-3 - TOWN OF CLARENCE

Acct. No. 112 - \$ 475.76 - County

Acct. No. 132 - \$ 408.23 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 266.83
 CLARENCE FIRE DIST 141.40

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 181,800 AND SHOULD BE 81,800.
 RPTL 550(2)A

Petition No. 202132 / 102 - ASSESSOR - Refund - \$662.33

SBL No. 72.10-3-4.1 - TOWN OF CLARENCE

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ERIE COUNTY LEGISLATURE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 662.33 - Town/SpecialDist/School

Charge to : CLARENCE CENTRAL 662.33

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 241,70 AND SHOULD BE 200,000.
 RPTL 550(2)A
 CHECK IN FAVOR OF: VINCENT T BUCCITELLI

Petition No. 202133 / 2002 - ASSESSOR - Cancel - \$368.64

SBL No. 72.10-3-4.1 - TOWN OF CLARENCE

Acct. No. 112 - \$ 198.39 - County

Acct. No. 132 - \$ 170.25 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE 111.28
 CLARENCE FIRE DIST 58.97

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 241,700 AND SHOULD BE 200,000.
 RPTL 550(2)A

Petition No. 202134 / 2002 - ASSESSOR - Refund - \$781.25

SBL No. 72.14-3-2 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 781.25 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 304.75
 BASIC STAR EXEMPTION 476.50

REFUND - CLERICAL ERROR, THE BASIC STAR WAS OMITTED FOR 2000/2001 IN
 THE AMOUNT OF 20,000 AND 2001/2002 IN THE AMOUNT OF 30,000.
 RPTL 550(2)C. CLARENCE CENTRAL
 CHECK IN FAVOR OF: FRANK M PECENCO

Petition No. 202135 / 2002 - ASSESSOR - Cancel - \$291.75

SBL No. 273.00-2-13.1 - TOWN OF CONCORD

Acct. No. 112 - \$ 190.86 - County

Acct. No. 132 - \$ 100.89 - Town/SpecialDist/School

Charge to : TOWN OF CONCORD 100.89

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ERIE COUNTY LEGISLATURE

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 23,793 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202136/ 2002 - ASSESSOR - Cancel - \$672.88

SBL No. 320.0-1-20.22 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 371.39 - County

Acct. No. 132 - \$ 301.49 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA

197.32

CONCORD FIRE PROTECT

104.17

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 98,000 ADN SHOULD BE 51,700. RPTL 550(2)A

Petition No. 202137 / 2002 - ASSESSOR - Cancel - \$61.46

SBL No. 336.14-1-2.2 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 61.46 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA

61.46

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 32,450 FOR THE TOWN TAX WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202138 / 2002 - ASSESSOR - Cancel - \$140.28

SBL No. 345.00-1-1 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 91.77 - County

Acct. No. 132 - \$ 48.51 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA

48.51

CANCEL - CLERICAL ERROR, THE FOREST EXEMPTION IN THE AMOUNT OF 11,440 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERORR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202139 / 2002 - ASSESSOR - Cancel - \$568.94

SBL No. 345.00-1-16 - TOWN OF CHEEKTOWAGA

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ERIE COUNTY LEGISLATURE

Acct. No. 112 - \$ 372.19 - County

Acct. No. 132 - \$ 196.75 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA 196.75

CANCEL - CLERICAL ERROR, THE FOREST EXEMPTION IN THE AMOUNT OF 46,400 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202140 / 2002 - ASSESSOR - Cancel - \$321.68

SBL No. 146.00-5-3.111 - TOWN OF ELMA

Acct. No. 112 - \$ 234.01 - County

Acct. No. 132 - \$ 87.67 - Town/SpecialDist/School

Charge to : TOWN OF ELMA 23.37
 SPRINGBROOK FIRE PROTECT 64.30

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CREATED IN ERROR. THIS DOES NOT EXIST. RPTL 550(2)A

Petition No. 202141 / 2002 - ASSESSOR - Cancel - \$11.40

SBL No. 146.01-1-18 - TOWN OF ELMA

Acct. No. 112 - \$ 10.92 - County

Acct. No. 132 - \$ 0.48 - Town/SpecialDist/School

Charge to : TOWN OF ELMA 0.48

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 140 (5%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202142 / 2002 - ASSESSOR - Cancel - \$7.74

SBL No. 154.04-2-3 - TOWN OF ELMA

Acct. No. 112 - \$ 7.42 - County

Acct. No. 132 - \$ 0.32 - Town/SpecialDist/School

Charge to : TOWN OF ELMA 0.32

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CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 95 (5%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202143 / 2002 - ASSESSOR - Cancel - \$138.34

SBL No. 205.00-3-6 - TOWN OF EVANS

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 138.34 - Town/SpecialDist/School

Charge to : TOWN OF EVANS 138.34

CANCEL - CLERICAL ERROR, THIS HOME IS UNOCCUPIED. THE GARBAGE TAX IS TO BE REMOVED. RPTL 550(2)E

Petition No. 202144 / 2002 - ASSESSOR - Cancel - \$300.00

SBL No. 221.00-5-6.1 - TOWN OF EVANS

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 300.00 - Town/SpecialDist/School

Charge to : ERIE COUNTY SEWER DIST 300.00

CANCEL - CLERICAL ERROR, THE FRONTAGE ON THE SEWER TAX IS INCORRECT. RPTL 550(2)E

Petition No. 202145 / 2002 - ASSESSOR - Cancel - \$133.29

SBL No. 217.00-4-15.121 - TOWN OF HOLLAND

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 133.29 - Town/SpecialDist/School

Charge to : HOLLAND FIRE DIST #1 133.29

CANCEL - CLERICAL ERROR, PARCEL WAS CHARGED FOR TWO FIRE DISTRICT. SHOULD ONLY BE CHARGED FOR ONE FIRE DISTRICT. RPTL 550(2)E.

Petition No. 202146 / 2002 - ASSESSOR - Cancel - \$17.34

SBL No. 263.09-2-2 - TOWN OF HOLLAND

Acct. No. 112 - \$ 8.85 - County

Acct. No. 132 - \$ 8.49 - Town/SpecialDist/School

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Charge to : TOWN OF HOLLAND 6.23
 HOLLAND FIRE DIST #1 2.26

CANCEL - ERROR IN ESSENTIAL FACT, INCORRECT ACREAGE WAS USED TO
 DETERMINE THE ASSESSED VALUE. THE ASSESSMENT WAS 43,400 AND SHOULD
 BE 41,900. RPTL 550(3)C

Petition No. 202147 / 102 - ASSESSOR - Refund - \$599.48

SBL No. 61.00-5-1.2 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 599.48 - Town/SpecialDist/School

Charge to : AKRON CENTRAL 599.48

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 3,295,385 AND SHOULD BE 3,254,785.
 RPTL 550(2)A
 CHECK IN FAVOR OF: GOLDEN PONT ESTATES INC

Petition No. 202148 / 2002 - ASSESSOR - Cancel - \$1,982.33

SBL No. 65.76-7-5 & 198 OTHERS - TOWN OF TONAWANDA

Acct. No. 112 - \$ 1,021.95 - County

Acct. No. 132 - \$ 960.38 - Town/SpecialDist/School

Charge to : TOWN OF TONAWANDA 960.38

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION WAS OMITTED ON THESE
PARCELS IN ERROR. THE WRONG TERMINATION DATE WAS USED. RPTL 550(2)C
 (5-0) Legislator Greenan absent. Chairman DeBenedetti present as Ex-Officio Member.

3. Item Page -2002 (Comm. 4E-51)
COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from
 John Apgar, who owns property adjoining the above County owned parcel of land to purchase this
 parcel, and

WHEREAS, the other adjoining property owner has indicated they would not be interested in
 acquiring this parcel of land, and

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

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NOW, THEREFORE BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to John Apgar, 1600 Porterville Road, East Aurora, New York 14052 for the sum of Five Hundred and 00/100 Dollars (\$ 500.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Aurora, County of Erie and State of New York being part of Farmlot 60, Township 9, Range 6, and according to a map filed in the Erie County Clerk's Office under Map Cover 1916 is known as subplot 33, and further described on Erie County Tax Maps as Section, Block and Lot No. 186.010-1-18 (Manchester Road 100.00 x 200.34). Intending to convey all land acquired by Erie County as Serial No. 670 in the County In Rem Tax Foreclosure Action No. 148, and be it further

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

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

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

DALE W. LARSON
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 20 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

February 14, 2002

HUMAN SERVICES
COMMITTEE
REPORT NO. 3

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

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1. Item Page -2002 (Comm. 4E-18)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department provides an important program of pediatric care at various sites in Erie County, and

WHEREAS, we wish to renew an agreement with the Buffalo Municipal Housing Authority to lease space in a building at its Perry Valley site located at 394, 398-400 South Park Avenue, Buffalo, New York, at the existing rental of three dollars (\$3.00) per year for the period March 1, 2001 through February 28, 2002.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to renew an agreement with the Buffalo Municipal Housing Authority, at a rate of three dollars (\$3.00) per year, for the period March 1, 2002 through February 28, 2004 for rental of space at 394, 398-400 South Park Avenue, Buffalo, New York, and be it further

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

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

2. Item Page -2002 (Comm. 4E-19)

COUNTY EXECUTIVE

WHEREAS, enrollment of uninsured children into adequate health coverage is a national, state and local priority, and

WHEREAS, the New York State Department of Health has funded the Western New York Healthcare Association to oversee a \$350,000 grant that facilitates enrollment of children in Erie, Niagara, Cattaraugus and Chautauqua counties, and

WHEREAS, the Erie County Department of Health will be responsible for coordinating the enrollment of children both in Erie and Niagara Counties, and

WHEREAS, the Western New York Healthcare Association has named the Erie County Department of Health as a subcontractor to this grant to receive a revised budget in the amount of \$165,000.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized enter into a revised contract agreement to accept a grant award with the Western New York Healthcare Association to be budgeted as follows:

FACILITATED ENROLLMENT FOR CHILD HEALTH PLUS AND MEDICAID

9/1/01 – 8/31/02

PROJECT #497

SFG ACCOUNT	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
521	Other Unclassified			
	Revenue	<u>\$162,860</u>	<u>\$2,140</u>	<u>\$165,000</u>
	TOTAL	<u>\$162,860</u>	<u>\$2,140</u>	<u>\$165,000</u>
	<u>EXPENSES</u>			
800	Personal Services	\$125,295	\$ 315	\$125,610
805	Fringe Benefits	27,565	1,539	29,104
810	Office Supplies	1,000	-314	686
824	Travel & Mileage Expense	6,000	500	6,500
880-5100	DISS	3,000	-900	2,100
932	Office Equipment	0	1,000	1,000
	TOTAL	<u>\$162,880</u>	<u>\$2,140</u>	<u>\$165,000</u>

and be it further

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

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

3. Item Page -2002 (Comm. 4E-22)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant from the New York State Health Department in the amount of \$130,000 for the period 10/1/01 through 9/30/02, with an option for two one-year extensions, and

WHEREAS, over 300,000 people in the United States die of causes directly related to smoking, and

WHEREAS, most smokers start using tobacco before the age of eighteen, and

WHEREAS, the Health Department's Environmental Health Unit will conduct an informational campaign targeted toward merchants, informing them of the New York State Law prohibiting the sale of tobacco products to persons under the age of eighteen, and

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WHEREAS, the County desires to subcontract with various Police agencies in Erie County and the Wellness Institute of Greater Buffalo and Western New York, Inc. to conduct compliance checks of merchants by using underage operatives who will attempt to purchase tobacco products.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an amended contract with the New York State to be budgeted as follows:

YOUTH TOBACCO ENFORCEMENT & PREVENTION PROGRAM

10/1/01 - 09/30/02

PROJECT # 506

<u>SFG</u>	<u>SUB REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
428	PENALTIES & FINES	\$10,000	\$0	\$10,000
549	101 TRANSFER FROM PRIOR GRANT	0	45,613	45,613
553	STATE AID	<u>90,000</u>	<u>38,092</u>	<u>128,092</u>
	TOTAL	<u>\$100,000</u>	<u>\$83,705</u>	<u>\$183,705</u>
	<u>EXPENSES</u>			
800	PERSONNEL SERVICES	\$45,013	\$12,189	\$57,202
805	FRINGES BENEFITS	9,903	6,341	16,244
810	OFFICE SUPPLIES	500	3,500	4,000
821	DUES & FEES	100	18,500	18,600
824	TRAVEL & MILEAGE	2,000	500	2,500
825	OUT OF AREA TRAVEL	500	3,000	3,500
826	OTHER EXPENSES	1,000	8,000	9,000
830	CONTRACTUAL SERVICES	38,734	14,991	53,725
880-5100	INTERFUND DISS	250	250	500
932	OFFICE EQUIPMENT	1,000	2,924	3,924
933	LAB & TECH EQUIPMENT	<u>\$1,000</u>	<u>13,510</u>	<u>14,510</u>
	TOTAL	<u>\$100,000</u>	<u>\$83,705</u>	<u>\$183,705</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to subcontract with the Erie County Sheriff's Department and other police agencies, and the Wellness Institute of Greater Buffalo and Western New York, Inc. to conduct compliance checks of merchants by using underage operatives to attempt to purchase tobacco products to carry out this project, and be it further

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RESOLVED, that police agencies will be reimbursed at the rate of \$35.00 per compliance check, and be it further

RESOLVED, that the Wellness Institute of Greater Buffalo and Western New York, Inc. will be reimbursed at a sum not to exceed \$2,500 per year, and be it further

RESOLVED, that one half of the fines collected by the Health Department will be returned to the police agencies where the violation occurred to be used for educational programs designed to prevent adolescents from smoking as provided in Article 13-F of the New York State Public Health Law, and be it further

RESOLVED, that the Erie County Health Department will work with agencies involved in youth programs in an attempt to find effective ways to convince children not to smoke, and be it further

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

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

4. Item Page -2002 (Comm. 4E-24)
COUNTY EXECUTIVE

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

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

WHEREAS, funds are available in Account 821, Dues and Fees, in the Health Department's 2002 adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract effective January 1, 2002 through December 31, 2002, with the American Red Cross, Buffalo Chapter, in an amount not to exceed \$35,000, to provide peer educators and peer education leaders, and be it further

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

Peer Educator	\$6.60 per hour
Peer Navigator	\$8.80 per hour

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Senior Peer Leader \$11.00 per hour

and be it further

RESOLVED, that the contract with the American Red Cross is for special services that must be provided immediately and continuously, and therefore the Request for Proposal procedure required by Local Law No. 6, Section 19.08 of the Administrative Code is hereby waived, and be it further

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

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

5. Item Page -2002 (Comm. 4E-25)

COUNTY EXECUTIVE

WHEREAS, enrollment of uninsured children into adequate health coverage is a national, state and local priority, and

WHEREAS, the New York State Department of Health has funded the Western New York Healthcare Association to oversee a \$400,000 grant that facilitates enrollment of children in Erie, Niagara, Cattaraugus and Chautauqua counties, and

WHEREAS, the Erie County Department of Health will be responsible for coordinating the enrollment of children both in Erie and Niagara Counties, and

WHEREAS, the Western New York Healthcare Association has named the Erie County Department of Health as a subcontractor to this grant to receive an amended amount of \$187,430.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised grant award from the Western New York Healthcare Association to be budgeted as follows:

FACILITATED ENROLLMENT FOR CHILD HEALTH PLUS AND MEDICAID

1/1/00-08/31/01

PROJECT #370

SFG ACCOUNT	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
521	OTHER LOCAL SOURCE	<u>\$ 155,668</u>	<u>\$31,762.00</u>	<u>\$ 187,430</u>
	TOTAL	<u>\$ 155,668</u>	<u>\$31,762.00</u>	<u>187,430</u>

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	EXPENSES			
800	PERSONAL SERVICES	\$ 118,181	\$31,009.00	\$ 149,190
805	FRINGE BENEFITS	25,007	2,213.00	27,220
810	OFFICE SUPPLIES	1,500	-635.00	865
824	TRAVEL & MILEAGE EXPENSE	6,000	-50.00	5,950
826	OTHER EXPENSES	980	-310.00	670
880-5100	D.I.S.S.	3,000	185.00	3,185
932	OFFICE EQUIPMENT	<u>1,000</u>	<u>-650.00</u>	<u>350</u>
	TOTAL	<u>\$ 155,668</u>	<u>\$31,762.00</u>	<u>\$ 187,430</u>

and be it further

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

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

6. Item Page -2002 (Comm. 4E-26)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates an Asthma Initiative Pilot Project, and

WHEREAS, the purpose of this project is to provide asthma control services through home intervention for the asthmatic children in Erie County, and

WHEREAS, Asthma patient statistical analysis of project data and allergy stain testing are an essential component of effective asthma control.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with the SUNY at Buffalo, Family Medicine Faculty Associates, Inc. for statistical analysis of project data and chart review for an amount not to exceed \$20,000 for the contract period 1/1/01-12/31/01, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with SUNY at Buffalo Pediatric Associates, Inc. to perform and analyze allergy stain tests for an amount not to exceed \$5,000 for the contract period 1/1/01 -12/31/01, and be it further

RESOLVED, that the subcontracts with Family Medicine Faculty Associates, Inc. and the Buffalo Pediatric Associates, Inc. are a special service which must be provided immediately and

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continuously, and therefore the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

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

7. Item Page -2002 (Comm. 4E-27)

COUNTY EXECUTIVE

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

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

WHEREAS, the New York State Health Department has awarded the Erie County Department of Health a revised grant in the amount of \$552,084 which authorizes budgetary adjustments.

NOW, THEREFORE, BE IT

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

LEAD POISONING PREVENTION PROGRAM

01/01/02 - 12/31/02

PROJECT # 704

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
553		STATE AID	<u>\$ 590,666</u>	<u>\$-38,582</u>	<u>\$ 552,084</u>
		TOTAL	<u>\$ 590,666</u>	<u>\$-38,582</u>	<u>\$ 552,084</u>
		<u>EXPENSES</u>			
800		PERSONNEL SERVICES	\$460,982	\$-30,339	\$ 430,643
801		OVERTIME	1,500	500	2,000
805		FRINGE BENEFITS	107,111	-7,374	99,737

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810	OFFICE SUPPLIES	1,000	-1,000	0
811	CLOTHING SUPPLIES	500	-500	0
814	MEDICAL SUPPLIES	1,500	0	1,500
821	DUES & FEES	4,500	-1,630	2,870
823	REPAIRS & MAINTENANCE	3,000	-2,720	280
824	TRAVEL & MILEAGE	3,573	9,427	13,000
825	OUT OF AREA TRAVEL	2,500	-1,500	1,000
826	OTHER EXPENSES	3,000	-1,946	1,054
933	LAB & TECHNICAL EQUIPMENT	<u>1,500</u>	<u>-1,500</u>	<u>0</u>
	TOTAL	<u>\$ 590,666</u>	<u>\$ -38,582</u>	<u>\$552,084</u>

and be it further

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

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

8. Item Page -2002 (Comm. 4E-28)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates a Women's Health Services Program that provides comprehensive family planning services to at-risk adolescents and other medically indigent women and men at various locations within Erie County, and

WHEREAS, the Erie County Department of Health has recently received approval from the New York State Health Department to expand services and enhance operations in the Women's Health Services Program, and

WHEREAS, the enhanced funding will be used to install security cameras, add examining rooms and upgrade computer equipment at clinic sites.

