

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

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MEETING NO. 6
March 20, 2003

The Legislature was called to order by Chairman Swanick.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Ms. Chase.

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

Item 2 – MR. RANZENHOFER moved the approval of minutes for Meeting No. 2 of 2003.
MR. LARSON seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 3 – MR. LARSON presented a resolution Congratulating the Lewinski Family & Marilla Grill for Establishment's 150th Anniversary. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. McCARVILLE presented a resolution Honoring Dave Rebmann for Receiving the Veterans of Foreign Wars Americanism Award. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. SCHROEDER, ET AL presented a resolution Honoring the Life of Robert Curran Buffalo News Columnist & Decorated Combat Veteran of World War II. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. WEINSTEIN & MS. CUSACK presented a resolution Honoring Randall Kramer Recipient of Arts Award. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

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Item 7 – MS. MARINELLI presented a resolution Honoring Sheet Metal Workers’ of Local No. 71 Upon Celebrating Their 100th Anniversary. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 8 – MS. MARINELLI presented a resolution Honoring Julian Kytasty & Children of Chernobyl Relief Fund. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. SMITH, ET AL presented a resolution Congratulating Al Wood for 8 Years on WBLK Radio and Wishing Him Best of Luck as he Devotes his Time to Teaching Youth. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. HOLT, ET AL presented a resolution Celebrating the Life of Carlos Vernon – Assistant Academic Dean of Erie Community College.

CARRIED UNANIMOUSLY.

Item 11 – MR. RANZENHOFER presented a resolution Congratulating Raymond Carlo, Jr. for Being Named 2003 Akron Chamber of Commerce Citizen of the Year. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. RANZENHOFER, ET AL presented a resolution Honoring Barbara Burke for her Twelve Years of Service as a Trustee for Village of Akron. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN SWANICK directed the following item be taken out of order.

GRANTED.

FROM THE CLERK OF THE LEGISLATURE

Item 13 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 83

Re: Notice of Vacancy in Office of Water
 Authority Commissioner – 4/27/03.

RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of Acea Mosey-Pawlowski, of 166 Rumsey Road, Buffalo, New York 14209, to the Erie County Water Authority for a three (3) year term commencing April 28, 2003 and expiring on April 27, 2006.

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

CARRIED UNANIMOUSLY.

ATTACH the following:

March 20, 2003

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

Dear Madam Clerk:

Upon the nomination in writing, a petition signed by a majority of the members of the Majority Caucus of the Erie County Legislature, I hereby appoint as a member of the Erie County Water Authority *Acea Mosey-Pawlowski, 166 Rumsey Road, Buffalo, New York 14209*, for a three-year term commencing April 28, 2003 and expiring April 27, 2006.

Confirmation of the above appointment is hereby requested.

Very truly yours,

CHARLES M. SWANICK
 Chairman
 Erie County Legislature

CC: Ms. Acea Mosey-Pawlowski

March 20, 2003

We, the undersigned, representing a majority of members in the Majority Caucus of the Erie County Legislature, do hereby nominate for appointment as a member of the Erie County Water Authority

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Acea Mosey-Pawlowski, 166 Rumsey Road, Buffalo, New York 14209, to fill a three-year term expiring April 27, 2006.

GREGORY P. FALKNER
9th District

CHARLES M. SWANICK
10th District

JEANNE Z. CHASE
12th District

STEVEN P. McCARVILLE
13th District

ELISE M. CUSACK
14th District

BARRY A. WEINSTEIN
15th District

MICHAEL H. RANZENHOFER
16th District

DALE W. LARSON
17th District

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

CARRIED UNANIMOUSLY.

ATTACH the following petition:

March 20, 2003

We, the undersigned, representing a Democratic Caucus, of the Erie County Legislature, do hereby nominate for appointment as a member of the Erie County Water Authority *Acea Mosey-Pawlowski, 166 Rumsey Road, Buffalo, New York 14209*, to fill a three-year term expiring April 27, 2006.

EDWARD J. KUWIK
1st District

ALBERT DEBENEDETTI
6th District

MARK J.F. SCHROEDER
2nd District

DEMONE A. SMITH
7th District

GEORGE A. HOLT, JR.
3rd District

LYNN M. MARINELLI
11th District

JUDITH P. FISHER
4th District

RAYMOND K. DUSZA
8th District

DAVID DALE
5th District

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 15 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

Item 16 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 17 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

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

Item 19 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 20 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 21 – CHAIRMAN SWANICK directed that Local Law No. 3 (Print #1) 2003 remain on the table.

Item 22 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

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March 13, 2003

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 3

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

AS AMENDED

1. Item Page -2003 (Comm. 4E-23)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Works received bids on February 4, 2003 for the Buffalo Convention Center Interior Renovations and Snow-melting System, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Buffalo Convention Center Interior Renovations & Snow-melting System:

GENERAL CONSTRUCTION WORK

Cloverbank Construction	Base Bid	\$164,000
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ELECTRICAL WORK

IPL Electric	Base Bid	\$ 56,700
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MECHANICAL WORK

Parise Mechanical, Inc.	Base Bid	<u>\$118,800</u>
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Total of all contracts:		\$339,500
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and be it further,

RESOLVED, that the sum of \$40,000 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that additional Architectural/Engineering fees for Barton, Hovey, Nardini, Tries be allocated for additional services for design work in the 2003 budget for the Buffalo

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Convention Center to be negotiated by the Commissioner of Public Works in an amount not to exceed \$60,000, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 2003 Buffalo Convention Center Capital Funds, and be it further,

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

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

2. Item Page -2003 (Comm. 5E-18)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Reconstruction of Bullis Road Bridge 330-7, over Little Buffalo Creek, in the Town of Marilla on January 30, 2003, and the low bidder was UCC Constructors, Incorporated of West Seneca, New York, at a low bid amount of \$529,736.30, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Watts Engineers and it has been determined that the contract must be increased to include construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 330-7-03 for the Reconstruction of Bullis Road Bridge 330-7, over Little Buffalo Creek, in the Town of Marilla, between the County of Erie and the low bidder UCC Constructors, Incorporated at its low bid amount of \$529,736.30, and be it further

RESOLVED, that an amount of \$529,736.30 be allocated from the 2002 Federal Aid Road and Bridge Projects Program (SFG 420-319), and be it further

RESOLVED, that an additional amount of \$75,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$75,000.00 from the 2002 Federal Aid Road and Bridge Projects Program (SFG 420-319), and be it further

RESOLVED, that an amount of \$80,000.00 be allocated from the 2002 Federal Aid Road and Bridge Projects Program (SFG 420-319) for a change order to the contract for engineering services with Watts Engineers, and be it further

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

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

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3. Item Page -2003 (Comm. 5E-19)
COUNTY EXECUTIVE

WHEREAS, a project for the replacement of the Hall Road Bridge 333-1, over Little Buffalo Creek, BIN 3-32729-0, in the Towns of Lancaster and Elma, PIN 5755.92 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) and Construction and Construction Inspection Phases of the Project, PIN 5755.92.

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

RESOLVE, that the Erie County Legislature hereby approves the above subject project, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Construction and Construction Inspection Phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$136,000.00 has been appropriated from the 2002 Federal Aid Bridge Projects Program (SFG 420-321) in addition to \$242,000 previously appropriated for the project's Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No. 14E-20© adopted on the 6th day of July 2000 and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds the amount appropriated \$378,000 and/or 100% of the full Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection phase exceeds \$911,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

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

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

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

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

4. Item Page -2003 (Comm. 5E-20)

COUNTY EXECUTIVE

WHEREAS, a Project for the Replacement of the CR 30, NY