NOW, THEREFORE, BE IT

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

WOMEN'S HEALTH SERVICES

4/1/01 – 3/31/02

PROJECT #493

SFG		CURRENT		REVISED
CODE	REVENUE	BUDGET	CHANGES	BUDGET

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386	PRIVATE PAY	\$ 3,300	\$ 0	\$ 3,300
387	MEDICAID	577,616	0	577,616
360-1012	COMMUNITY FOUNDATION	14,495	0	14,495
549-138	PRIOR YEARS MEDICAID ROLLOVER	0	179,114	179,114
549-166	INSURANCE	7,500	0	7,500
551-100	STATE AID-BDCC	80,000	0	80,000
553	STATE AID-OTHER	324,893	0	324,893
685-2700	INTERFUND-NON SUBSIDY	<u>69,444</u>	<u>0</u>	<u>69,444</u>

TOTAL REVENUE	<u>\$ 1,077,248</u>	<u>\$ 179,114</u>	<u>\$ 1,256,362</u>
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APPROPRIATIONS

800	PERSONAL SERVICES	\$ 597,310	\$ 0	\$ 597,310
805	FRINGE BENEFITS	131,408	0	131,408
810	OFFICE SUPPLIES	6,000	0	6,000
814	MEDICAL SUPPLIES	72,426	0	72,426
816	MAINT SUPPLIES	250	100	350
821	DUES & FEES	62,537	15,000	77,537
822	RENTAL CHARGES	500	0	500
823	REPAIRS & MAINT	7,900	56,500	64,400
824	LOCAL MILEAGE	7,150	0	7,150
825	TRAVEL-OUT OF AREA	8,900	0	8,900
826	OTHER EXPENSES	29,111	11,000	40,111
880-2700	INTERFUND-HEALTH DEPT.	20,351	0	20,351
880-2720	INTERFUND-PUBLIC HEALTH LAB	16,940	0	16,940
880-4000	INTERFUND-ECMC	56,500	0	56,500
880-5100	INTERFUND-DISS	10,800	0	10,800
883-2709	INTERDEPT-HEALTH GRANTS	(150)	0	(150)
931	BUILDINGS & GROUNDS EQUIP	0	41,000	41,000
932	OFFICE EQUIPMENT	1,070	1,400	2,470
933	LAB & TECHNICAL EQUIPMENT	<u>48,245</u>	<u>54,114</u>	<u>102,359</u>

TOTAL APPROPRIATIONS	<u>\$ 1,077,248</u>	<u>\$ 179,114</u>	<u>\$ 1,256,362</u>
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and be it further

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

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

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9. Item Page -2002 (Comm. 4E-29)

COUNTY EXECUTIVE

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a revised grant award for the Immunization Action Plan Program in the amount of \$124,400 which is funded 100% from the New York State Health Department which includes budgetary adjustments as follows:

IMMUNIZATION ACTION PLAN

04/1/01 - 03/31/02

PROJECT # 503

<u>SFG</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
553	STATE AID	<u>\$124,400</u>	<u>\$0</u>	<u>\$124,400</u>
	TOTAL	<u>\$124,400</u>	<u>\$0</u>	<u>\$124,400</u>
	<u>EXPENSES</u>			
800	PERSONNEL SERVICES	\$87,741	\$-13,000	\$74,741
805	FRINGE BENEFITS	19,303	-5,000	14,303
810	OFFICE SUPPLIES	2,000	0	2,000
814	MEDICAL SUPPLIES	100	0	100
821	DUES & FEES	100	0	100
822	RENTAL CHARGES	100	0	100
823	REPAIRS & MAINTENANCE		100	0
100				
824	TRAVEL & MILEAGE	1,000	0	1,000
825	OUT OF AREA TRAVEL	5,000	0	5,000
826	OTHER EXPENSES	5,656	18,000	23,656
880-5100	DISS	300	0	300
933	LAB & TECH EQUIPMENT	<u>3,000</u>	<u>0</u>	<u>3,000</u>

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TOTAL	<u>\$124,400</u>	<u>\$ 0</u>	<u>\$124,400</u>
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and be it further

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

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

10. Item Page -2002 (Comm. 4E-30)

COUNTY EXECUTIVE

WHEREAS, the tragic events of September 11th and subsequent anthrax crisis have stretched the capacity of the Emergency Medical Service Division's ability to coordinate disaster related initiatives, and

WHEREAS, planning for the Emergency Medical Services response to terrorism requires additional staff to meet these needs, and

WHEREAS, the creation of one full-time position of Special Assistant to the Deputy Commissioner of Emergency Services, JG 10, Step 5, will assist in coordinating these initiatives, and

WHEREAS, the Erie County Health Department desires to fill the position with a qualified and experienced professional who is currently an employee of another department, and

WHEREAS, funds to effect this change are available in a designated contingency fund and Article 6 State Aid.

NOW, THEREFORE, BE IT

RESOLVED, that one full time position of Special Assistant to the Deputy Commissioner of Emergency Medical Services, JG X, Step 5, is hereby created, and be it further

RESOLVED, that variable hiring rate at Step 5 will be authorized for Special Assistant to the Deputy Commissioner of Emergency Medical Services and be it further

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

Division of Emergency Medical Services

Increase 800 Personal Services	\$45,236
Increase 805 Fringe Benefits	\$10,477
Increase 572 State Aid	\$13,571
Decrease	
110 923 310 293 1000 9500 Designated Contingency	\$42,142

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The following personnel detail is hereby submitted:

TITLE: Special Assistant to the
 Deputy Commissioner of Emergency
 Medical Services
 JG: X
 STEP: 5
 ANNUAL SALARY: \$45,236
 ANNUAL BENEFITS: \$10,477

CIVIL SERVICE: Pending Jurisdictional
 Classification
 FUNDING: Designated Contingency Fund
 and Article 6 State Aid

and be it further

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

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

11. Item Page -2002 (Comm. 4E-49)

COUNTY EXECUTIVE

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

WHEREAS, at the time the appropriations for contracts were established, the Department had not yet fully analyzed respective agency budgets and had not yet reached a final determination of the allocation of services among community providers, and

WHEREAS, in order that the service could commence more quickly, the Department used preliminary allocation amounts, and a change is therefor required, and

WHEREAS, there is no fiscal impact to this change.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive and/or Commissioner of Social Service are authorized to execute contract amendments to reflect revised dollar amounts for Life Transitions Center and WNY United Against Drug and Alcohol Abuse, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2002 adopted budget of the TANF Services Block Grant:

Department of Social Services, Department 200, Fund 281, Project 592

INCREASE/

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<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>(DECREASE)</u>
830 0290	Life Transitions Center	\$6,128
830 1432	WNY United Against Drug and Alcohol Abuse	<u>(6,128)</u>
Total Expenditures		<u>-0-</u>

and be it further

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

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

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

12. Item Page -2002 (Comm. 4E-50)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Home Energy Assistance Program (HEAP) grant for the period October 1, 2000 through September 30, 2001, and

WHEREAS, the Department of Senior Services (Department) has experienced increased mailing costs due to increased HEAP applications and desires to revise the HEAP grant budget to cover all costs, and

WHEREAS, the Department of Senior Services wishes to provide the City of Buffalo with a surplus Going Places van, formerly assigned to the Town of Lancaster. This will enable them to provide needed transportation services to seniors attending the City Senior Centers, and

WHEREAS, as part of the 2002 budget process, the Department of Senior Services submitted a list of townships and community agencies authorized to operate one of the Transportation for the Elderly vans for 2002, and

WHEREAS, the City of Lackawanna was inadvertently omitted from the Budget resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to transfer a 12-passenger van, vehicle identification number 2B5WB35Z9VK596723, to the City of Buffalo for providing transportation services to seniors attending the City Senior Centers, and be it further

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RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with the City of Lackawanna for the operation of a Transportation for the Elderly van for the period January 1, 2002 through December 31, 2002, and be it further

RESOLVED, that the budget for the HEAP grant, Project No. 285, be revised as follows:

		<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
APPROPRIATIONS				
Account	Description			
800	Personal Services	\$354,795	-\$4,435	\$350,360
880/5100	Interfund Expense	25,369	<u>4,435</u>	29,804
	TOTAL CHANGE		\$0	

and be it further

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

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

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

February 14, 2002

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 3

MEETING NO. 5
February 28, 2002

ERIE COUNTY LEGISLATURE

ALL MEMBERS PRESENT.

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

- | | | | | |
|----|--|------|-------|---------------|
| a. | Item | Page | -2002 | (Comm. 4M-13) |
| | PRESIDENT OF THE COMMON COUNCIL: Letter to Legislator Marinelli Re: Historic Preservation Property Tax Exemption. | | | |
| | (5-0) | | | |

ELISE M. CUSACK
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

Item 22 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

February 14, 2002

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 3

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

AS AMENDED

- | | | | | |
|----|-------------------------|------|-------|---------------|
| 1. | Item | Page | -2002 | (Comm. 4E-21) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, the County is in need of having its financial and human resource software upgraded to enhance the efficiency and effectiveness of county government, and

WHEREAS, in order to assist the County with the project, the services of a qualified consultant with expertise in the field of Enterprise Resource Planning (ERP) project management to assist with needs assessment, software acquisition, business process reengineering, training and implementation is required, and

WHEREAS, the County ERP project team followed county procedures in developing, advertising and reviewing requests for proposals (RFP), and

WHEREAS, the Project Team reviewed, scored, and ranked the top eight proposals, and

WHEREAS, after reference checks and team discussions the unanimous recommendation of the team is the firm of PricewaterhouseCoopers and their local partners Globalquest, and

WHEREAS, the County ERP Project Executive Review Committee approved this recommendation,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with PricewaterhouseCoopers and their local partners Globalquest, in an amount not to exceed \$500,000 for the first phase of the project which includes all tasks necessary to arrive at an ERP software application, and be it further

RESOLVED, that funding for said contract is currently available in the ERP Capital project, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Attorney, Director of Information and Support Services, the Director of Purchasing, the Commissioner of Personnel, the County Comptroller and the Director of Budget, Management and Finance.

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

STEVEN P. McCARVILLE
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

February 14, 2002

REGIONALISM AD HOC
COMMITTEE
REPORT NO. 3

MEETING NO. 5
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ERIE COUNTY LEGISLATURE

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

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

	Item	Page	-2001	(Comm. 6E-11)
a.	COUNTY EXECUTIVE: Letter to Legislator Pauly Re: Who Does What? Commission Report on Snowplowing.			
	(6-0) Chairman DeBenedetti present as Ex-Officio Member.			

	Item	Page	-2001	(Comm. 25E-3)
b.	COMPTROLLER: Response to "Who Does What?" Commission Recommendation to Pool Cash Balances for Investments.			
	(6-0) Chairman DeBenedetti present as Ex-Officio Member.			

- | | | | | |
|----|-------------------------|------|-------|---------------|
| 2. | Item | Page | -2002 | (Comm. 4E-31) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, The County of Erie, desires to fund the State University at Buffalo's Institute for Local Governance and Regional Growth; and

WHEREAS, The Institute has performed work for Erie County to develop a regional economic development database; and

WHEREAS, The expansion of the activity will assist the Buffalo Niagara Enterprise in its efforts to attract new businesses and jobs to Erie County and Western New York; and

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the State University at Buffalo's Institute for Local Governance and Regional Growth, in amounts not to exceed a total of \$172,000.00, for the purpose of continuing the preparation of the Regional economic development database; and be it further

RESOLVED, That the source of these funds shall be \$150,000.00 available in Erie County Industrial Development Agency, DAC 110 922 302 830 139, and \$22,000.00 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will be transferred to Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830, Subaccount 1098; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.
 (6-0) Chairman DeBenedetti present as Ex-Officio Member.

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

MR. WEINSTEIN moved to separate item #2 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved the approval of item #2. MR. GREENAN seconded. MS. MARINELLI voted in the negative.

CARRIED. (WEIGHTED VOTE: 15.061 – 0.954)

LEGISLATORS RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

Re: Urging President Bush to Declare Erie County a Major Disaster Area in Light of Snow Emergency in EC from 12/24/01 through 12/28/01. (Intro. 5-1)

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

WHEREAS, Erie County was crippled by a severe winter storm which dumped over seven feet of snow during the time period of December 24, 2001 through December 28, 2001; and

WHEREAS, this storm cost Erie County and surrounding communities millions of dollars in man hours and snow removal expenses; and

WHEREAS, the Federal Emergency Management Agency has already declared Erie County and surrounding communities a disaster area making them eligible for reimbursement for snow removal costs during a 120 hour period during the time period of December 24, 2001 through December 28, 2001; and

WHEREAS, significant damage has occurred to county facilities and facilities operated by other municipalities and entities as a result of the significant snow fall; and

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WHEREAS, additional damage to county facilities has been discovered as the snow has melted and it is expected that further damage will be discovered once winter has ended; and

WHEREAS, New York State has placed preliminary damage estimates through the county at more \$10.6 million dollars; and

WHEREAS, Erie County has estimated that it has suffered damages to county facilities in the amount of \$3-5 million dollars; and

WHEREAS, New York State Governor George E. Pataki has made a formal request to President George W. Bush to declare Erie County a major disaster area in light of the significant snow fall that occurred in Erie County during the period of December 24, 2001 through December 28, 2001, the attendant clean-up costs associated with the snow fall and the cost of damages that have occurred as a result of the snow fall;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges President George W. Bush to declare Erie County a major disaster area in light of the snow emergency from December 24, 2001 through December 28, 2001 entitling the county and other municipalities and entities to reimbursement for damages to county facilities and other facilities for damages already identified and damages to be discovered once winter has ended; and

RESOLVED, that certified copies of this resolution be sent to President George W. Bush, Governor George E. Pataki, Erie County Executive Joel A. Giambra, Erie County Commissioner of Emergency Services Michael V. Walters, Erie County Commissioner of Public Works Maria C. Lehman, P.E.

Fiscal Impact: To Be Determined

MR. SWANICK moved to amend the resolution to include ET AL sponsorship. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 25 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

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Intro. 5-2 From LEGISLATOR DUSZA Re: Calling Upon Congress to Stand Firm on Its Commitment to Protect Americans with Type 2 Diabetes.

Item 26 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 5-3 From LEGISLATORS SWANICK, HOLT, DUSZA, KUWIK & FISHER Re: Support for Proposed State Anti-Terrorism Legislation.

Item 27 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 5-4 From LEGISLATOR SCHROEDER Re: Support for Uniting the “Old First Ward” Neighborhoods in the Erie County Legislature’s 2nd Legislative District.

Item 28 – Intro. 5-5 From LEGISLATORS HOLT, PEOPLES, FISHER, SCHROEDER, DALE, KUWIK, & MARINELLI Re: Urging Federal Government to Declare Erie County Eligible for FEMA Reimbursement for December 2001 Storm Damage.

Received and filed.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

Re: Support for Protection of American Steel Industry. (Intro. 5-6)

A RESOLUTION SUBMITTED BY
LEGISLATOR KUWIK

WHEREAS, foreign steel producers have been dumping millions of tons of imported steel into our markets since 1998, selling their product below manufacturing costs, and below the price of the same products in their home markets, and

WHEREAS, this has resulted in steel prices plunging to a twenty year low, triggering the bankruptcies of thirty American steel companies; fifteen American steel companies have been forced out of business completely, and nearly 47,000 American Steelworkers have lost their jobs, and

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WHEREAS, over 14,000 retired steelworkers, surviving spouses and dependents have lost their retiree health insurance at the time when they need it most, and

WHEREAS, in June, the International Trade Commission (ITC) was ordered to investigate the situation; this independent agency, after an exhaustive investigation, unanimously ruled that unfair trade practices have seriously damaged the American Steel Industry, and

WHEREAS, the ITC has recommended that tariffs be imposed on a variety of steel imports, and

WHEREAS, in the 1980's America faced a similar problem with foreign steel dumping, and as a result this region lost nearly 25,000 well paying American jobs, a crushing blow to our community and our economy from which we have never fully recovered, and

WHEREAS, we stand now at the brink of another such disaster; if current conditions persist much longer, the next victims will be the 85,000 hard working men and women of LTV Steel, and

WHEREAS, time is running out for the American steel industry and the 600,000 retirees, surviving spouses and dependents that rely on these companies for their health care benefits,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, having first hand knowledge of the devastation that has been caused by foreign steel dumping, supports measures that will protect the American Steel Industry, and American Steel Workers from unfair trade practices, and be it further

RESOLVED, that this Honorable Body memorializes President Bush to follow the recommendations of the ITC and impose tariffs on a variety of foreign steel products before another job is lost or another steelworker retiree or surviving spouse is left without health coverage at the most vulnerable time in their life, and be it further

RESOLVED, that certified copies be sent to President Bush, US Senators Charles E. Schumer and Hillary Rodham Clinton, the Western New York Delegation to the US House of Representatives, United States Trade Representative Robert B. Zoellick, United States Secretary of Commerce Donald Evans, and to Louis J. Thomas, Director, District 4, Northeastern United States United Steelworkers of America, 4286 Genesee St., Suite 110, Cheektowaga, NY 14225-1932.

FISCAL IMPACT: Impact of Foreign Steel Has Been Negative For Western New York's Economy.

MR. RANZENHOFER moved to amend the resolution to include ET AL co-sponsorship.
MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 30 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-7 From LEGISLATOR CUSACK Re: Funding for Community Organizations.

Item 31 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-8 From LEGISLATOR CHASE Re: Funding for Community Organizations.

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

GRANTED.

Intro. 5-9 From LEGISLATOR DALE Re: Support for the Broadway K-Mart.

Item 33 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 5-10 From LEGISLATORS DALE, SWANICK, HOLT, & DUSZA Re: Support for Televised Legislative Sessions and Committee Meetings.

Item 34 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-11 From LEGISLATORS DeBENEDETTI, GREENAN, LARSON, McCARVILLE, & RANZENHOFER Re: Funding for Community Group.

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Item 35 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-12 From LEGISLATOR FISHER Re: Support for Community Initiatives.

Item 36 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-13 From LEGISLATOR PEOPLES Re: Funding for Youth Services.

Item 37 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-14 From LEGISLATORS HOLT, SWANICK, FISHER, & PEOPLES Re: Support for Group Ministries.

Item 38 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-15 From LEGISLATOR SWANICK Re: Support for Community Events & Organizations.

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

GRANTED.

Intro. 5-16 From LEGISLATOR SCHROEDER Re: Funding for Community Organizations.

Item 40 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

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Intro. 5-17 From LEGISLATORS MARINELLI & SWANICK Re: Funding for a Senior Service Organization.

Item 41 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-18 From LEGISLATOR MARINELLI Re: Funding for Emergency Services and a Community Organization.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

Re: Reconstituting ECMC as a Public Benefit Corporation. (Intro. 5-19)

A RESOLUTION SUBMITTED BY LEGISLATOR HOLT

Delete all WHEREAS and RESOLVED clauses and replace with the following:

WHEREAS, the publicly owned and operated Erie County Medical Center Healthcare Network encompasses a 550-bed licensed hospital, a 156-bed hospital based Skilled Nursing Facility, the 638 bed Erie County Home, two primary care centers and three outpatient substance abuse treatment centers; and

WHEREAS, the mission of the Erie County Medical Center is to serve all persons regardless of their ability to pay, to foster teaching and research and to provide quality health care services; and

WHEREAS, the Erie County Medical Center (ECMC) serves as the Level I Trauma Center, the Burn Treatment Center and the Designated AIDS Center for Western New York, and is the only regional provider of emergency psychiatric services; and

WHEREAS, ECMC serves as an integral site for undergraduate and graduate medical education and is ranked by medical residents as the best teaching hospital in the area; and

WHEREAS, the health care delivery system in Western New York has been undergoing radical and rapid structural changes; and

WHEREAS, hospitals, managed care groups, payers and physicians alike are restructuring and forming new networks of care; and

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WHEREAS, the Erie County Medical Center needs the legal, financial and managerial flexibility to take full advantage of the opportunities and challenges presented by the ever-changing health care environment; and

WHEREAS, more than half of all hospitals affiliated with the National Association of Public Hospitals have been restructured as separate public entities; and

WHEREAS, the public benefit corporation is a governance structure that permits a public hospital to honor its public service mission while simultaneously providing the entity the autonomy and flexibility it needs to successfully compete in the dynamic healthcare market; and

WHEREAS, the public benefit corporation is a distinct public corporate entity providing a benefit to state residents; and

WHEREAS, the Erie County Medical Center is the only public tertiary hospital in the state, which is still operating as a department of county government; and

WHEREAS, converting ECMC to a public benefit corporation would permit the Medical Center to engage in joint business ventures with for profit and not-for-profit organizations and generate new sources of revenue, which is vital to funding its public mission.

NOW, THEREFORE, BE IT

RESOLVED, that the residents of the County of Erie would be better served by the reconstitution of the Erie County Medical Center as an independently operated medical center organized as a Public Benefit Corporation under the laws of the State of New York; and be it further

RESOLVED, that the County Executive formulate a draft Home Rule Request, which shall be subject to the future approval of the Erie County Legislature, requesting that the New York State Legislature introduce legislation to reconstitute the Erie County Medical Center as a Public Benefit Corporation providing that the Home Rule Request and the resulting draft state legislation, include, but not be limited to, the provisions set forth below and be substantially in the form attached to this resolution; and be it further

RESOLVED, that the Public Benefit Corporation be governed by a fifteen member Board of Directors, with membership of such board comprising eight members chosen by the governor of the State of New York (one on the recommendation of the Speaker of the State Assembly and one on the recommendation of the Temporary President of the State Senate), two members chosen by the Erie County Legislature, two members chosen by the Erie County Executive, one member being the Erie County Commissioner of Health, one member being the Erie County Commissioner of Mental Health, and one member being the Chancellor of the State University of New York; and be it further

RESOLVED, that members of the public benefit corporation's board of directors should possess a high degree of experience and knowledge in relevant fields and a high degree of interest in the corporation. The appointment of any director to the corporation should be based in part on the

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objective of ensuring that the corporation includes members from diverse backgrounds and whom possess beneficial perspectives and experience, including but not limited to, those of business, management, law, finance, medical and/or health professionals, health sector workers, and the patient or consumer perspective; and be it further

RESOLVED, that the board of directors of the public benefit corporation be vested with basic policy control over the administration and operation of the public benefit corporation and give the board the authority to negotiate and approve contracts, including but not limited to, union contracts and affiliation agreements; and be it further

RESOLVED, that the board of directors of the public benefit corporation be vested with the authority to choose the corporation's chief executive officer; and be it further

RESOLVED, that the board of directors of the public benefit corporation be vested with the authority to approve and develop long-term plans for the physical and operational development of the corporation together with the corporation's chief executive officer; and be it further

RESOLVED, that the County of Erie shall provide the appropriate level of financial support to the public benefit corporation for a period of five years to permit the corporation to serve all uninsured and underinsured patients; to foster its role as a teaching hospital and to provide tertiary services that are not available at other healthcare facilities in the region; and be it further

RESOLVED, that at the end of the five years of financial support provided by the County of Erie, the County shall establish a dedicated indigence safety net fund to ensure that the public benefit corporation will be able to carry out its mission to serve all uninsured and underinsured patients; and be it further

RESOLVED, that the County of Erie shall be responsible for negotiating with and providing to the public benefit corporation supplemental safety net funding when unavoidable and unanticipated external factors negatively impact upon the public benefit corporation's ability to carry out its mission to teach and to provide tertiary care; and be it further

RESOLVED, that the public benefit corporation will be established without the County imposing new or additional debt burdens on the corporation; and be it further

RESOLVED, that the County of Erie shall assume responsibility for the payment of the total outstanding long-term debt attributable to the Erie County Medical Center Network at the effective date of the establishment of the public benefit corporation; and be it further

RESOLVED, that the County of Erie will facilitate the public benefit corporation's ability to invest in facility improvements, medical equipment and other needed projects by lending the County's good faith and credit to the public benefit corporation's capital investments; and be it further

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RESOLVED, that the County of Erie shall continue to fund the existing Erie County Medical Center Network's annual capital program through 2005 (as described in the 2002 Erie County Capital Program) after transfer of facilities and operations to the public benefit corporation; and be it further

RESOLVED, that there should be no lay offs of any officers or employees of the Erie County Medical Center Network as a direct result of the creation of the public benefit corporation; and be it further

RESOLVED, that the Corporation shall be bound by all existing collective bargaining agreements pursuant to all existing terms and conditions of employment that shall remain in effect until altered by the terms of a successor contract; and be it further

RESOLVED, that the public benefit corporation fix and determine the qualifications, duties and compensation of its employees subject to the provisions of the Civil Service Law; and be it further

RESOLVED, that employees serving in any newly created titles shall be assigned to the appropriate bargaining unit; and be it further

RESOLVED, that the corporation shall give leave credit for all leave balances held by officers and employees of the Erie County Medical Center on the date of their transfer to the public benefit corporation; and be it further

RESOLVED, that prior to the establishment of the public benefit corporation, employees of the ECMC Healthcare Network be permitted to bump to other County positions, pursuant to the provisions of the Civil Service Law and the applicable union contract provisions; and be it further

RESOLVED, that the Erie County Legislature is committed to thoroughly reviewing the proposed State Legislation and the accompanying Home Rule legislation before taking any action; and be it further

RESOLVED, that the County Executive may, subject to the approval of the Legislature, be granted the authority to retain such consultants to implement the terms of this resolution; and be it further

RESOLVED, that sufficient funds exist in the 2002 County Operating Budget to retain such consultants as necessary to draft the proposed legal documents; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive Joel Giambra, County Attorney Fred Wolf, ECMC Chief Executive Officer Sheila Kee, members of the ECMC Board of Managers, Mike Bogulski representing the CSEA, John Orlando representing AFSCME, Gaen Glausner representing the New York State Nurses Association, Governor George E. Pataki, the Western New York Delegation, the Speaker of the State Assembly and the Temporary President of the State Senate.

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

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 9.295 – 6.720)

- **ADD the following co-sponsors: LEGISLATORS DeBENEDETTI, GREENAN, RANZENHOFER, LARSON, WEINSTEIN, CHASE, McCARVILLE, & CUSACK;**
- **DELETE the phrase: “Delete all *WHEREAS* and *RESOLVED* clauses and replace with the following:”;**
- **ADD the attached description of the creation of the ECMC PBC.**

Section 1: Short Title

This title may be cited as the "Erie County Medical Center PBC".

Section 2: Legislative Findings and Purpose

The legislature hereby finds and declares as follows:

1. Currently, the Erie County Medical Center is a public hospital owned and operated by the county of Erie.
2. The Erie County Medical Center includes a general hospital, the Erie County Home and several clinics in Erie County.
3. The Erie County Medical Center is the tertiary care facility for Erie County and the seven other counties in western New York.
4. The needs of the residents of the state of New York and of the county of Erie can best be served by the operation of the Erie County Medical Center through a public benefit corporation having the legal, financial and managerial flexibility to take full advantage of opportunities and challenges presented by the evolving health care environment.
5. In order to accomplish the purposes recited in this section to provide health care services and health facilities for the benefit of the residents of the state of New York and the county of Erie, including persons in need of health care services without the ability to pay as required by law, a public benefit corporation to be known as the Erie County Medical Center Public Benefit Corporation shall be created to provide such services and facilities and to otherwise carry out such purposes; that the creation and operation of the ECMC PBC, as hereinafter provided, is in all respects for the benefit of the people of the state of New York and of the county of Erie, and is a state, county and public purpose; and that the exercise by such corporation of the functions, powers

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and duties as hereinafter provided constitutes the performance of an essential public and governmental function.

6. In authorizing Erie County Medical Center to be operated through a public benefit corporation, it is intended that the hospital will continue as a general municipal hospital available to the citizens of the city of Buffalo, county of Erie and western New York State generally.

Section 3: Definitions

As used or referred to in this title, unless a different meaning clearly appears from the context:

1. "Board" shall mean the board of directors of the corporation as established by section four of this title.

2. "Bonds" shall mean the bonds, notes or other evidences of indebtedness issued by the corporation pursuant to this title and the provisions of this title relating to bonds and bondholders shall apply with equal force and effect to notes and noteholders, respectively, unless the context otherwise clearly requires.

3. "Corporation" shall mean the public benefit corporation created by section four of this title, known as the ECMC PBC.

4. "County" shall mean the county of Erie.

5. "Health facility" shall mean a building, structure or unit or any improvement to real property, including all necessary and usual attendant and related equipment, facilities or fixtures, or any part or parts thereof, or any combination or combinations thereof, including, but not limited to, a general hospital, ambulatory clinic or center, chronic disease hospital, nursing home, extended-care facility, dispensary or laboratory or any other related facility, or any combination of the foregoing, constructed, acquired or otherwise provided by or for the use of the corporation or the county in providing health and medical services to the public.

6. "Director" shall mean a voting director appointed to the corporation pursuant to section four of this title.

Section 4: ECMC PBC

1. (a) There is hereby created a state board to be known as the ECMC PBC which shall be a body corporate and politic constituting a public benefit corporation.

(b) The corporation shall be governed by fifteen voting directors of which eight directors shall be appointed by the governor, two directors shall be appointed by the Erie County Legislature, two directors shall be appointed by the Erie County Executive, one director shall be the Erie County Commissioner of Health, one director shall be the Erie County Commissioner of Mental Health, and one director shall be the Chancellor of the State University of New York. One appointment by the governor shall be from a recommendation submitted by the speaker of the assembly. One

appointment by the governor shall be from a recommendation submitted by the temporary president of the senate.

The terms of the initial voting directors appointed by the governor shall be five years for such directors appointed upon recommendation of the temporary president of the senate and the speaker of the assembly. The terms of the remaining initial voting directors appointed by the governor shall be five years for one, four years for three and three years for two. The terms of the initial voting directors appointed by the Erie County Legislature shall be one year for both of such directors. The terms of the initial voting directors appointed by the Erie County Executive shall be two years for both of such directors. The Erie County Commissioner of Health, Erie County Commissioner of Mental Health, and Chancellor of the State University of New York shall serve for so long as he or she holds the position and shall be replaced by his or her successor immediately upon the successor taking office.

(c) Each voting director should possess a high degree of experience and knowledge in relevant fields and a high degree of interest in the corporation. The appointment of any voting director to the corporation shall be based in part on the objective of ensuring that the corporation includes diverse and beneficial perspectives and experience, including, but not limited to, those of business management, law, finance, medical and/or other health professionals, health sector workers, the patient or consumer perspective and/or residence in the neighboring community.

2. There shall be four non-voting representatives which shall include the chief executive officer of the corporation as appointed by the voting directors of the board, one representative selected by the Erie County Executive, one selected by the majority leader of the Erie County Legislature and one selected by the minority leader of the Erie County Legislature. Such representatives shall have all of the rights and powers of the voting directors other than the right and power to vote including, but not limited to, the right to equal access to information.

3. All voting directors and non-voting representatives shall continue to hold office until their successors are appointed and qualify. All subsequent appointments shall be for a term of five years and may be eligible for reappointment. Vacancies occurring otherwise than by expiration of term of office shall be filled for the unexpired terms in the manner provided for original appointment. Members of the board may be removed from office by the board for inefficiency, neglect of duty or misconduct in office, after the board has given such member a copy of the charges against him or her and an opportunity to be heard in person or by counsel in his or her defense, upon not less than ten days notice.

4. (a) The voting directors shall by majority vote select one of the fifteen voting directors as the chairperson of the board. The chairperson shall preside over all meetings of the board and shall have such other duties as the voting directors may direct.

(b) The voting directors and non-voting representatives of the corporation shall receive no compensation for their services, but shall be reimbursed for all their actual and necessary expenses incurred in connection with carrying out the purposes of this title.

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(c) The powers of the corporation shall be vested in and shall be exercised by the board at a meeting duly called and held where a quorum of eight voting directors is present. No action shall be taken by the corporation except pursuant to the favorable vote of at least eight voting directors present at the meeting at which such action is taken.

5. The voting directors shall select and shall determine the salary and benefits of the chief executive officer of the corporation. The voting directors shall have the authority to discharge the chief executive officer with or without cause; provided, however, that removal without cause shall not prejudice the contract rights, if any, of the chief executive officer.

6. Notwithstanding any inconsistent provision of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state or of any public corporation shall forfeit his or her office or employment by reason of his or her acceptance of appointment as a director, non-voting representative, officer or employee of the corporation, nor shall service as such a director, non-voting representative, officer or employee be deemed incompatible or in conflict with such office, or employment, and provided further, however, that no public officer elected to his or her office pursuant to the laws of the state or any municipality thereof may serve as a member of the governing body of the corporation during his or her term of office.

7. The corporation and its corporate existence shall continue until terminated by law, provided, however, that no such termination shall take effect so long as the corporation shall have bonds or other obligations outstanding, unless adequate provision has been made for the payment or satisfaction thereof. Upon termination of the existence of the corporation, all of the rights and properties of the corporation then remaining shall pass to and vest in the county in such manner as prescribed by law.

8. Contracts for works, construction or purchases to which the corporation is a party shall be subject to the provisions of article five-A of the general municipal law except as provided in subdivisions nine and ten of this section. In addition to the procedures prescribed under section one hundred four of the general municipal law for the utilization of the terms of state contracts, the corporation may utilize the terms of a federal government general services contract where the terms are to the advantage of the corporation and have been offered to the corporation by the contractor. When bids have already been received by the corporation no purchase under a federal government general services contract shall be made unless the purchase may be made upon the same terms, conditions and specifications at a lower price through such contractor.

9. It is the intent of the legislature that overall cost should in all cases be a major criterion in the selection of project developers for award of contracts pursuant to this section and that, wherever practical, such contracts should be entered into through competitive bidding procedures as prescribed by sections one hundred one and one hundred three of the general municipal law. It is further the intent of the legislature to acknowledge the highly complex and innovative nature of medical technology, diagnostic and treatment devices, the relative newness of a variety of devices, processes and procedures now available, the desirability of a single point of responsibility for the development of medical treatment and diagnostic facilities and the economic and technical utility of contracts for medical projects which include in their scope various combinations of design,

construction, operation, management and/or maintenance responsibility over prolonged periods of time and that in some instances it may be beneficial to the corporation to award a contract for a medical project on the basis of factors other than cost alone, including but not limited to facility design, system reliability, efficiency, safety, and compatibility with other elements of patient care. Accordingly, and notwithstanding the provisions of any general, special or local law or chapter, a contract for a medical project entered into between the corporation and any project developer pursuant to this section may be awarded pursuant to public bidding in compliance with sections one hundred one and one hundred three of the general municipal law or pursuant to the following provisions for the award of a contract based on evaluation of proposals submitted in response to a request for proposals prepared by or for the corporation:

(a) The corporation shall require that each proposal to be submitted by a project developer shall include:

(i) information relating to the experience and expertise of the project developer on the basis of which said project developer purports to be qualified to carry out all work required by a proposed contract; the ability of the project developer to secure adequate financing; and proposals for project staffing, implementation of work tasks, and the carrying out of all responsibilities by a proposed contract;

(ii) a proposal clearly identifying and specifying all elements of cost which would become charges to the corporation, in whatever form, in return for the fulfillment by the project developer for the full lifetime of a proposed contract, including, as appropriate, but not limited to the cost planning, design, construction, operation, management and/or maintenance of any facility, and clearly identifying and specifying all elements of revenue which would accrue to the corporation from the operation of the facility or device or from any other source; provided, that the corporation may prescribe the form and content of such proposal and that, in any event, the project developer must submit sufficiently detailed information to permit a fair and equitable evaluation by the corporation of such proposal; and provided, further, that the corporation may set maximum allowable cost limits in any form in the request for proposals; and

(iii) such other information as the corporation may determine to have a material bearing on its ability to evaluate any proposal in accordance with this subparagraph;

(b) Prior to the issuance of a request for proposals pursuant to this paragraph, the corporation shall publish notice of such issuance in at least one newspaper of general circulation. Concurrent with the publication of such notice a draft request for proposals shall be filed with the county commissioner of health.

(c) Proposals received in response to such request for proposals shall be evaluated by the corporation as to net cost or, if a net revenue is projected, net revenue, and in a manner consistent with provisions set forth in the request for proposals, and may be evaluated on the basis of additional factors, including but not limited to the technical evaluation of the medical project including medical facility, facility design, system reliability, energy balance and efficiency. The evaluation of such proposals and the determination of whether a project developer is "responsible" may include, but

shall not be limited to, consideration, in a manner consistent with provisions set forth in the request for proposals, the record of the project developer in complying with existing labor standards and recognizing state and federally approved apprentice training programs, and the willingness of the project developer to provide for meaningful participation of minority group persons and business enterprises in the conduct of the work;

(d) The corporation may make a contract award to any responsible project developer based on a determination by the corporation that the selected proposal is most responsive to the request for proposals and may negotiate with any project developer, provided, however, that if any award is made to any project developer whose total proposal does not provide either the lowest net cost, or if a net revenue is projected, the greatest net revenue, of any proposal received, the corporation shall adopt a resolution which includes particularized findings relevant to factors pursuant to such subparagraph indicating that the corporation's requirements are met by such award and that such action is in the public interest.

Whenever the corporation enters into a contract pursuant to this section for a medical project which involves construction the provisions of section two hundred twenty of the labor law shall be applicable to such construction work.

10. Every contract entered into between the corporation and a project developer, pursuant to the provisions of paragraph (d) of subdivision nine of this section, for a medical project involving construction of a medical building by the project developer, shall contain provisions that such building shall be constructed through construction contracts awarded through competitive bidding in accordance with paragraphs (a) through (g) of this subdivision; that the project developer or the project developer's construction subcontractor shall furnish a bond guaranteeing prompt payment of moneys that are due to all persons furnishing labor and materials pursuant to the requirements of such construction contracts, and that a copy of such payment bond shall be kept by the corporation and shall be open to public inspection; provided, however, that the requirements of this subdivision shall not apply when the cost of such construction, exclusive of the cost of medical equipment and devices, is less than seventy-five thousand dollars.

(a) The project developer shall advertise for bids for such construction contracts in a daily newspaper having general circulation in the county. Such advertisement shall contain a statement of the time and place where all bids received pursuant to such notice will be publicly opened and read. An employee of the corporation shall be designated to open the bids at the time and place specified in the notice. All bids received shall be publicly opened and read at the time and place so specified. At least five days shall elapse between the publication of such advertisement and date on which the bids are opened.

(b) When the entire cost of constructing such building, exclusive of any medical equipment, apparatus or devices, shall exceed seventy-five thousand dollars, the project developer shall prepare separate specifications for the following subdivisions of such work, so as to permit separate and independent bidding upon each subdivision:

(i) plumbing and gas fittings;

(ii) steam heating, hot water heating, ventilating and air conditioning apparatus; and

(iii) electric wiring and standard illuminating fixtures.

(c) After public competitive bidding, the project developer shall award one or more separate contracts for each of the above subdivisions of such work, whenever separate specifications are required pursuant to paragraph (b) of this subdivision, and one or more contracts for the remainder of such work. The project developer may award such contracts at different times. Contracts awarded pursuant to this paragraph shall be awarded by the project developer to the lowest responsible and responsive bidder and shall be contracts of the project developer and not of the corporation which shall have no obligation or liabilities, whatsoever, thereunder. The project developer shall have the responsibility for the supervision, coordination, and termination of such contracts, unless otherwise specified in contractual terms between the project developer and the corporation.

(d) In determining whether a prospective contractor is responsible and responsive, the project developer may require that prospective contractors:

(i) have adequate financial resources or the ability to obtain such resources;

(ii) be able to comply with the required or proposed delivery or performance schedule;

(iii) have a satisfactory record of performance;

(iv) have the necessary organization, experience, operational controls, and technical skills, or the ability to obtain them;

(v) have the necessary production, construction and technical equipment and facilities, or the ability to obtain them; and

(vi) be eligible to receive an award under applicable laws and regulations and be otherwise qualified.

(e) The project developer may reject any bid of a bidder which the project developer determines to be non-responsible or non-responsive to the advertisement for bids.

(f) The project developer may, in its discretion, reject all bids, and may revise bid specifications and may re-advertise for bids as provided herein.

(g) Only as used in this section:

(i) "project developer" means any private corporation, partnership, limited liability company, or individual, or combination thereof which has submitted a proposal in response to a request for proposals;

(ii) "construction" shall include reconstruction, rehabilitation or improvement exclusive of the installation and assembly of any medical equipment, apparatus or device;

(iii) "medical building" means that component of a medical project constituting appurtenant structures or facilities necessary to house or render the remaining components of the medical project operational. Medical building shall not include apparatus, equipment, devices, systems, supplies or any combination thereof;

(iv) "medical project" means any substantial durable apparatus, equipment, device or system, or any combination of the foregoing, including services necessary to install, erect, or assemble the foregoing and any appurtenant structures or facilities necessary to house or render the foregoing operational, to be used for the purpose of care, treatment or diagnosis of disease or injury or the relief of pain and suffering of sick or injured persons. Medical projects shall not include ordinary supplies and equipment expended or utilized in the customary care and treatment of patients.

11. (a) For purposes of applying section eighty-seven of the public officers law, to the corporation, the term "trade secrets" shall include marketing strategy or strategic marketing plans, analyses, evaluations and pricing strategies or pricing commitments of the corporation, relating to business development, which, if disclosed, would be likely to injure the competitive position of the corporation.

(b) In addition to the matters listed in section one hundred five of the public officers law, the corporation may conduct an executive session for the purpose of considering marketing strategy or strategic marketing plans, analyses, evaluations and pricing strategies of the corporation, relating to business development, which, if disclosed, would be likely to injure the competitive position of the corporation.

Section 5: Transfer of Officers and Employees; Civil Service

1. (a) On the effective date of the transfer of the facilities and operations of the Erie County Medical Center pursuant to an agreement between the county and the corporation as authorized in this title, officers and employees employed at the Erie County Medical Center shall become officers and employees of the corporation with equivalent offices, positions and employment therewith and shall be deemed public officers or public employees for all purposes.

(b) In accordance with the provisions of section seventy of the civil service law, for a period not to extend beyond six months from the effective date of the transfer of the facilities and operations of the Erie County Medical Center pursuant to an agreement between the county and the corporation as authorized in this title, any other officer or employee of the county may, at the request of the corporation and with the consent of the Erie County Executive and the officer or employee, be transferred to the corporation and shall be eligible for such transfer and appointment, without further examination, to applicable offices, positions and employment under the corporation.

(c) Any person who, at the time he or she becomes an officer or employee of the Erie County Medical Center pursuant to paragraph (a) or (b) of this subdivision, has a temporary or provisional

appointment shall be transferred subject to the same right of removal, examination or termination as though such transfer had not been made except to the extent such rights are modified by a collective bargaining agreement.

(d) There shall be no layoffs of any officers or employees of the ECMC PBC which are a direct consequence of the enactment of this title. There shall be a presumption that any layoffs occurring more than twenty-four months after the effective transfer date described in this subdivision shall be deemed not to be such a direct consequence.

(e) Nothing contained in this section shall be construed to prevent the elimination of any service at any time as a result of the elimination of state or federal assistance, the elimination of available revenue reimbursement, loss of certification or licensure, or loss of financial viability.

2. The corporation shall recognize the existing certified or recognized employee organizations for those persons who become employees of the ECMC PBC pursuant to paragraph (a) or (b) of subdivision one of this section as the exclusive collective bargaining representatives for such employees, who shall comprise correspondingly new collective bargaining units. The corporation shall be bound by all existing collective bargaining agreements with such employee organizations; all existing terms and conditions of employment shall remain in effect until altered by the terms of a successor contract; successor employees to the positions held by such employees shall, consistent with the provisions of article fourteen of the civil service law, be included in the same unit as their predecessors. Employees serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained herein shall be construed to affect:

(a) the rights of employees pursuant to a collective bargaining agreement;

(b) the representational relationships among employee organizations or the bargaining relationships between the county, state and an employee organization, except that the corporation shall become its own bargaining agent following transfer of the facilities and operations of the Erie County Medical Center; or

(c) existing law with respect to an application to the public employment relations board seeking designation by the board that certain persons are managerial or confidential. Nothing herein shall preclude the merger of negotiating units of employees with the consent of the recognized or certified representatives of such units.

3. The salary or compensation of any such officer or employee, after such transfer, shall be paid by the corporation. The corporation shall, upon transfer, acknowledge and give credit for all leave balances held by such officers and employees on the date of transfer.

4. The corporation shall be subject to the civil service law. For the purposes of such law, the following titles (consisting of no more than a total of forty-five positions in such titles), including the proposed comparable corporate titles where applicable, shall, upon the effective transfer date described in subdivision one of this section, be in the exempt class, unless pursuant to the provisions of the civil service law, a lesser or greater number of titles or positions is properly classified in the

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exempt class: Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Medical Director, Director of Nursing Services, Director of Corporate Compliance, Director of Hospital Administration, Director of Medical Records, Director of Information Systems, Personnel Director, Secretary to the CEO, and Assistant to the CEO.

Section 6: General Powers of the Corporation

Except as limited by this title, the public health law, the mental hygiene law, the social services law, the education law or any other applicable law or regulation, the corporation shall have power:

1. to sue and be sued;
2. to have a seal and alter the same at pleasure;
3. to borrow money and issue bonds for any of its corporate purposes or its projects, or to refund the same, and to provide for the rights of the holders thereof;
4. to make and alter by-laws for its organization and management, and, subject to agreements with its bondholders, to make and alter rules and regulations governing the exercise of its powers and the fulfillment of its purposes under this title;
5. (a) to acquire by purchase, grant, lease, gift, or otherwise and to hold and use property necessary, convenient or desirable to carry out its corporate purposes, and to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of any such property in such manner as the corporation shall determine;
- (b) to acquire by condemnation pursuant to the provisions of the eminent domain procedures law any real property within Erie County required by the corporation to carry out the powers granted by this title with the approval of both the Erie County Legislature and the county executive;
6. to acquire, construct, lease, expand, improve, maintain, equip, furnish, operate one or more projects and, if necessary, to pay or finance the cost thereof;
7. to accept gifts, grants, loans or contributions of funds or property or financial or other aid in any form from, and enter into contracts or other transactions with, the federal government, the state or any public corporation or any other source, and to use any such gifts, grants, loans or contributions for any of its corporate purposes;
8. to grant options to renew any lease with respect to any project or projects and to grant options to buy any project at such price as the corporation may deem desirable;
9. to designate the depositories of its money;
10. to establish its fiscal year;
11. to enter into contracts and to execute all instruments necessary or convenient or desirable for the

purposes of the corporation to carry out any powers expressly given to it in this title;

12. to appoint such officers, employees and agents as the corporation may require for the performance of its duties and to fix and determine their qualifications, duties, and compensation subject to the provisions of the civil service law and any applicable collective bargaining agreement, and to retain or employ counsel, auditors, engineers and private consultants on a contract basis or otherwise for rendering professional, management or technical services and advice;

13. to use employees, agents, consultants and facilities of the county, paying the county its agreed proportion of the compensation or costs pursuant to an agreement with the county;

14. to make and adopt plans, surveys and studies necessary, convenient or desirable to the effectuation of the purposes and powers of the corporation and to prepare recommendations in regard thereto;

15. except as limited by state law or regulation, to fix and collect rates, rentals, fees and other charges for the services rendered by or for use of the facilities or in the exercise of the powers of the corporation;

16. to enter upon such lands, waters or premises as in the judgment of the corporation may be necessary, convenient or desirable for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this title, the corporation being liable for actual damage done;

17. the corporation may covenant and consent that the interest on any of its bonds or notes issued pursuant to this title shall be includable, under the United States Internal Revenue Code of 1986, as amended (the "code") or any subsequent corresponding internal revenue law of the United States, in gross income of the holders of the bonds or notes to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders thereof under the code or any such subsequent law;

18. to insure or otherwise to provide for the insurance of the corporation's property or operations and also contract against such other risks as the corporation may deem advisable, including the interest rate risk for obligations it issues bearing interest at a floating or otherwise adjustable rate which prevents the actual rate over the term of the debt from being ascertained at the date of its incurrence, and including the power to make any payments with respect thereto; and

19. to do all things necessary, convenient or desirable, including ancillary and incidental activities, to carry out its purposes and for the exercise of the powers granted in this title.

Section 7: Special Powers of the Corporation

In order to effectuate the purposes of this title, the corporation shall have the following additional powers, except as limited by this title, the public health law, the mental hygiene law, the social services law, the education law and any other applicable law or regulation:

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1. To operate, manage, superintend and control any health facility under its jurisdiction and to repair, maintain and otherwise keep up any such health facility; and to establish, collect and adjust fees, rentals, and other charges for the sale, lease or sublease of any such health facility, or real property subject to the terms and conditions of any contract, lease, sublease or other agreement with the county;
2. To provide health and medical services for the public directly or by agreement or lease with any person, firm or private or public corporation or association through or in the health facilities of the corporation or otherwise and to make internal policies governing admissions and health and medical services; and to establish, collect and adjust fees and other charges for the provision of such health and medical services; and to provide and maintain resident physician and intern medical services; and to sponsor and conduct research, educational and training programs;
3. To provide uncompensated care to persons in need of health care services without the ability to pay;
4. To provide, maintain and operate a medical transport service, provided, however, nothing herein shall prohibit the corporation from adopting a schedule of charges for medical transport;
5. To enter into contracts, leases, subleases and other agreements for the purpose of affiliating with a medical college in conjunction with the corporation's health facilities, which agreements may provide for the management, operation and staffing of health facilities, the reconstruction, renovation or addition to health facilities; the provision of necessary facilities, utilities and services; and such other conditions or features necessary and proper for such purpose and for the public health and general welfare;
6. To determine the conditions under which a physician may be extended the privilege of practicing within a health facility under the jurisdiction of the corporation, and to promulgate reasonable internal policies for the conduct of all persons, physicians and nurses within such facility; and
7. (a) Except as provided in paragraph (b) of this subdivision or as expressly limited by any applicable state law or regulation to exercise and perform all or part of its purposes, powers, duties, functions or activities through one or more subsidiary corporations owned or controlled wholly or in part by the corporation, which shall be formed pursuant to the business corporation law, the limited liability company law, or the not-for-profit corporation law, in each case subject to all the limitations provided in this article.

(b) Any such subsidiary may be authorized to act as a general or limited partner in a partnership or as a member of a limited liability company, and enter into an arrangement calling for an initial and subsequent payment by such subsidiary in consideration of an interest in revenues or other contractual rights.

(c) An entity shall be deemed a subsidiary corporation whenever and so long as (i) more than half of any voting shares of such subsidiary are owned or held by the corporation or (ii) a majority of the directors, trustees or members of such subsidiary are designees of the corporation.

Section 8: Transfer of Property; Relationship With County; Certain Gifts, Loans and Guarantees by the County.

1. (a) The county may give, grant, sell, convey, loan, license the use of, or lease to the corporation any property (except monies appropriated by the county and payable to the corporation pursuant to subdivision three and paragraph (a) of subdivision four of this section) which are useful in connection with the exercise by the corporation of any of its powers under this title in order to transfer the facilities and operations of the Erie County Medical Center to the corporation by agreement between the county and the corporation and any subsequent renewal or amendment thereof, by local law adopted by a majority vote of the Erie County Legislature, notwithstanding any general, special or local law, ordinance, resolution or charter.

(b) Any such gift, grant, sale, conveyance, loan, license or lease shall be upon such terms and conditions, for such consideration, if any, and for such term or terms of years, subject to the rights of the holders of any bonds, as the corporation and the county may agree. No real property of the county consisting of any health facility currently operated by the Erie County Medical Center shall be transferred to the corporation in fee, except under such restrictions regarding rights of first refusal, or other rights, to repurchase the property as the Erie County Legislature shall approve by act, and subject to a restrictive covenant prohibiting the corporation from pledging or mortgaging the fee interest in the property. In the event that the county gives, grants, sells, conveys, loans, licenses or leases any facilities to the corporation, the county may contract with the corporation to lease, borrow, license, operate, maintain, manage and provide services for such facilities upon such terms and conditions and for such term or terms of years, subject to the rights of holders of bonds, as the corporation and the county may agree. The corporation, in furtherance of any purchase, conveyance or lease of any property or facility from the county, may assume the primary responsibility for the payment of the principal and interest on any bonds or notes issued by the county for such property or facility.

2. The county may acquire by purchase, grant, lease, gift or condemnation pursuant to the eminent domain procedure law, real property in the name of the county for any corporate purpose of the corporation.

3. In addition to any other powers granted to it by law and consistent with the constitution and other provisions of law, the county may, from time to time, appropriate sums of money to defray project costs or any other costs or expenses of the corporation including operating expenses.

Subject to the rights of bondholders, the county may determine if the monies so appropriated shall be subject to repayment by the corporation to the county and, in such event, the manner and time or times for such repayment.

4. In addition to the authority granted elsewhere in this title and by other applicable laws, the corporation and the county may enter into a contract or contracts from time to time providing for one or more of the following:

(a) the payment of sums appropriated by the county pursuant to subdivision three of this section;

(b) the payment of sums for health care services provided by the corporation which could otherwise be provided directly by the county, including services for uncompensated care;

(c) services to be provided by the county to or on behalf of the corporation;

(d) the transfer of employees of the county to the corporation as provided in section five of this title;

(e) indemnification by the corporation to the county for claims associated with establishment of and operation of the corporation and its health facilities;

(f) the gift, grant, sale, conveyance, loan, license or lease by the county to the corporation of any property (except monies appropriated by the county and payable to the corporation pursuant to subdivision three and paragraph (a) of this subdivision) or facilities which are useful in connection with the exercise by the corporation of any of its powers under this title not transferred pursuant to the authority granted in paragraph (a) of subdivision one of this section, which gift, grant, sale, conveyance, loan, license or lease shall nevertheless be subject to paragraph (b) of subdivision one of this section; and

(g) such other matters as may be appropriate to accomplish the purposes hereof.

Any such contract or contracts shall be authorized by the county by act adopted by majority vote of the Erie County Legislature. Such contract or contracts shall include such terms and conditions, be for such consideration, if any, and have such term or terms of years, as the corporation and the county may agree.

5. On the effective date of the transfer of the facilities and operations of the Erie County Medical Center pursuant to an agreement between the corporation and the county, the Erie County Medical Center Board of Managers shall cease to be responsible for operation of ECMC, provided, however, that the county may continue the existence of the Board of Managers in the event that the contract between the corporation and the county may require the operation of ECMC to revert to the Board of Managers in the future.

6. (a) Notwithstanding any general, special or local law or charter provisions to the contrary, the county of Erie shall have the power and is hereby authorized, pursuant to section seven of article seventeen of the state constitution, to lend its money or credit to or in aid of the corporation or any subsidiary thereof for the purpose of providing health related facilities or hospital facilities for the prevention, diagnosis or treatment of human disease, pain, injury, disability, deformity or physical condition, and for facilities incidental or appurtenant thereto as may be prescribed by law. The county is hereby authorized to prescribe such facilities by local law of the county. The corporation or any such subsidiary thereof, as a condition to any such loan of money or credit, shall enter into a regulatory agreement with the county as to its charges, profits, dividends and disposition of its property of franchises, which agreement shall be binding and enforceable by the county insofar as this regulates such charges, profits, dividends and disposition of property. The county may elect in such regulatory agreement to refrain from exercising all or any portion of its authority to so regulate

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such charges, profits, dividends and disposition of property to the extent such charges, profits, dividends and disposition of property are regulated by the state or any agency thereof. The county shall authorize such regulatory agreement by local law.

(b) In pursuance of the authority granted herein, the county of Erie shall have the power and is hereby authorized from time to time to issue its bonds, notes or other obligations in such principal amounts as it shall deem necessary, after taking into account other monies which may be available for the purposes set forth herein. Such bonds, notes or obligations shall be issued for the purpose of making loans to the corporation or any subsidiary thereof, paying interest on such bonds, notes or other obligations, establishment of reserves to secure such notes, bonds, or other obligations, and paying all other obligations and expenditures incidental to and necessary or convenient for the making of such loans. Such bonds, notes or obligations shall be issued in accordance with the applicable provisions of this chapter and the local finance law and applicable local laws.

(c) Any guarantee by the county made pursuant to the authority granted in this section shall be authorized by act or acts of the county in the same manner as such act or acts authorizing the issuance of bonds of the county for the purposes for which such guarantee is undertaken.

(d) The county shall also be authorized to enact laws governing the conditions under which such loans, commitments and guarantees shall be made.

7. For purposes of subdivision four of paragraph a of section 25 of the local finance law, amounts to be derived by the county of Erie from the corporation, or any subsidiary thereof, shall be included in the term "other income".

8. (a) Notwithstanding the provisions of any other state or local law to the contrary, including, but not limited to, sections six-n and six-j of the general municipal law, with the approval of the Erie County Legislature, amounts deposited for or on behalf of the Erie County Medical Center in the liability and casualty and workers' compensation reserve funds established by the county pursuant to said sections of the general municipal law, and investment earnings thereon, may be withdrawn by the county from such funds and transferred to the corporation and shall be used by the corporation for the purposes for which such funds were established.

(b) No amounts shall be withdrawn and transferred to the corporation pursuant to this subdivision unless prior thereto the corporation has agreed in writing to indemnify and hold harmless the county, and provide defense, for all claims, cases, proceedings, actions or other matters against the county arising out of the properties, facilities, operations or employees of the corporation of the Erie County Medical Center, whether commenced before or after the date of transfer of said amounts, and to provide such other security for this obligation as the county may reasonably require.

Section 9: Bonds or Notes of the Corporation

1. The corporation shall have the power and is hereby authorized from time to time to issue bonds, notes or other obligations to pay the cost of any project or for any other corporate purpose, including the establishment of reserves to secure the bonds, the payment of principal of, premium, if any, and interest on the bonds and the payment of incidental expenses in connection therewith. The

corporation shall have the power and is hereby authorized to enter into such agreements and perform such acts as may be required under any applicable federal legislation to secure a federal guarantee or other subsidy with respect to any bonds.

2. The corporation shall have the power from time to time to renew bonds or to issue renewal bonds for such purpose, to issue bonds to pay bonds, and, whenever it deems refunding expedient, to refund any bond by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and may issue bonds, partly to refund bonds then outstanding and partly for any other corporate purpose of the corporation. Bonds issued for refunding purposes shall be sold and the proceeds applied to the purchase, redemption or payment of the bonds or notes to be refunded.

3. Bonds issued by the corporation may be general obligations secured by the faith and credit of the corporation or may be special obligations payable solely out of particular revenues or other monies as may be designated in the proceedings of the corporation under which the bonds shall be authorized to be issued, subject as to priority only to any agreements with the holders of outstanding bonds pledging any particular property, revenues or monies. The corporation may also enter into loan agreements, lines of credit and other security agreements and obtain for or on its behalf letters of credit, insurance, guarantees or other credit enhancements to the extent now or hereafter available, in each case for securing its bonds or to provide direct payment of any costs which the corporation is authorized to pay.

4. (a) Bonds shall be authorized by resolution of the corporation, be in such denominations and bear such date or dates and mature at such time or times, as such resolution may provide, provided that bonds and renewals thereof shall mature within forty years from the date of original issuance of any such bonds.

(b) Bonds shall be subject to such terms of redemption, bear interest at such rate or rates, be payable at such times, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms and conditions as such resolution may provide. Notwithstanding any other provision of law, the bonds of the corporation issued pursuant to this section shall be sold to the bidder offering the lowest true interest cost, taking into consideration any premium or discount not less than four nor more than fifteen days, Sunday excepted, after a notice of such sale has been published at least once in a newspaper of general circulation in the area served by the corporation, which shall state the terms of the sale. The terms of the sale may not change unless notice of such change is published in such newspaper at least one day prior to the date of the sale as set forth in the original notice of sale. Advertisements shall contain a provision to the effect that the corporation, in its discretion, may reject any or all bids made pursuant to such advertisements, and in the event of such rejection, the corporation is authorized to negotiate a private or public sale or readvertise for bids in the form and manner above described as many times as, in its judgment, may be necessary to effect satisfactory sale.

(c) Notwithstanding the provisions of the preceding paragraph, whenever in the judgment of the corporation the interests of the corporation will be served thereby, the directors of the corporation, on the written recommendation of the chairperson may authorize the sale of such bonds at private or

public sale on a negotiated basis or on either a competitive or negotiated basis. The corporation shall set guidelines governing the terms and conditions of any such private or public sales. The private or public bond sale guidelines set by the corporation shall include, but not be limited to, a requirement that where the interests of the corporation will be served by a private or public sale of bonds, the corporation shall select underwriters for each private or public bond sale conducted pursuant to a request for proposal process undertaken from time to time and consideration of proposals from qualified underwriters as determined by the corporation.

(d) The corporation shall have the power from time to time to amend such private bond sale guidelines in accordance with the provisions of this subdivision.

(e) In addition to the authority to sell notes at private sale contained hereinabove, the corporation may sell its notes at private negotiated sale to the county, which is hereby authorized to temporarily invest county funds in such notes, provided that such notes mature at or before the time the county expects to expend such funds for the purposes for which such funds were raised.

(f) No private or public bond sale on a negotiated basis shall be conducted by the corporation without prior approval of the state comptroller. The corporation shall annually prepare and approve a bond sale report which shall include the private or public bond sale guidelines as specified in this subdivision, amendments to such guidelines since the last private or public bond sale report, an explanation of the bond sale guidelines and amendments, and the results of any sale of bonds conducted during the fiscal year. Such bond sale report may be a part of any other annual report that the corporation is required to make.

(g) The corporation shall annually submit its bond sale report to the state comptroller and copies thereof to the senate finance committee and the assembly ways and means committee.

(h) The corporation shall make available to the public copies of its bond sale report upon reasonable request thereof.

(i) Nothing contained in this subdivision shall be deemed to alter, affect the validity of, modify the terms of, or impair any contract or agreement made or entered into in violation of, or without compliance with, the provisions of this subdivision.

5. Any resolution or resolutions authorizing bonds or any issue of bonds by the corporation may contain provisions which may be a part of the contract with the holders of the bonds thereby authorized as to:

(a) pledging all or part of the revenues, together with any other monies or property of the corporation to secure the payment of the bonds, or any costs of issuance thereof, including but not limited to, any contracts, earnings or proceeds of any grant to the corporation received from any private or public source subject to such agreements with bondholders as may then exist;

(b) the setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;

- (c) limitations on the purpose to which the proceeds from the sale of bonds may be applied;
- (d) the rates, rents, fees and other charges to be fixed and collected by the corporation and the amount to be raised in each year thereby and the use and disposition of revenues;
- (e) limitations on the right of the corporation to restrict and regulate the use of the project or part thereof in connection with which bonds are issued;
- (f) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding or other bonds;
- (g) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, including the proportion of bondholders which must consent thereto, and the manner in which such consent may be given;
- (h) the creation of special funds into which any revenues or monies may be deposited;
- (i) the terms and provisions of any trust, mortgage, deed or indenture securing the bonds under which the bonds may be issued;
- (j) vesting in a trustee or trustees such properties, rights, powers and duties in trust as the corporation may determine which may include any or all of the rights, powers and duties of the trustees appointed by the bondholders pursuant to this title or limiting the rights, duties and powers of such trustee;
- (k) defining the acts or omissions to act which may constitute a default in the obligations and duties of the corporation to the bondholders and providing for the rights and remedies of the bondholders in the event of such default, including as a matter of right appointment of a receiver, provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and other provisions of this title;
- (l) limitations on the power of the corporation to sell or otherwise dispose of any project or any part thereof or other property;
- (m) limitations on the amount of revenues and other monies to be expended or operating, administrative or other expenses of the corporation;
- (n) the payment of the proceeds of bonds, revenues and other monies to a trustee or other depository, and for the method of disbursement thereof with such safeguards and restrictions as the corporation may determine; and
- (o) any other matters of like or different character which in any way affect the security or protection of the bonds or the rights and remedies of the bondholders.

6. In addition to the powers herein conferred upon the corporation to secure its bonds, the corporation shall have the power in connection with the issuance of bonds to adopt resolutions and enter into such trust indentures, agreements or other instruments as the corporation may deem necessary, convenient or desirable concerning the use or disposition of its revenues or other monies or property, including the mortgaging of any property and the entrusting, pledging or creation of any other security interest in any such revenues, monies or property and the doing of any act, including refraining from doing any act which the corporation would have the right to do in the absence of such resolutions, trust indentures, agreements or other instruments. The corporation shall have power to enter into amendments of any such resolutions, trust indentures, agreements or other instruments within the powers granted to the corporation by this title and to perform such resolutions, trust indentures, agreements or other instruments. The provisions of any such resolutions, trust indentures, agreements or other instruments may be made a part of the contract with the holders of bonds of the corporation.

7. Any provision of the uniform commercial code to the contrary notwithstanding, any pledge of or other security interest in revenues, monies, accounts, contract rights, general intangibles or other personal property made or created by the corporation shall be valid, binding and perfected from the time when such pledge is made or other security interest attaches without any physical delivery of the collateral or further act, and the lien of any such pledge or other security interest shall be valid, binding and perfected against all parties having claims of any kind in tort, contract or otherwise against the corporation irrespective of whether or not such parties have notice thereof. No instrument by which such a pledge or security interest is created nor any financing statement need be recorded or filed.

8. Whether or not the bonds of the corporation are of such form and character as to be negotiable instruments under the terms of the uniform commercial code, the bonds are hereby made negotiable instruments within the meaning of and for all the purposes of the uniform commercial code, subject only to the provisions of the bonds for registration.

9. Neither the directors nor the non-voting representatives nor the officers of the corporation nor any person executing its bonds shall be liable personally on its bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

10. Subject to such agreements with bondholders as may then exist, the corporation shall have power out of any funds available therefor to purchase bonds of the corporation, in lieu of redemption, at a price not exceeding, if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date, or, if the bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption plus accrued interest to the next interest payment date. Bonds so purchased shall thereupon be canceled.

11. The corporation shall have power and is hereby authorized to issue negotiable bond anticipation notes in conformity with applicable provisions of the uniform commercial code and may renew the same from time to time but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of issue of such original note.

Section 10: Remedies of Bondholders

Subject to any resolution or resolutions adopted pursuant to this title:

1. In the event that the corporation shall default in the payment of principal of or interest on any issue of bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the corporation shall fail or refuse to comply with the provisions of this title or shall default in any agreement made with the holders of any issue of bonds, the holders of twenty-five percent in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county in which the principal office of the corporation is located and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purpose herein provided.

2. Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such bonds outstanding shall, in its own name:

(a) by action or proceeding in accordance with the civil practice law and rules, enforce all rights of the bondholders, including the right to require the corporation to collect rents, rates, fees and charges adequate to carry out any agreement as to, or pledge of, such rents, rates, fees and charges and to require the corporation to carry out any other agreements with the holders of such bonds to perform its duties under this title;

(b) bring an action or proceeding upon such bonds;

(c) by action or proceeding, require the corporation to account as if it were the trustee of an express trust for the holders of such bonds;

(d) by action or proceeding, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; and

(e) declare all such bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of the twenty-five per centum of the principal amount of such bonds then outstanding, to annul such declaration and its consequences.

3. Such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders in the enforcement and protection of their rights.

4. The supreme court shall have jurisdiction of any action or proceeding by the trustee on behalf of such bondholders. The venue of any such action or proceeding shall be laid in the county.

5. Before declaring the principal of bonds due and payable, the trustee shall first give thirty days notice in writing to the corporation.

6. Any such trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of any receiver of any part or parts of the project, the revenues of which are pledged for the security of the bonds of such issue, and such receiver may enter and take possession of such part or parts of the project and, subject to any pledge or agreement with the holders of such bonds, shall take possession of all monies and other property derived from such part or parts of the project and proceed with any construction thereon or the acquisition of any property, real or personal, in connection therewith that the corporation is under obligation to do, and to operate, maintain and reconstruct such part or parts of the project and collect and receive all revenues thereafter arising therefrom subject to any pledge or agreement with bondholders relating thereto and perform the public duties and carry out the agreements and obligations of the corporation under the direction of the court. In any suit, action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any revenues derived from the properties.

Section 11: State and County not Liable on Corporation Bonds

(a) The state shall not be liable on the bonds or notes of the corporation and such bonds or notes shall not be a debt of the state, and such bonds and notes shall contain on the face thereof a statement to such effect.

(b) Except as may be authorized by the county pursuant to section seven of article seventeen of the state constitution and section nine of this title, the county shall not be liable on the bonds or notes of the corporation and such bonds or notes shall not be a debt of the county, and such bonds and notes shall contain on the face thereof a statement to such effect or a statement describing the county liability thereon, if any.

Section 12: Monies of the Corporation

All monies of the corporation from whatever source derived shall be paid to the treasurer of the corporation and shall be deposited forthwith in a bank or banks designated by the corporation. The monies in such accounts shall be paid out or withdrawn on the order of such person or persons as the corporation may authorize to make such requisitions. All deposits of such monies shall be secured by obligations of the United States or of the state or of any municipality of a market value equal at all times to the amount on deposit and all banks and trust companies are authorized to give such security for such deposits. Alternatively, monies of the corporation may be deposited in money market funds rated in the highest short term or long term rating category by at least one nationally recognized rating agency. To the extent practicable, consistent with the cash requirements of the corporation, all such monies shall be deposited in interest bearing accounts. The corporation shall have power, notwithstanding the provisions of this section, to contract with the holders of any bonds as to the custody, collection, security, investment and payment of any monies of the corporation or any monies held in trust or otherwise for the payment of bonds or any way to secure bonds, and carry out any such contract notwithstanding that such contract may be inconsistent with the provisions of this section. Monies held in trust or otherwise for the payment of bonds or in any way

to secure bonds and deposits of such monies may be secured in the same manner as monies of the corporation and all banks and trust companies are authorized to give such security for such deposits. Any monies of the corporation not required for immediate use or disbursement may, at the discretion of the corporation, be invested in accordance with guidelines established by the corporation's board and amended from time to time. Subject to the provisions of any contract with bondholders and with the approval of the state comptroller, the corporation shall prescribe a system of accounts.

Section 13: Bonds; Legal Investments for Fiduciaries

The bonds of the corporation are hereby made securities in which all public officers and bodies of the state and all municipalities, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and saving associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, and administrators, guardians, executors, trustees and other fiduciaries and all other persons whatsoever, who are now or may hereafter be authorized to invest in bonds or other obligations of the state may properly and legally invest funds including capital in their control or belonging to them. The bonds are also hereby made securities which may be deposited with and may be received by all public officers and bodies of the state and all municipalities for any purposes for which the deposit of bonds or other obligations of this state is now or hereafter may be authorized.

Section 14: Agreement with State

The state does hereby pledge to and agree with the holders of any bonds issued by the corporation pursuant to this title and with those persons or public corporations who may enter into contracts with the corporation pursuant to the provisions of this title that the state will not alter, limit or impair the rights hereby vested in the corporation to purchase, construct, own and operate, maintain, repair, improve, reconstruct, renovate, rehabilitate, enlarge, increase and extend, or dispose of any project, or any part or parts thereof for which bonds of the corporation shall have been issued, to establish and collect rates, rents, fees and other charges referred to in this title, to fulfill the terms of any contracts or agreements made with or for the benefit of the holders of bonds or with any person or public corporation with reference to such project or part thereof, or in any way to impair the rights and remedies of the holders of bonds, until the bonds, together with interest thereon, including interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the holders of bonds, are fully met and discharged and such contracts are fully performed on the part of the corporation. The corporation is authorized to include this pledge and agreement of the state in any agreement with the holders of bonds.

Section 15: Agreement with County

The county is authorized to pledge to and agree with the holders of any bonds issued by the corporation pursuant to this title and with those persons or public corporations who may enter into contracts with the corporation pursuant to the provisions of this title that the county will not alter, limit or impair the rights hereby vested in the corporation to purchase, construct, own and operate, maintain, repair, improve, reconstruct, renovate, rehabilitate, enlarge, increase and extend, or dispose

of any project, or any part or parts thereof, for which bonds of the corporation shall have been issued, to establish, collect and adjust rates, rents, fees and other charges referred to in this title, to fulfill the terms of any agreements made with the holders of the bonds or with any public corporation or person with reference to such project or part thereof, or in any way impair the rights and remedies of the holders of bonds, until the bonds, together with interest thereon, including interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the holders of bonds, are fully met and discharged and such contracts are fully performed on the part of the corporation.

Section 16: Tax Exemption and Tax Contract by the State

1. It is hereby determined that the creation of the corporation and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state of New York and is a public purpose. Accordingly, the corporation shall be regarded as performing an essential governmental function in the exercise of the powers conferred upon it by this title, and the corporation shall not be required to pay any fees, taxes, special ad valorem levies or assessments of any kind, except as provided pursuant to the public health law, whether state or local, including but not limited to fees, taxes, special ad valorem levies or assessments on real property, franchise taxes, sales taxes or other taxes, upon or with respect to any property owned by it or under its jurisdiction, control or supervision, or upon the uses thereof, or upon or with respect to its activities or operations in furtherance of the powers conferred upon it by the title, or upon or with respect to any fares, tolls, rentals, rates, charges, fees, revenues or other income received by the corporation. Provided, however, that any real property owned or acquired by the corporation outside of the county shall be exempt from real property taxes, ad valorem levies or special assessments only pursuant to and to the extent provided by an agreement with the governing body of the municipality in which such real property is located. Provided, further, subsidiaries of the corporation are not included within the foregoing exemption.

2. Any bonds issued pursuant to this title together with the income therefrom shall at all times be exempt from taxation.

3. The state hereby covenants with the purchasers and with all subsequent holders and transferees of bonds issued by the corporation pursuant to this title, in consideration of the acceptance of and payment for the bonds, that the bonds of the corporation issued pursuant to this title and the income therefrom and all revenues, monies, and other property pledged to pay or to secure the payment of such bonds shall at all times be free from taxation.

4. The corporation may pay, or may enter into agreements with the county or any municipality to pay, a sum or sums annually or otherwise or to provide other considerations with respect to real property owned by the corporation located within the county or such municipality.

Section 17: Actions Against Corporation

1. Except in an action for wrongful death, no action or special proceeding shall be prosecuted or maintained against the corporation, its members, officers or employees for personal injury or

damage to real or personal property alleged to have been sustained by reason of the negligence, tort or wrongful act of the corporation or of any member, officer, agent or employee thereof, unless (a) notice of claim shall have been made and served upon the corporation within the time limit set by and in compliance with section fifty-e of the general municipal law, (b) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice and that adjustment or payment thereof has been neglected or refused, (c) the action or special proceeding shall be commenced within one year and ninety days after the happening of the event upon which the claim is based, and (d) an action, against the corporation for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

2. Whenever a notice of claim is served upon the corporation, it shall have the right to demand an examination of the claimant relative to the occurrence and extent of the injuries or damages for which claim is made, in accordance with the provisions of section fifty-h of the general municipal law.

3. The corporation may require any person presenting for settlement an account or claim for any cause whatsoever against the corporation to be sworn before a director, counsel or an attorney, officer or employee of the corporation designated for such purpose, concerning such account or claim and, when so sworn, to answer orally as to any facts relative to such account or claim. The corporation shall have power to settle or adjust all claims in favor of or against the corporation.

4. Any action or proceeding to which the corporation or the people of the state may be parties, in which any question arises as to the validity of this title, shall be preferred over all other civil causes of action or cases, except election causes of action or cases, in all courts of the state and shall be heard and determined in preference to all other civil business pending therein except election causes, irrespective of position on the calendar. The same performance shall be granted upon application of the corporation or its counsel in any action or proceeding questioning the validity of this title in which the corporation may be allowed to intervene. The venue of any such action or proceeding shall be laid in the supreme court of the county.

5. The rate of interest to be paid by the corporation upon any judgment for which it is liable, other than a judgment on its bonds, shall be the rate prescribed by section five thousand four of the civil practice law and rules. Interest on payments of principal or interest on any bonds in default shall accrue at the rate borne by such bonds from the due date thereof until paid or otherwise satisfied.

6. All actions or proceedings against the corporation of whatever nature shall be brought in the county.

Section 18: Audit and Annual Reports

1. In conformity with the provisions of section five of article ten of the constitution, the accounts of the corporation shall be subject to the supervision of the state comptroller and an annual audit shall be performed by an independent certified public accountant. The corporation shall annually submit

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to the Erie County Legislature, county executive, governor and the state comptroller and to the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee a detailed report pursuant to the provisions of section twenty-eight hundred of this chapter, and a copy of such report shall be filed with the clerk of the Erie County Legislature and the county executive.

2. The corporation shall report on an annual basis the following information: the name, principal business address and principal business activities of each subsidiary of the corporation; the name of all board members and officers of each subsidiary; the number of employees of each subsidiary; a list of all contracts in excess of one hundred thousand dollars entered into by the corporation and its subsidiaries identifying the amount, purpose and duration of such contract; and a financial statement, income statement, and balance sheet performed by an independent certified public accountant all in accordance with generally accepted accounting principles of the corporation and each of its subsidiaries. At the time the reports required by subdivision one of this section are submitted, such reports shall be provided to the governor, the speaker of the assembly, the temporary president of the senate and a copy of such report shall be filed with the clerk of the Erie County Legislature and the county executive.

Section 19: Defense and Indemnification

The corporation shall not execute any of its powers, including the special powers authorized by section seven of this article, except as necessary to commence its corporate existence, until it has elected to make the provision of section eighteen of the public officers law applicable to its employees (as such term is defined in section eighteen of the public officers law) pursuant to subdivision two of such section; provided, however, that nothing contained within this section shall be deemed to permit the corporation to extend the provisions of section eighteen of the public officers law upon any independent contractor.

Section 20: Transfer of Applications, Proceedings, Approvals and Permits

1. Any application, review or process in relation to or in furtherance of the purposes of or contemplated by this title heretofore filed or undertaken, or any proceeding heretofore commenced or any determination, finding or award made, by the county or by the county with the federal government, the state department of health or any other public corporation shall inure to and for the benefit of the corporation to the same extent and in the same manner as if the corporation has been a party to such application, review, process, or proceeding from its inception, and the corporation shall be deemed a party thereto, to the extent not prohibited by any federal law. Any license, approval, permit, determination, finding, award or decision heretofore or hereafter issued or granted pursuant to or as a result of any such application, review, process or proceeding shall inure to the benefit of and be binding upon the corporation and shall be assigned and transferred by the county to the corporation unless such assignment and transfer is prohibited by federal law.

2. All such applications, proceedings, licenses, approvals, permits, determinations, findings, awards and decisions shall further inure to and for the benefit of and be binding upon any person leasing,

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acquiring, financing, constructing, maintaining, operating, using or occupying any facility transferred by the county to the corporation pursuant to this title.

Section 21: Separability

If any clause, sentence, paragraph, section, or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 22: Applicability of Law

The provisions of this title shall be subject to the provisions of the civil practice law and rules, the public health law, the mental hygiene law, the social services law, the education law and any other applicable law or regulation, including any amendment thereto provided, however, nothing in this section shall require the county or corporation to seek approval or consent for any transfer pursuant to sections eight and twenty of this title.

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

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

CARRIED (WEIGHTED VOTE: 9.295 – 6.720)

Item 43 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 5-20 From LEGISLATORS PEOPLES & SWANICK Re: Guaranteeing Flexibility and Accountability at ECMC.

Item 44 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 5-21 From LEGISLATOR RANZENHOFER Re: The Proposed Consolidation of Children's Hospital Into Other Facilities Operated by Kaleida Health System.

Item 45 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

Re: Endorsing Local Law Intro. No. 2 – 2002 –
Reapportionment of Legislative Districts.
(Intro. 5-22)

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

WHEREAS, on May 10, 2001, the Erie County Legislature approved Local Law Intro. No. 3-2001, which would have amended Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to the composition of the county legislative districts; and

WHEREAS, a public hearing was held on Local Law Intro. No. 3-2001 by the Erie County Legislature on May 9, 2001, and public hearings were also held on Local Law Intro. No. 3-2001 by the Erie County Executive on May 24, 2001 and May 30, 2001; and

WHEREAS, the Erie County Executive vetoed Local Law Intro. No. 3-2001 on June 6, 2001, citing as reasons for his veto that the process by which the local law was adopted was not subject to sufficient public input and scrutiny, that the local law fragments the Hispanic community as well as towns and established neighborhoods, and that the local law fails to create districts which consist of representation areas made up of convenient and contiguous territories which are as compact as possible; and

WHEREAS, a lawsuit known as Korman v. Giambra, et al. was removed to the United States District Court, Western District of New York, wherein the Court ordered that the Erie County Legislature use weighted voting to reflect the voting power of the residents of each legislative district, and the Court further ordered the Erie County Legislature to put a redistricting plan in place; and

WHEREAS, on February 7, 2002, Local Law Intro. No. 2-2002 was laid on the desks of the Legislators, and such local law reapportions the legislative districts and reduces the number of legislative districts from 17 to 15, and

WHEREAS, under Local Law Intro. No. 2-2002, the fifteen districts have been apportioned pursuant to federally-mandated guidelines with population deviations of less than one percent, and each district is afforded equal voting power, and great pains were taken during the apportionment process to prevent communities from being divided, and the districts consist of representation areas made up of convenient and contiguous territories which are as compact as possible; and

WHEREAS, the County of Erie may only reapportion itself once in each decade; and

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WHEREAS, the County of Erie, as a charter county, may elect either to reapportion itself in accordance with Section 10 of the New York Municipal Home Rule Law or Article 4 of the New York Municipal Home Rule Law; and

WHEREAS, a reduction in the number of legislative districts results in the abolition of elective offices subjecting Local Law Intro. No. 2-2002 to mandatory referendum under Section 2002 of the Erie County Charter; and

WHEREAS, numerous public hearings were held by the Erie County Legislature regarding legislative redistricting and Local Law Intro. No. 2-2002; and

WHEREAS, a Memorandum in Support of Local Law Intro. No. 2-2002 together with a document entitled "Erie County Legislature Majority Reapportionment Plan 2002," copies of which are attached hereto and incorporated herein, were filed with the Clerk of the Legislature outlining the highlights of Erie County's redistricting plan;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby elects to proceed with legislative redistricting under its powers pursuant to Article 4 of the New York Municipal Home Rule Law and expressly elects not to proceed under Section 10 of the New York Municipal Home Rule Law; and be it further

RESOLVED, that the Erie County Legislature hereby endorses the legislative redistricting plan as proposed by Local Law Intro. No. 2-2002; and be it further

RESOLVED, that on this day, the Erie County Legislature intends to adopt Local Law Intro. No. 2-2002; and be it further

RESOLVED, that immediately upon the adoption of Local Law Intro. No. 2-2002, the Clerk of the Legislature shall present it for approval by the Erie County Executive in accordance with the Erie County Charter and the New York Municipal Home Rule Law; and be it further

RESOLVED, that since the Erie County Legislature has elected to opt out of section 10 of the New York Municipal Home Rule Law, the Erie County Executive shall conduct a public hearing on Local Law Intro. No. 2-2002 in accordance with the procedures set forth in the Erie County Charter and New York Municipal Home Rule Law; and be it further

RESOLVED, that in the event the Erie County Executive approves of Local Law Intro. No. 2-2002, the Erie County Attorney is authorized and directed to appear on behalf of the Erie County Legislature in Korman v. Giambra, et al. to transmit said Local Law to the Court and represent the Erie County Legislature's legal interests in the Korman action; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Erie County Attorney and United States District Court Judge John T. Elfvin.

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Fiscal Impact: None for Resolution

**ACCOMPANYING MEMORANDUM IN SUPPORT
OF
LOCAL LAW INTRO. NO. 2-2002**

TO: Erie County Legislature

FROM: Albert DeBenedetti, Chairman Erie County Legislature

DATE: February 25, 2002

RE: Legislative Redistricting

A. RECOMMENDED ACTION

It is recommended that the Erie County Legislature adopt the Local Law Intro. No. 2-2002 (hereinafter the "Majority Plan of Reapportionment") reducing the size of the Erie County Legislature from 17 to 15 legislative districts and apportioning them in accordance with Federal Constitutional mandates.

B. REASONS FOR RECOMMENDATION

Since 1980, the last time the Erie County Legislature reduced the number of legislative Districts (from 20 to 17), the population of the County of Erie has decreased by over 65,000 residents and the City of Buffalo has lost over 18% of its population. In addition, numerous towns and villages within Erie County have experienced double-digit population changes on a percentage basis. Most importantly, the 2000 U.S. census data makes clear that the population of Erie County has shifted significantly from the City to the suburbs and rural communities.

In recognition of these significant population changes, the United States District Court, Western District of New York, in *Korman v. Giambra et al.*, has determined that because "one person-one vote" is a bedrock Constitutional right of each and every citizen, "the present geographic boundaries of the seventeen election districts comprising Erie County, the territory served by the Erie County Legislature, are askew and must be remedied." The Court has ordered that the Erie County Legislature must put a plan in place to cure the present "illegal and malodorous condition" that exists.

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After a series of public hearings, the public has voiced overwhelming support for a smaller, more cost effective form of county government. The time is ripe for reducing the size of the Erie County Legislature from 17 to 15 legislative districts. By law Erie County may reapportion itself only once every decade. This means that the opportunity to change the size of the Legislature will not arise again until 2010. With a county-wide population of less than one million people for the first time in decades, now is the time to act and recognize that a significant population reduction has occurred within our region.

Apart from a shrinking population base, there has been a significant shift from the City of Buffalo to the suburbs and rural areas of Erie County.

Local Law Intro. No. 2-2002, as summarized and detailed in the attached Erie County Majority Reapportionment Plan 2002, and Resolution accomplishes a number of these objectives.

First and foremost, the plan meets the constitutional mandate of "one person-one vote". Based on a county-wide population of 950,265 and under the principle of "one person-one vote", each of the 15 proposed legislative districts should have on average 63,351 residents. The Majority Plan has a standard population deviation of less than one percent for every district, which is well within the deviation range approved by the Federal Court for meeting the constitutional mandate of "one person-one vote".

Second, the Majority Plan respects municipal and historic boundaries and creates representation areas that are made up of convenient and contiguous territory in as compact form as practicable. Unlike the existing apportionment of the Erie County Legislature, which splits the Village of Kenmore and the Town of Orchard Park between two legislative districts, the Majority Plan puts the Town of Orchard Park and the Village of Kenmore back together. In addition the Majority Plan keeps the First Ward within the City of Buffalo unified as it has been under current lines. It also unifies the historic communities of Eggertsville, Snyder and Harlem-Kensington within a single district. Finally, the Majority Plan creates a legislative district that keeps the Hispanic community unified.

Third, the Majority Plan was created on the basis of population and not party affiliation. Cuts occurred where population was lost. Currently, there are only 4 "Republican" districts in the Erie County Legislature. Under the Majority Plan there continues to be only 4 "Republican" districts within the outer ring of Erie County where population growth was greatest between 1990 and 2000. City of Buffalo districts were removed not because they are "Democrat" districts, but because the City of Buffalo was the area with the greatest population loss. The year 2000 census revealed that the City of Buffalo lost over 35,000 residents reflecting a 10.8% decrease in population since 1990. Indeed, even the Democratic controlled New York State Assembly has recognized the population loss within the City of Buffalo by proposing the elimination of 5 New York State Assembly seats.

Even with the elimination of legislative seats within the City of Buffalo, there will not be a significant impact in its representative power within the Erie County Legislature. At present, City of Buffalo residents make up 30.7% of the population of the County of Erie. Currently, there are 8

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County Legislators representing the City of Buffalo, meaning that 47% of all County Legislators have constituents within the City of Buffalo. Under the Majority Plan, there are 6 County Legislators representing the City of Buffalo, meaning that 40% of all County Legislators will have constituents within the City of Buffalo.

Fourth, the Majority Plan works to protect the legislative representation of Erie County's minority communities. At present the African-American community makes up 13% of Erie County's population. The Majority Plan creates 2 legislative districts where the African-American community has a 73.52% plurality and 68.32% plurality respectively. With a 15 district Legislature under the Majority Plan, the African-American community has control of 13% of the Legislature. The Majority Plan also keeps the Hispanic Community united in the sixth legislative district.

Fifth, the Majority Plan creates a more efficient cost-effective County Legislature that allows the taxpayers of Erie County to save nearly \$600,000 in direct costs alone for each legislative term.

Albert DeBenedetti
 Chairman
 Erie County Legislature

*** See original copy of Intro. 5-22 for full text of attached informational document titled "Erie County Legislature Majority Reapportionment Plan 2002."

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

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 8.502 – 7.513)

Item 46 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-23 From LEGISLATOR KUWIK Re: Funding for Various Community Events & Organizations.

Item 47 – CHAIRMAN DeBENEDETTI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

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Intro. 5-24 From LEGISLATOR DALE Re: Funding for Community Organizations.

Item 48 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

Re: Making County Purchase Contracts
Available on Erie County Web Site.
(Intro. 5-25)

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

WHEREAS, Erie County allows municipalities, school and special districts to be included on county bids for a myriad of items, and

WHEREAS, this allows said districts to save money by purchasing off of a larger, and therefore less expensive, bid, and

WHEREAS, the majority of our 84 municipalities, school and special districts participate in this program to some extent or another, and

WHEREAS, making these contracts more readily available would increase the likelihood of use, and would thus result in even greater savings, and

WHEREAS, such a recommendation was included in the Buffalo Niagara Partnership's Who Does What? report, and

WHEREAS, discussion on this topic has taken place in the Legislature's Regionalism and Government Affairs Committees, and

WHEREAS, establishment of this program would not require any new hardware or software in the Division of Information and Support Services or the Bureau of Purchase, and

WHEREAS, the only requirement would be to allocate staff within the Bureau of Purchase to update and maintain the site, at the equivalent of one RPT position (19 hours), and

WHEREAS, the administration has indicated that said position could be transferred from the Division of Budget, Management & Finance to the Bureau of Purchase, and

WHEREAS, as a result this regional program can be established at no new cost to the county, while giving municipalities, school and special districts the ability to realize increased cost savings,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to fostering regional collaborations to improve services and lower costs to county and municipal taxpayers, and be it further

RESOLVED, that this Honorable Body does hereby request that the Erie County Bureau of Purchase and Division of Information and Support Services begin creation of a page on the Erie County web site containing county-bid contracts to allow municipalities, school and special districts greater access to said bids, and be it further

RESOLVED, that this Honorable Body does hereby request that the Division of Budget, Management & Finance transfer one RPT 19 hour position to the Bureau of Purchase to create and maintain said site, and be it further

RESOLVED, that this Honorable Body does further request that representatives from DISS and Purchase appear at a meeting of the Legislature's Government Affairs Committee so that this Honorable Body can review the appearance and content of said site prior to its final establishment, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Joel Giambra, Bureau of Purchase Director Joseph Martin, Division of Information and Support Services Director Arthur Telaak, Jr., Department of Personnel Commissioner Leonard Lenihan, Thomas DeMartino in the County Executive's Office, and Ken Vetter at the Buffalo Niagara Partnership.

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 49 – MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 3-1. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

Re: The Niagara Frontier Transportation
 Authorities Release of their Buffalo/Niagara
 Transit Assessment.

A RESOLUTION SUBMITTED BY LEGISLATOR PEOPLES

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WHEREAS, public transportation is directly linked to access for our citizens to jobs, entertainment, and education, as well as a solution to urban sprawl, global warming, dirty air, and public health problems, and

WHEREAS, the Niagara Frontier Transportation Authority recently released a summary of a report they commissioned and refer to as the Buffalo/Niagara Transit Assessment, and

WHEREAS, the Citizens Regional Transit Corporation, a watch dog group committed to improving Western New York's public transportation system has stated that certain aspects of the assessment have not been reported,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to deeper inquiry into the recently released Buffalo/Niagara Transit assessment commissioned by the NFTA, and be it further

RESOLVED, that the Citizens Regional Transit Corporation is hereby invited to send a representative to an upcoming meeting of the appropriate committee of the Erie County Legislature to update this Honorable Body in the unreported aspects of the recently

RESOLVED, that the NFTA is requested to provide this Honorable Body with specific funding needs for both the proposed Metro Rail expansion to the airport and maintenance of the existing subway lines and stations, and be it further

RESOLVED, that certified copies be sent to Luiz F. Kahl, Niagara Frontier Transportation Authority Chairman of the Board of Commissioners, Lawrence M. Meckler, Niagara Frontier Transportation Authority Executive Director, and Joan K. Bozer (27 St. Catherines Court, Buffalo, New York 14222) representative of the Citizens Regional Transit Corporation.

Fiscal Impact: None

MS. PEOPLES moved to amend the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

DELETE the first two RESOLVE clauses in their entirety.

MS. PEOPLES move the approval of the resolution as amended. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 50 - MR. GREENAN moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 4E-43. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 88

Re: Year 2002 Federal Emergency Shelter Grant
Program Contracts.

WHEREAS, under the Stewart B. McKinney Homeless Assistance Act of 1987, the Secretary of the U. S. Department of Housing and Urban Development is authorized to make grants to units of local government to finance an Emergency Shelter Grant Program; and

WHEREAS, the County has received funds under the Act to fund non-profit organizations for essential services for homeless persons and for operational and renovation expenses associated with homeless shelters; and

WHEREAS, in order to implement the Emergency Shelter Grant Program, the County of Erie must enter into individual agreements with non-profit organizations that serve homeless persons.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the YWCA of Western New York, Inc., for \$21,219 for essential services and operational expenses associated with the agency's Southtowns Homeless Program; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the Franciscan Center, Inc., for an amount not to exceed \$5,000 for essential services and operational expenses associated with their shelter for homeless boys located at 1910 Seneca Street, Buffalo, New York; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Compass House for an amount not to exceed \$36,000 for expenses associated with the renovation of their shelter for homeless youth at the agency's shelter located at 370 Linwood Avenue, Buffalo, New York; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the YWCA of the Tonawandas, Inc., for an amount not to exceed \$44,000 for renovation expenses associated with the agency's transitional home for women and children located at 107 Board Street, Tonawanda, New York; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with New Life Residential Center, Inc., for an amount not to exceed \$7,761 for renovation expenses associated with the agency's shelter that serves women recovering from chemical dependency located at 24 Memorial Drive, Buffalo, New York; and be it further

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RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Cazenovia Recovery Systems, Inc., for an amount not to exceed \$19,420 for operation expenses for the agency's transition homes located at 9136 and 9126 Sandrock Road, Eden, New York; and be it further

RESOLVED, that said contract authorizations are contingent upon the receipt of year 2002 federal Emergency Shelter Grant funding assistance through the U. S. Department of Housing and Urban Development; and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the request for proposal process is attached to this resolution; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 51 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 4E-12. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

Re: Section 39 of New York State General Municipal Law.

WHEREAS, the County Comptroller is the chief fiscal officer of Erie County; and

WHEREAS, one of the responsibilities of the Comptroller is to have custody of monies of the County, as well as those monies for which it is responsible; and

WHEREAS, Section 39 of New York State General Municipal Law (GML) requires each local government to adopt an investment policy; and

WHEREAS, general guidelines governing the deposit, investment and collateralization of County funds and funds for which the County is responsible were previously developed by the Comptroller and approved by the County Legislature; and

WHEREAS, GML provides that a local government has the power to amend its investment policy from time to time; and

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WHEREAS, the Comptroller has recently reviewed and updated the County's investment guidelines;

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature approves the amended Investment Guidelines as proposed by the County Comptroller; and

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

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

CARRIED UNANIMOUSLY.

Item 52 – MR. McCARVILLE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 4E-54. MR. LARSON seconded. LEGISLATORS DALE, DUSZA, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER & SWANICK voted in the negative.

CARRIED. (WEIGHTED VOTE: 8.502 – 7.513)

RESOLUTION NO. 90

Re: Personnel Changes in the Department of Public Works.

WHEREAS, the Department of Public Works desires to add personnel in order to meet ever increasing work loads including those which are funded through the Federal Highway Aid and Asbestos Abatement Capital funds annually, as well as fulfill the most recent audit report from the Comptroller's office, and

WHEREAS, the Department of Public Works also desires to adjust two of its current unfilled positions in order to properly compensate those positions to there respective work loads, and

WHEREAS, the Division of Highways desires to add personnel to adequately provide the necessary manpower for highway maintenance to all county roads, and

WHEREAS, the Division of Buildings and Grounds desires to create a county wide asbestos abatement crew with supervisors, which will allow for a substantive cost savings and allow for daily maintenance and necessary renovations work to proceed in a more effective and efficient manner.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Legislature authorize the creation of the following positions within the Department of Public Works:

- Accountant Analyst (Job Group 11, Step 0) Department of Public Works
- Senior Project Manager (Job Group 14, Step 0) Division of Highways
- Junior Engineer- Technical (Job Group 10, Step 0) Division of Highways
- Senior Account Clerk (Job Group 6) Department of Public Works
(Currently position is on loan from the Department of Health)
- Junior Management Consultant (Job Group 10) Division of Buildings and Grounds,
(Currently position is a double fill)
- Six (6) Asbestos Abatement Workers (Job Group 8) Division of Buildings and Grounds
- Two (2) Asbestos Supervisors (working) (Job Group 10) Division of Buildings and Grounds
- Eight (8) Laborer Positions (Job Group 7) Division of Highways
- Two (2) MEO positions (Job Group 3) Division of Highways,

and be it further

RESOLVED, that the Erie County Legislature authorize the following positions be adjusted as follows;

- Existing Senior Contracts Administrator (Position #259503) reduced from a Job Group 12 to a Job Group 11
- Existing Civil Engineer (Job Group 9) increase Step from Step 1 to Step 4,
and be it further

RESOLVED, that the funding for the additional positions be allocated from the following accounts; the Asbestos Abatement positions of six (6) workers will increase the Personnel Services line 800 by \$183,918.00, the Asbestos Abatement Supervisors will increase the Personnel Services line 800 by \$70,704.00. These funds are to be allocated from account # 410-198, Department of Public Works Asbestos Abatement Capital, and be it further

RESOLVED, that the eight (8) Highway laborer positions will increase the Highway budget Personnel Services by \$196,851.00, and the two (2) MEO positions will increase that same budget line by an additional \$53,123.00. These funds are available from unspent salary allocations, and be it further

RESOLVED, that the Accountant Analyst position (Job Group 11) and Senior Account Clerk position (Job Group 6) will increase the Commissioner's Personnel Services line by \$69,857.00. The funding for these positions will be realized by account 800 Personnel Services, 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; and one copy to the Office of the Comptroller.

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

CHAIRMAN DeBENEDETTI directed a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 8.502 – 7.513)

Item 53 – MR. WEINSTEIN moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 4E-20. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

Re: Geneva B. Scruggs Health Clinic.

WHEREAS, Geneva B. Scruggs Health Clinic provides a valuable service to the citizens of Erie County, and

WHEREAS, the Erie County Health Department's mission includes providing community wellness for the citizens of Erie County, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to transfer \$100,000 from the 2001 Erie County Health Department Dues and Fees Account (DAC 110949270821) to the Geneva B. Scruggs Health Clinic in the Department of Health, Contractual Expense Account (DAC 1109492708301361) and be it further

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

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

CARRIED UNANIMOUSLY.

Add the following after the second WHEREAS clause:

WHEREAS, the number of uninsured, underinsured, and hard to serve patients in Erie County is increasing, and

WHEREAS, Geneva B. Scruggs Health Clinic is partnering with the Erie County Health Department in order to provide primary care services to this population.

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Add the following after the first RESOLVED clause:

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with Geneva B. Scruggs Health Center for the purpose of providing primary care to uninsured and underinsured patients of Erie County for a sum not to exceed \$100,000 for the period 1/1/02 - 12/31/02, and be it further

RESOLVED, that the contract with Geneva B. Scruggs Health Center is a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 54 – MR. GREENAN moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.

Comm. 5E-62 From CHAIRMAN DeBENEDETTI Re: Sales Tax Informational Meeting.

RECEIVED, FILED & PRINTED.

February 28, 2002

The Honorable Charles M. Swanick, Minority Leader
Erie County Legislature
25 Delaware Avenue - 7th Floor
Buffalo, New York 14202

Dear Gentleman:

As you know, the 2002 Erie County Budget, which was unanimously approved by the Erie County Legislature on November 11, 2001, contains nearly \$111 million in anticipated revenue based upon the continuation of the county's additional one percent sales tax.

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On February 7, 2002, this honorable body unanimously approved the annual extension, thus ensuring that the 2002 Erie County Budget remain in balance.

During this session, The Minority Caucus forwarded the proposal to discuss the use of the County's one percent sales tax. Since then, various communication between Majority leadership, staff and our Minority counterparts has taken place involving the coordination of an informational meeting with members of the Legislature, Giambra Administration, Erie County Budget Department and Public Officials from all Erie County municipalities.

Per our recent conversation and agreement, I am scheduling an informational meeting for Friday, March 22, 2002 at 11:00 a.m. in the Legislature's Committee Room 1. The format of the meeting will be formal, but with flexibility to allow a broad scope of ideas to be expressed in a professional and suitable approach by invited guests.

The topics will be, but not limited to, a discussion on current uses of the one percent sales tax revenue, current and potential municipality distribution of such revenue, and examination of practical uses and distribution of potential revenue growth generated by the one percent sales tax.

I request that your staff submit to my secretary, Karen Spagna, a list of individuals the Minority wishes to invite along with their addresses by 11:00 a.m. on March 8. Please be advised that a copy of the Majority invites will be forwarded to the Minority Chief of Staff at such time. All invites and notices will be mailed out at 5:00 p.m.

If you have any questions, please contact me at 858-8807 at your earliest convenience.

Sincerely,

ALBERT DeBENEDETTI
Chairman

Item 55 – MR. GREENAN moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.

Comm. 5E-63 From LEGISLATOR GREENAN Re: Appointment to the Erie County Board of Health.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 56 – MR. HOLT moved for a suspension of the rules to include an item not on the agenda. MR. SWANICK seconded.

GRANTED.

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Comm. 5E-64 From LEGISLATOR FISHER Re: Notice of Absence from February 28 Session of the Erie County Legislature.

Received and filed.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR SWANICK

Item 57 – MR. SWANICK presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

Re: Letter to Clerk of Legislature Re:
Reappointment to EC Fisheries Advisory Board.
(Comm. 5E-1)

RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of Frank Benbenek of 8 Philip Drive, Cheektowaga, New York 14227 as a Member of the Erie County Fisheries Advisory Board for a term to expire December 31, 2004.

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

CARRIED UNANIMOUSLY.

Item 58 – (Comm. 5E-2) Letter to Clerk of Legislature Re: Schedule of Democratic Caucus's Meetings on Redistricting.

Received and filed.

FROM LEGISLATORS SCHROEDER & SWANICK

Item 59 – (Comm. 5E-3) Copy of Letter to Mayor Masiello & Council President Pitts Re: Title of Property that ECMC is Located on.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR SWANICK

Item 60 – (Comm. 5E-4) Copy of Letter to Chairman Re: Minority Caucus's Recommendation for Appointments to Erie-Niagara Regional Partnership (ENRP).

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Received and filed.

FROM THE COMPTROLLER

Item 61 – (Comm. 5E-5) Bond Resolution – \$72,600 – Additional Funds for Reconstruction of East Church Street Bridge.

Item 62 – (Comm. 5E-6) Bond Resolution – \$650,000 – Construction of Intersection/Signal Improvements at Intersection of William & Aurora Streets.

Item 63 – (Comm. 5E-7) Bond Resolution – \$8,000,000 – Construction of EC Secure Youth Detention Facility.

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

FROM LEGISLATOR SCHROEDER

Item 64 – (Comm. 5E-8) Letter to Clerk Re: Attached Copy of Letter to County Executive on Project Labor Agreement for Phase II of County Courthouse Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CHAIRMAN DeBENEDETTI

Item 65 – (Comm. 5E-9) Letter to Legislator Greenan Re: Attached Letter from Robert Lichtenthal Concerning His Candidacy for ECWA's Board of Commissioners.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR GREENAN

Item 66 – (Comm. 5E-10) Letter to Robert Lichtenthal Re: Notice of Energy & Environment Meeting for Purpose of Interview for ECWA's Board of Commissioners.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 67 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 93

Re: Reappointment to Erie County Fisheries
Advisory Board. (Comm. 5E-11)

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RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of George Wagner of 323 Fawn Trail, West Seneca, New York 14224 as a Member of the Erie County Fisheries Advisory Board for a term to expire December 31, 2004.

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

CARRIED UNANIMOUSLY.

Item 68 – (Comm. 5E-12) Memo to All Legislators Re: Informational Meeting to Interview a Candidate for Reappointment to Board of Commissioners of ECWA.

Received and filed.

FROM THE SHERIFF

Item 69 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 94

Re: Sheriff's Office – Personnel Adjustments.
(Comm. 5E-13)

WHEREAS, the Erie County Sheriff's Office is requesting to delete one (1) Dispatcher Sheriff, Part Time, Pay Grade 7 and to delete one (1) Account Clerk Typist Sheriff, Part Time, Pay Grade 4 and

WHEREAS, the Erie County Sheriff's Office is requesting to create one (1) Dispatcher Sheriff, Job Group 7, and

WHEREAS, funding for the newly created position is available in the Personal Services Account of the Sheriff's 2002 Budget,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to delete a position of Dispatcher Sheriff, Part Time, Pay Grade 7, delete a position of Account Clerk Typist Sheriff, Part Time, Pay Grade 4, and to create a position of Dispatcher Sheriff, Pay Grade 7, and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, the Department of Personnel and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

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Item 70 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95

Re: Government Payment Services.
(Comm. 5E-14)

WHEREAS, it is deemed beneficial to the inmate population of the Erie County Holding Center to afford to them the ability to secure payment of bail through Government Payment Services, Inc., and

WHEREAS, there is no impact on County Funds.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a one year agreement with Government Payment Services, Inc. to provide payment of bail for inmates of the Erie County Holding Center, and be it further

RESOLVED, that this contract may be extended at the option of the County twice for an additional one (1) year period, and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Department of Law, the Office of the Comptrollers and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

Item 71 – (Comm. 5E-15) Sheriff's Office – NYS Governor's Traffic Safety Committee Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 72 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 96

Re: Independent Healthcare System Valuation
 Services. (Comm. 5E-16)

WHEREAS, it is necessary that in 2002, decisions be made regarding the governance of Erie County Medical Center ("ECMC"); and

WHEREAS, in order that the most prudent decisions may be made, a financial valuation of ECMC must be prepared by a qualified firm that specializes in such projects; and

WHEREAS, the RFP process has identified Morgan Stanley and Co., Inc. ("Morgan Stanley") as the entity most qualified to prepare such a valuation.

NOW THEREFORE, BE IT

RESOLVED, that effective immediately, the Division of Budget, Management and Finance proceed with the steps necessary to engage Morgan Stanley to prepare a financial valuation of ECMC, and be it further

RESOLVED, that the sum to be charged by Morgan Stanley for its services, \$150,000.00, be paid from the Regionalism/Economic Development Fund (DAC 110 9043038301299) and be if further

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

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

CARRIED UNANIMOUSLY.

* Please see a reconsideration for this item on page 452.

Item 73 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

Re: Appointment & Reappointments to NYS
 Region 9 Fish & Wildlife Management Board.
 (Comm. 5E-17)

RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of the following people to the New York State, Region 9, Fish and Wildlife Management Board for the terms indicated:

Permanent Sportsman

Robert Church

12/31/03

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Representative:	P.O. Box 294 Springville, New York 14141	
Alternate Sportsman Representative:	Robert Miechowicz 40 Lackawanna Avenue Depew, New York 14043	12/31/03
Permanent Landowner Representative:	James H. Agle 7915 Gowanda State Road Eden, New York 14057	12/31/02

and be it further

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Erie County Legislator Dale W. Larson of 5580 Broadway, Lancaster, New York 14086 to the New York State, Region 9, Fish and Wildlife Management Board for a term to expire 12/31/03.

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

CARRIED UNANIMOUSLY.

Item 74 – (Comm. 5E-18) Appointment to EC Environmental Management Council.

Received and filed.

Item 75 – (Comm. 5E-19) Reappointments to Equal Employment Opportunity Advisory Committee.

RECEIVED, FILED & PRINTED.

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

Re: Reappointments to Equal Employment Opportunity Advisory Committee

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to the Equal Employment Opportunity Act of 1972, do hereby reappoint the following individuals to the Equal Employment Opportunity Advisory Committee, for the terms stated.

NAME AND ADDRESS

TERM EXPIRATION

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Audrey J. Czesak-Kennedy
 605 Admirals Walk
 Buffalo, NY 14202

December 31, 2002

Gilbert Hernandez
 128 Carmel Road
 Buffalo, NY 14214

December 31, 2002

Mohammed Albanna
 1282 Clinton Street
 Buffalo, NY 14206

December 31, 2002

Farah Malik
 69 Rolling Woods
 West Seneca, NY 14224

December 31, 2002

Nesrin Tonlizi
 352 North Park Avenue
 Buffalo, NY 14216

December 31, 2002

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

cc: Appointees
 Charles E. Aughtry, Director, EEO
 Mohamed A. Mohamed, MBE Coordinator

Item 76 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

Re: Appointment to ECSD Board No. 3.
 (Comm. 5E-20)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Timothy J. Walker of Hiscock, Barclay, Saperston & Day, 1100 M&T Center, 3 Fountain Plaza, Buffalo, New York 14203-1486 to the Erie County Sewer District #3 Board of Managers for a term to expire 12/31/03.

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

CARRIED UNANIMOUSLY.

Item 77 – (Comm. 5E-21) Appointment to Erie County Cultural Resources Advisory Board.

RECEIVED, FILED & PRINTED.

February 26, 2002

The Honorable
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, New York 14202

Re: Appointment to Erie County Cultural Resources Advisory Board

Dear Members:

Pursuant to Article III, Section 3.02(f) of the Erie County Charter and Article 19, Section 19.01 of the Erie County Administrative Code, I hereby appoint the following individual to the Erie County Cultural Resources Advisory Board for the term stated.

NAME AND ADDRESS	TERM EXPIRES
Constance S. Constantine 600 North Davis Drive Elma, NY 14059	December 31, 2003

Sincerely,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG:bmc

cc: Appointee
 Commissioner Laurence Rubin
 Charlene Ritter-Lester

Item 78 – (Comm. 5E-22) Dispute Resolution Contract with Better Business Bureau Foundation of WNY.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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Item 79 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

Re: Contract Amendment – Rural Van
 Transportation Service Van Replacements.
 (Comm. 5E-23)

WHEREAS, the Rural Van Transportation Program serves low-income households as well as the elderly and disabled in 22 municipalities in southern and northeastern Erie County; and

WHEREAS, the Rural Van Program has been operated under an Erie County contract with Rural Transit Service, Inc., a not-for-profit corporation, for the past five (5) years; and

WHEREAS, Rural Transit Service, Inc. desires to replace two (2) high-mileage, high-maintenance 8-passenger vans with a 7-passenger mini van and a 8-passenger van, utilizing \$43,880 of federal Community Development funds available in prior years Erie County Community Development Grants and rider donations,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute an amendatory agreement with Rural Transit Service, Inc. (RTS) increasing the authorized 1997-2001 contract amount from \$804,120 to \$848,000 for the purpose of purchasing two (2) replacement vans needed to continue operating the Southtowns Rural Transit Service Van Program in the Towns of Brant/Evans and Collins/North Collins; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management, and Finance, the Comptroller, and the Commissioner of the Department of Environment and Planning.

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

CARRIED UNANIMOUSLY.

Item 80 – (Comm. 5E-24) Payment in Lieu of Taxes (PILOT) for 2982 Stony Point Road, Town of Grand Island.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 81 – (Comm. 5E-25) 2002-2004 Housing Opportunities Made Equal Contract.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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Item 82 – (Comm. 5E-26) Hauptman-Woodward Medical Research Institute.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 83 – (Comm. 5E-27) ECSD No. 3 – Holland Extension – Capital Project Close Out & Fund Transfer – Capital Reserve Fund.

Item 84 – (Comm. 5E-28) ECSD No. 3 – Armor-McKinley Extension Capital Project Close Out & Fund Transfer – Debt Service Fund.

Item 85 – (Comm. 5E-29) ECSD No 2 – Paul Gallo Contracting – Contract No. 37EV “A” Dispensation of Hours.

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

Item 86 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

Re: DEP – Budget Revision. (Comm. 5E-30)

WHEREAS, the Department of Environment and Planning (DEP) desires to create a Chief Planner position; and

WHEREAS, this position is necessary to continue farmland protection and municipal planning technical assistance programs; and

WHEREAS, in order to fill this position, it is necessary to transfer funds to salary and fringe benefit accounts,

NOW, THEREFORE, BE IT

RESOLVED, that the 2002 budget of the Department of Environment and Planning is hereby revised as follows:

EXPENSE:

<u>Account</u>	<u>Description</u>	<u>Revision</u>
800	Personal Services	\$68,297.04
805	Fringe Benefits	<u>15,817.59</u>
	Total Expenses	\$84,114.63

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The source of funds being a transfer of \$84,114.63 from the Regionalism/Economic Development Fund (DAC 1109043038301299); and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of the Division of Budget, Management, and Finance; the Commissioner of Environment and Planning, and the County Comptroller.

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

CARRIED UNANIMOUSLY.

ADD the following after the first RESOLVE clause:

RESOLVED, that the effective date of this resolution shall be January 1, 2002, and be it further

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

CARRIED UNANIMOUSLY.

Item 87 – (Comm. 5E-31) ECSD No. 2 – 18 Mile Creek & Sweetland Road Pumping Station Modifications – Contract No. 37EV “A” – General Change Order No. A-2 – Paul Gallo.

Item 88 – (Comm. 5E-32) ECSD Nos. 2, 4 & 6 Contract No. 58PS – General Pumping Station Structural / Cathodic Protection Rehabilitation – Bid Opening.

Item 89 – (Comm. 5E-33) ECSD No. 5 – Swormsville Pumping Station Elimination – Contract No. 11L Close Out – Cimato Brothers Construction.

Item 90 – (Comm. 5E-34) ECSD No. 2 – Contract No. 44EV – Town of Evans – Change Order No. 1.

Item 91 – (Comm. 5E-35) ECSD No. 4 – Increase Maximum (1974-1984) Capital Project Close Out & Fund Transfer – Debt Service Fund.

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

Item 92 – (Comm. 5E-36) 2002 – 2004 Housing Counseling Contracts.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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Item 93 – (Comm. 5E-37) Community Development Block Grant (CDBG) – Lead Based Paint Hazardous Inspection Services – Amendatory Agreement with Stohl Environmental.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 94 – (Comm. 5E-38) Snow Plowing Reimbursement from NYSDOT.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 95 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

Re: Allocation of FEMA Reimbursements.
(Comm. 5E-39)

WHEREAS, between December 24, 2001 and December 28, 2001, Erie County experienced an average snowfall of over 80 inches, and

WHEREAS, that amount of snow in such a short timeframe caused major roads to be closed, and

WHEREAS, the Department of Emergency Services staffed and supplied an Emergency Operations Center for coordination of the efforts throughout the snow storm, and

WHEREAS, a Federal Declaration has been received for Emergency Protective Measures related to the removal of the snow, and

WHEREAS, due to this declaration, the Federal Emergency Management Agency (FEMA) and New York State Emergency Management Office (SEMO) Disaster Assistance Program will provide supplemental reimbursement for emergency protective measures that address the most critical emergency needs during the snow incident, and

WHEREAS, FEMA and SEMO allowed Erie Community College; the Erie County Home and Infirmary and the Erie County Medical Center; the Erie County Correctional Facility, the Erie County Sheriff's Department and the Erie County Holding Center; and the Buffalo and Erie County Library to submit applications separate from the remainder of the County, and

WHEREAS, it is the desire of the Department of Public Works to reimburse, as soon as possible, those contractors that were hired during the snow event,

NOW, THEREFORE, BE IT,

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RESOLVED, the reimbursement submitted by Erie Community College; the Erie County Home and Infirmary and the Erie County Medical Center; the Erie County Correctional Facility, the Erie County Sheriff's Department and the Erie County Holding Center; and the Buffalo and Erie County Library will be allocated to them for their use, and be it further,

RESOLVED, that the Director of Budget Management and Finance is to establish a specific DAC code from which the contractors will be paid immediately and then reimbursed by incoming FEMA and SEMO funds, and be it further,

RESOLVED, that the Department of Emergency Services will be reimbursed the cost of supplies used at the Emergency Operations Center, and be it further,

RESOLVED, the remainder of the reimbursement from FEMA and SEMO for this snow incident will be used to reimburse personnel costs incurred during the event, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 96 – (Comm. 5E-40) ECC North Campus – Dental Hygiene Lab Renovations.

Item 97 – (Comm. 5E-41) EC Main Library – Secure Storage & New ADA Elevator.

Item 98 – (Comm. 5E-42) Ralph Wilson Stadium – 2002 Improvements.

Item 99 – (Comm. 5E-43) Roof Repair – Emergency Response Services – All County Owned Buildings – Contract Allowance Increase.

Item 100 – (Comm. 5E-44) Increase to Construction Contract 2001 Overlay “B” Program Project No. CHIPS OP-01B – Various Towns.

Item 101 – (Comm. 5E-45) Grover Cleveland Park Water System Improvements Phase I.

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

Item 102 – (Comm. 5E-46) Amendment to Various 2002 Town & Special District Budgets.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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Item 103 – (Comm. 5E-47) Authorization to Accept Gift of Golf Scorecards.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 104 – (Comm. 5E-48) District Attorney – Internet Crimes Against Children Program Grant.

Item 105 – (Comm. 5E-49) 2002 Authorization of STOP-DWI GO SAFE Program.

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 106 – (Comm. 5E-50) ECC North Campus – Cell Tower Lease to Nextel Communications.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 107 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102

Re: Twenty (20) Year Retirement Sheriffs
 Benevolent Association Members.
 (Comm. 5E-51)

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

CARRIED UNANIMOUSLY.

ADD the following:

WHEREAS, the County of Erie, the Erie County Sheriff, and the Erie County Sheriff's Police Benevolent Association have reached an agreement covering the working conditions, including wages and fringe benefits, for those employees of the County of Erie and the Erie County Sheriff represented by the Erie County Sheriff's Police Benevolent Association, for the period January 1, 2001 through December 31, 2002 INCLUDING the election by the County of Erie to include members of the Erie County Sheriff's Police Benevolent Association into a twenty year retirement;

BE IT RESOLVED, that the Legislature, of the County of Erie does hereby elect to assume the entire additional cost required to provide the twenty year retirement plan with additional 1/60s, provided in section 552 and 553 under Article 14-B of the Retirement and Social Security Law, for its sheriff, undersheriff and deputy sheriffs whose duties include at least 50 percent criminal law enforcement, pursuant to Chapter 165 of the Laws of 1995, and be it further

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RESOLVED, that the effective date of this plan shall be the 15th day of March, 2002, and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Personnel Department, the Division of Labor Relations, the Division of Budget, Management and Finance, and the Offices of the Sheriff and Comptroller.

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

CARRIED UNANIMOUSLY.

Item 108 – (Comm. 5E-52) Emergency Services – Acceptance of a Third Terrorism Consequences Grant from FEMA for \$11,000.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 109 – (Comm. 5E-53) Senior Services – Authorization to Establish POMP Grant & Amend the HIICAP, NYSRSVP, CSE & EISEP Grants.

Item 110 – (Comm. 5E-54) Senior Services – Authorization to Amend Nutrition Grant Budgets.

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

FROM THE COMPTROLLER

Item 111 – (Comm. 5E-55) State Authorization to Arrange for Underwriting & Private Sale of Bonds or Notes Through Negotiated Agreement.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR FISHER

Item 112 – MR. SWANICK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

Re: Letter to Clerk of Legislature Re: Vote on
 Comm. 3E-16 (2002) as Amended to be
 Changed to No. (Comm. 5E-56)

February 26, 2002

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February 28, 2002

ERIE COUNTY LEGISLATURE

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

RE: CHANGE OF VOTE - COMM. 3E-16 (2002), AS AMENDED

Dear Madam Clerk:

At our most recent session of the Legislature, held February 7, 2002, as I had in the past, I voted in the affirmative on the above-referenced legislation, that being the extension of the county's additional 1% sales tax.

In years past, I cast my vote with great confidence that the county required the additional sales tax revenue to offset mandated social services costs unique to Erie County. I did this despite a long-held belief on my part that the county needed to review its use of the additional 1% revenue.

Today, however, Erie County and the City of Buffalo exist in an entirely different set of circumstances. Buffalo's current financial crisis is too significant for us to ignore.

Today, the City of Buffalo faces its most considerable fiscal crisis in recent memory. The impact of September 11th continues to be felt on the state and local levels, and the city's financial challenges have never been greater. That's why I believe that Erie County must lead, and must work with the city and other municipalities toward a constructive dialogue concerning this matter.

Unfortunately, the Republican leadership in this Legislature appears to hold no such similar belief. My confidence in our newly elected Chairman – a resident of Buffalo, no less – was unfounded. He has done nothing to schedule such a meeting, and clearly has no interest in any productive dialogue relative to this matter.

Despite a commitment on the part of the Chairman of the Erie County Legislature to coordinate a meeting with officials throughout Erie County concerning the issue of sharing a portion of the county's additional sales tax, nothing of the kind has occurred. We did not ask for much; simply, we asked that the Republican leadership work with the Democrats to arrange a meeting to discuss the issue. At all times, we were rebuffed.

Therefore, absent action on the Majority's part to appropriately address this matter, in accordance with Rule 33 of the Rules of the Erie County Legislature, I hereby inform you, as Clerk, of my intention to make a motion to change my vote to a negative or "nay" vote, on the aforementioned item, and will seek permission from the Legislature on February 28, 2002 for the same.

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Very truly yours,

JUDITH P. FISHER
 Erie County Legislator
 4th District

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

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR DALE

Item 113 – MR. SWANICK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

Re: Letter to Clerk of Legislature Re: Vote on
 Comm. 3E-16 (2002) as Amended to be
 Changed to No. (Comm. 5E-57)

February 26, 2002

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

RE: CHANGE OF VOTE - COMM. 3E-16 (2002), AS AMENDED

Dear Madam Clerk:

At our most recent session of the Legislature, held February 7, 2002, I voted in the affirmative on the above-referenced legislation, although I did so with great trepidation.

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I did so following a commitment on the part of the Chairman of the Erie County Legislature to coordinate a meeting with officials throughout Erie County concerning the issue of sharing a portion of the county's additional sales tax. In doing so, I took a leap of faith; I gave the Chairman the benefit of the doubt, that he shared our concerns about the county's somewhat intractable past position concerning this matter.

I had reason to believe such a meeting could take place. In past years, when this issue was brought forth, it was argued that the "timing was wrong." I was told that discussions of this type should occur well in advance of the county's budget process, in order to allow for the proper level of preparation, if particular decisions were to be made.

Unfortunately, my confidence in the Chairman was unfounded. He has done nothing to schedule such a meeting, and clearly has no interest in any productive dialogue relative to this matter.

Therefore, absent action on the Majority's part to appropriately address this matter, in accordance with Rule 33 of the Rules of the Erie County Legislature, I hereby inform you, as Clerk, of my intention to make a motion to change my vote to a negative or "nay" vote, on the aforementioned item, and will seek permission from the Legislature on February 28, 2002 for the same.

Very truly yours,

DAVID DALE
 Erie County Legislator, 5th District

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR SCHROEDER

Item 114 – MR. SWANICK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

Re: Letter to Clerk of Legislature Re: Vote on
 Comm. 3E-16 (2002) as Amended to be
 Changed to No. (Comm. 5E-58)

February 26, 2002

The Honorable Laurie A. Manzella

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ERIE COUNTY LEGISLATURE

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

RE: CHANGE OF VOTE - COMM. 3E-16 (2002), AS AMENDED

Dear Madam Clerk:

At our most recent session of the Legislature, held February 7, 2002, I voted in the affirmative on the above-referenced legislation, although I did so with great trepidation.

I did so following a commitment on the part of the Chairman of the Erie County Legislature to coordinate a meeting with officials throughout Erie County concerning the issue of sharing a portion of the county's additional sales tax. In doing so, I took a leap of faith; I gave the Chairman the benefit of the doubt, that he shared our concerns about the county's somewhat intractable past position concerning this matter.

I had reason to believe such a meeting could take place. In past years, when this issue was brought forth, it was argued that the "timing was wrong." I was told that discussions of this type should occur well in advance of the county's budget process, in order to allow for the proper level of preparation, if particular decisions were to be made.

Unfortunately, my confidence in the Chairman was unfounded. He has done nothing to schedule such a meeting, and clearly has no interest in any productive dialogue relative to this matter.

Therefore, absent action on the Majority's part to appropriately address this matter, in accordance with Rule 33 of the Rules of the Erie County Legislature, I hereby inform you, as Clerk, of my intention to make a motion to change my vote to a negative or "nay" vote, on the aforementioned item, and will seek permission from the Legislature on February 28, 2002 for the same.

Very truly yours,

MARK J.F. SCHROEDER
Erie County Legislator
2nd District

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

CARRIED UNANIMOUSLY.

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FROM LEGISLATOR SWANICK

Item 115 – (Comm. 5E-59) Re: Letter to Clerk of Legislature Re: Vote on Comm. 3E-16 (2002) as Amended to be Changed to No.

Received and filed.

FROM LEGISLATOR PEOPLES

Item 116 – MR. SWANICK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

Re: Letter to Clerk of Legislature Re: Vote on
 Comm. 3E-16 (2002) as Amended to be
 Changed to No. (Comm. 5E-60)

February 26, 2002

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

RE: CHANGE OF VOTE - COMM. 3E-16 (2002), AS AMENDED

Dear Madam Clerk:

At our most recent session of the Legislature, held February 7, 2002, as I had in the past, I voted in the affirmative on the above-referenced legislation, that being the extension of the county's additional 1% sales tax.

In years past, I cast my vote with great confidence that the county required the additional sales tax revenue to offset mandated social services costs unique to Erie County. I did this despite a long-held belief on my part that the county needed to review its use of the additional 1% revenue.

Today, however, Erie County and the City of Buffalo exist in an entirely different set of circumstances. Buffalo's current financial crisis is too significant for us to ignore.

Today, the City of Buffalo faces its most considerable fiscal crisis in recent memory. The impact of September 11th continues to be felt on the state and local levels, and the city's financial

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challenges have never been greater. That's why I believe that Erie County must lead, and must work with the city and other municipalities toward a constructive dialogue concerning this matter.

Unfortunately, the Republican leadership in this Legislature appears to hold no such similar belief. My confidence in our newly elected Chairman – a resident of Buffalo, no less – was unfounded. He has done nothing to schedule such a meeting, and clearly has no interest in any productive dialogue relative to this matter.

Despite a commitment on the part of the Chairman of the Erie County Legislature to coordinate a meeting with officials throughout Erie County concerning the issue of sharing a portion of the county's additional sales tax, nothing of the kind has occurred. We did not ask for much; simply, we asked that the Republican leadership work with the Democrats to arrange a meeting to discuss the issue. At all times, we were rebuffed.

Therefore, absent action on the Majority's part to appropriately address this matter, in accordance with Rule 33 of the Rules of the Erie County Legislature, I hereby inform you, as Clerk, of my intention to make a motion to change my vote to a negative or "nay" vote, on the aforementioned item, and will seek permission from the Legislature on February 28, 2002 for the same.

Very truly yours,

CRYSTAL D. PEOPLES
 Erie County Legislator
 7th District

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR HOLT

Item 117 – MR. SWANICK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 107

Re: Letter to Clerk of Legislature Re: Vote on
 Comm. 3E-16 (2002) as Amended to be
 Changed to No. (Comm. 5E-61)

February 26, 2002

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ERIE COUNTY LEGISLATURE

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

RE: CHANGE OF VOTE - COMM. 3E-16 (2002), AS AMENDED

Dear Madam Clerk:

At our most recent session of the Legislature, held February 7, 2002, as I had in the past, I voted in the affirmative on the above-referenced legislation, that being the extension of the county's additional 1% sales tax.

In years past, I cast my vote with great confidence that the county required the additional sales tax revenue to offset mandated social services costs unique to Erie County. I did this despite a long-held belief on my part that the county needed to review its use of the additional 1% revenue.

Today, however, Erie County and the City of Buffalo exist in an entirely different set of circumstances. Buffalo's current financial crisis is too significant for us to ignore.

Today, the City of Buffalo faces its most considerable fiscal crisis in recent memory. The impact of September 11th continues to be felt on the state and local levels, and the city's financial challenges have never been greater. That's why I believe that Erie County must lead, and must work with the city and other municipalities toward a constructive dialogue concerning this matter.

Unfortunately, the Republican leadership in this Legislature appears to hold no such similar belief. My confidence in our newly elected Chairman – a resident of Buffalo, no less – was unfounded. He has done nothing to schedule such a meeting, and clearly has no interest in any productive dialogue relative to this matter.

Despite a commitment on the part of the Chairman of the Erie County Legislature to coordinate a meeting with officials throughout Erie County concerning the issue of sharing a portion of the county's additional sales tax, nothing of the kind has occurred. We did not ask for much; simply, we asked that the Republican leadership work with the Democrats to arrange a meeting to discuss the issue. At all times, we were rebuffed.

Therefore, absent action on the Majority's part to appropriately address this matter, in accordance with Rule 33 of the Rules of the Erie County Legislature, I hereby inform you, as Clerk, of my intention to make a motion to change my vote to a negative or "nay" vote, on the aforementioned item, and will seek permission from the Legislature on February 28, 2002 for the same.

Very truly yours,

GEORGE A. HOLT, JR.
Erie County Legislator
3rd District

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECMC

Item 118 – (Comm. 5D-1) Notice of JCC/Planning Committee Meeting Held 2/26/02.

Item 119 – (Comm. 5D-2) Notice of Finance Committee Meeting Held 2/22/02.

Item 120 – (Comm. 5D-3) Notice of Board of Managers Meeting Held 2/14/02.

The above three items were received and filed.

FROM THE COUNTY ATTORNEY

Item 121 – (Comm. 5D-4) Notice of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 122 – (Comm. 5D-5) Notice of Budget & Finance Meeting Held 2/11/02.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 123 – (Comm. 5D-6) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 124 – (Comm. 5D-7) Notice that Comm. 3E-16 Has Been Filed with NYS Officials.

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Received and filed.

FROM ECC

Item 125 – (Comm. 5D-8) Minutes of Board of Trustees Meeting Held 12/19/01.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 126 – (Comm. 5D-9) Notice of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 127 – (Comm. 5D-10) Notice that LL 1-2002 NYS Department of State Has Set 1/18/02 as Official Filing Date.

Received and filed.

FROM ECMC

Item 128 – (Comm. 5D-11) Notice of Meeting Held 2/14/02 & Agenda & Minutes.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 129 – (Comm. 5D-12) Notice of Meeting Held 2/21/02 & Agenda.

Received and filed.

FROM ECMC

Item 130 – (Comm. 5D-13) Notice that JCC/Planning Committee Meeting was Rescheduled from 2/26/02 to 2/27/02.

Received and filed.

Item 131 – (Comm. 5D-14) Notice of Finance Committee Meeting Held 2/22/02 & Agenda & Minutes.

Received and filed.

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FROM THE CLERK OF THE LEGISLATURE

Item 132 – (Comm. 5D-15) Memo to All Members Re: Designation of Facsimile Numbers Pursuant to Rule No. 2 – Special Meetings.

RECEIVED, FILED & PRINTED

February 21, 2002

To: Honorable Members of the Erie County Legislature
 From: Laurie A. Manzella, Clerk of the Legislature
 Subject: **DESIGNATION OF FACSIMILE NUMBERS PURSUANT TO RULE NO. 2:
 SPECIAL MEETINGS**

As you are aware, Rule No. 2 of the 2002 Rules of Order - Erie County Legislature, approved as amended on January 8, 2002, states, in part, that *"Service by facsimile transmission of the notice of Special Meeting, pursuant to this rule, is authorized and constitutes service upon each member at a facsimile telephone number provided to the Clerk by the member of the Legislature for that purpose."* A complete copy of Rule No. 2 is attached.

In accordance with Rule No. 2, please provide me with the facsimile (FAX) telephone number that you have designated. Since I would prefer to receive your response in writing, I have provided a form below that can be used for this purpose. Please complete it and return it to me, via mail or fax, by Wednesday, February 27, 2002.

PLEASE BE ADVISED that if I do not receive your response by 5:00 p.m. on February 27th, your main district office fax telephone number, as it appears on the "PHONE LIST-ERIE COUNTY LEGISLATURE (Revised 2/14/02)", will be used by me in the event that I serve notice of a Special Meeting in accordance with Rule No. 2. A copy of the PHONE LIST, with fax number highlighted, is also attached for your review.

Thank you in advance for your anticipated cooperation. As always, please call me if you have any questions.

ATTACHMENTS - 2

Please Complete and return the bottom portion to Laurie Manzella by February 27, 2002.

 In accordance with Rule No. 2 of the 2002 Rules of Order - Erie County Legislature, I hereby designate (716) _____ as the facsimile telephone number that should be used by the Clerk of the Legislature to serve notice of a Special Meeting.

 LEGISLATOR

 DATE

-2002 –
RULES OF ORDER
ERIE COUNTY LEGISLATURE

RULE 1: REGULAR SESSION

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

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

RULE 2: SPECIAL MEETINGS

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

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

REVISED 2/14/02

PHONE LIST
ERIE COUNTY LEGISLATURE

MEETING NO. 5
February 28, 2002

ERIE COUNTY LEGISLATURE

ADMINISTRATION:	CHAIRMAN	ALBERT DeBENEDETTI	8840
FAX: 858-88951	CHIEF OF STAFF	PETER SIGURDSON	8057
	CLERK	LAURIE MANZELLA	8377

<u>MAJORITY:</u>		<u>MAJORITY STAFF:</u>	
CHASE	8528	AURELIO, TOM	8358
CUSACK	8897	BAPST, ROSEMARY	2916
DeBENEDETTI	8840 KAREN SPAGNA 8807	BENNETT, RONALD	8825
GREENAN	8830	BROWN, KELLY	8606
LARSON	8821	BURKE, BARBARA	8341
McCARVILLE	8820	CRUZ, FRANCISCA (Switchboard)	7500
RANZENHOFER	8808	JAWOROWICZ, PAT	7942
WEINSTEIN	8070	KNIAZUK, TOD	8859
		KRESTOS, TRACY	8607
		LaRUE, CATHY	8842
<u>MINORITY:</u>		MARCHANT, SCOTT	8058
DALE	8053	POSŁUSZNY, LISA	2762
DUSZA	8869	QUICK, KEVIN	8898
FISHER	6469	RYBCZYNSKI, BRAD	7771
HOLT	8868	SION, ROBIN	8633
KUWIK	8857	SPETH, JOSEPH	8856
MARINELLI	8864	SPINO, JOE	8052
PEOPLES	8878	TURNER, CRAIG	8853
SCHROEDER	6757	WAHL, HARRY	8827
SWANICK	6192	REP/MAJORITY FAX#	858-8818
<u>MINORITY STAFF:</u>			
ANGER, JENNIFER	8922		
BEENY, MICHAEL	8511		
EATON, CHUCK	8815		
GRABER, BOB	8527		
JACKSON, SANDI (Switchboard)	8122		
KENNEDY, THERESA	2914		
ROSEN, JEREMEY	8328		
DEM/MINORITY FAX #	858-8429		

<u>DISTRICT OFFICES</u>	<u>PHONE</u>	<u>FAX</u>	<u>STAFF</u>	<u>CHAMBERS:</u>
CHASE	646-2378	648-8102	Tish, Fran & Michelle	DeBENEDETTI 8872
CUSACK	836-0198	836-0199	Sarah & Chris	GREENAN 8877
DALE	895-9332	895-0910	Debbie & Annette	SWANICK 8890
DeBENEDETTI	874-3257	874-4779	Pat & Al	MANZELLA 8872
DUSZA	684-0331	685-4593	Dorothea	Food Stamps 8347
FISHER	858-8805	858-6283	Peggy & Lisa	Child Support 8309
GREENAN	675-8817	675-8818	Tami & Karen	Soc Serv Problems 8321
HOLT	842-0490	854-5722	Karen	HEAP 6793
KUWIK	822-0462	824-0675	Pat	Medicaid 6582
LARSON	681-6666	681-6667	Kimberly & Matt	Board of Elections 8891
MARINELLI	873-1650	873-1040	Bernice & Mary Ann	ECIDA 856-6525
McCARVILLE	652-9088	652-7054	Sheral, Joni & Milly	CSEA 896-1640
PEOPLES	894-0914	896-1463	Linda & Wendy	AFSCME 608-1095
RANZENHOFER	631-8695	634-4321	Kathy & Kathy	Water Auth 849-8484
SCHROEDER	824-6180	825-9174	Kathy & Chris	Fed Info 1-800-347-1997
SWANICK	877-3986	877-3820	Leslie	State Info 847-3131
Gr. Island Office	773-1441	773-1418	Connie	Buffalo Info 851-4200
WEINSTEIN	633-0617	633-0618	Lisa, Jen & Mary	County Info 6000
COMMITTEE ROOM NO. 1	8860	WATCH ATTENDANTS:	MAINTENANCE (incl. Electricians) – 25 Delaware - x8034	
CAUCUS ROOM	8861	92 FRANKLIN	8838	(After 12:30 pm call Richie x6844)
GARAGE (Rath Bldg.)	7502	95 FRANKLIN	8849	HEAT/COOL (Engineers) – 25 Delaware - Steve x8024
		25 DELAWARE	6608	CARPENTERS & PLUMBERS - 25 Delaware – Nick x8521

MEETING NO. 5
February 28, 2002

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

Attach the following:

February 28, 2002

To: Honorable Members of the Erie County Legislature
 From: Laurie A. Manzella, Clerk

**DESIGNATION OF FACSIMILE NUMBERS
 PURSUANT TO RULE NO. 2: SPECIAL MEETINGS
 2002 RULES OF THE ERIE COUNTY LEGISLATURE**

Pursuant to Rule No. 2 of the 2002 Rules of the Erie County Legislature, approved on January 8, 2002, the following facsimile telephone numbers are hereby designated as the official numbers for the transmission of Notices of Special Meetings:

Legislator Jeanne Z. Chase	648-8102
Legislator Elise M. Cusack	836-0199
Legislator David Dale	895-0910
Legislator Albert DeBenedetti	874-4779
Legislator Raymond K. Dusza	685-4593
Legislator Judith P. Fisher	881-2752
Legislator John W. Greenan	675-8818
Legislator George A. Holt, Jr.	854-5722
Legislator Edward J. Kuwik	824-0675
Legislator Dale W. Larson	681-6667
Legislator Lynn M. Marinelli	873-1040
Legislator Steven P. McCarville	652-7054
Legislator Crystal D. Peoples	896-1463
Legislator Michael H. Ranzenhofer	636-8971
Legislator Mark J.F. Schroeder	825-9174
Legislator Charles M. Swanick	877-3820
Legislator Barry A. Weinstein	633-0618

Please notify me, in writing, in the event that your facsimile number changes.

Thank you.

FROM ECMC

Item 133 – (Comm. 5D-16) Memo to All Legislators Re: Approved Resolution – Support for Converting ECMC Into a Not-for-Profit Public Benefit Corporation.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM ECC

Item 134 – (Comm. 5D-17) Notice of Board of Trustees Meeting Held 2/27/02 & Agenda.

Received and filed.

FROM PROBATION

Item 135 – (Comm. 5D-18) Letter to Legislator Weinstein Re: Restoration of State Mandated Positions.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 136 – (Comm. 5D-19) Copy of Letter to Legislators Dale & Schroeder Re: Response to Letters in Regards to PLAs.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 137 – (Comm. 5D-20) Letter to All Legislators Re: Response from DEP on Review of EC's Takeover of East Side Transfer Station as of 7/1/01.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF ORCHARD PARK

Item 138 – (Comm. 5M-1) Notice of Public Hearing Re: Billboards & Signs.

Received and filed.

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FROM NYSDEC

Item 139 – (Comm. 5M-2) Notice of Meeting Held 2/26/02 Re: Remedial Plan for Buffalo Outer Harbor Property Brownfield Site.

Received and filed.

FROM ASSEMBLYMAN BURLING

Item 140 – (Comm. 5M-3) Receipt of Resolutions.

Received and filed.

FROM THE ERIE COUNTY MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 141 – (Comm. 5M-4) Notice of Meeting Held 2/21/02 & Agenda.

Received and filed.

FROM NYSDOH

Item 142 – (Comm. 5M-5) Update Fact Sheet Re: Chem-Trol Site, Town of Hamburg.

Received and filed.

FROM THE TOWN OF ORCHARD PARK

Item 143 – (Comm. 5M-6) Certified Resolution Re: Support for Unified Orchard Park in Redistricting.

Received and filed.

FROM NYSDEC

Item 144 – (Comm. 5M-7) Notice of Change of Meeting to New Location Held 2/26/02.

Received and filed.

FROM THE NY POWER AUTHORITY

Item 145 – (Comm. 5M-8) Copy of Memo Re: Niagara Power Project – Request to Utilize Alternative Licensing Procedures.

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Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CHARLES GILBERT

Item 146 – (Comm. 5M-9) Letter to Legislators Weinstein & Cusack Re: Comments on Redistricting Plan.

Received and filed.

FROM ASSEMBLYMAN BURLING

Item 147 – (Comm. 5M-10) Receipt of Resolutions.

Received and filed.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 148 – (Comm. 5M-11) Notice of Meeting Held 2/19/02 & Agenda.

Received and filed.

FROM THE NFTA

Item 149 – (Comm. 5M-12) 17A Report & Capital Expenditures for 1st 3 Quarters of Fiscal Year Ending 3/31/02.

Received and filed.

FROM THE NYS DEPARTMENT OF AGRICULTURE

Item 150 – (Comm. 5M-13) Letter to Clerk of Legislature Re: Compliance of EC Agricultural District No. 11 with Agricultural District Laws.

Received and filed.

FROM MICHAEL KON

Item 151 – (Comm. 5M-14) Letter to Chairman DeBenedetti Re: Comments on Redistricting Plan.

Received and filed.

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FROM RECORD THEATRE

Item 152 – (Comm. 5M-15) Letter to All Legislators Re: Opposition to EC Scanner Accuracy Law.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS DEPARTMENT OF TAXATION & FINANCE

Item 153 – (Comm. 5M-16) Notice that EC's Extension of Additional 1% Sales Tax was Drafted in Accordance with NYS Tax Law.

Received and filed.

FROM THE ECIDA

Item 154 – (Comm. 5M-17) Notice of Change of Meeting Date for Board of Directors Meeting from 3/13/02 to 3/20/02.

Received and filed.

FROM NYSDEC

Item 155 – (Comm. 5M-18) Notice of Meeting to be Held 3/12/02 Re: Shenango Steel Mold Hazardous Waste Site.

Item 156 – (Comm. 5M-19) Notice of Meeting Held 2/14/02 Re: Marcon Erectors Site.

The above two items were received and filed.

FROM ROBERT LICHTENTHAL

Item 157 – (Comm. 5M-20) Letter to Chairman DeBenedetti Re: Candidacy for ECWA Commissioner.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BOY SCOUTS OF AMERICA GREATER NIAGARA FRONTIER COUNCIL

Item 158 – (Comm. 5M-21) Memo to Clerk of Legislature Re: 12/01 Financial & Membership Reports – 2001 Public Benefit Funding.

Received and filed.

FROM NYSDOH

Item 159 – (Comm. 5M-22) Letter to Legislator Weinstein Re: Notice that Geneva B Scruggs Community Health Care Center Meets Acceptable Standards of Care.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM GENEVA B SCRUGGS COMMUNITY HEALTH CARE

Item 160 – (Comm. 5M-23) Medical Directors Report to Board of Directors.

Item 161 – (Comm. 5M-24) Letter to Legislator Weinstein Re: Notice of Revitalization Plan.

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

Item 162 – MR. SWANICK moved to reconsider Comm. 5E-16. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

MR. GREENAN moved the approval of the resolution. MR. RANZENHOFER seconded. LEGISLATORS DALE, PEOPLES, SWANICK, DUSZA, KUWIK & SCHROEDER voted in the negative.

CARRIED. (WEIGHTED VOTE: 10.249 – 5.766)

MEMORIAL RESOLUTIONS

Item 163 – Legislator Swanick requested that when this legislature adjourns, that it do so in memory of the soldiers in Afghanistan.

Item 164 - Legislator Dusza requested that when this legislature adjourns, that it do so in memory of Dr. John Tomczak.

Item 165 – Legislators Dale & Dusza requested that when this legislature adjourns, that it do so in memory of Daniel R. Smolarek.

Item 166 - Legislator Greenan requested that when this legislature adjourns, that it do so in memory of Legislator Fisher and her mother.

Item 167 - Legislator McCarville requested that when this legislature adjourns, that it do so in memory of Dr. Bucky Colarusso.

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Item 168 - Legislator Chase requested that when this legislature adjourns, that it do so in memory of her 102-year-old grandma's health.

Item 169 - Legislator Weinstein requested that when this legislature adjourns, that it do so in memory of Myron Rothchild.

ADJOURNMENT

Item 170 – 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, March 7, 2002.
MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 7, 2002 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK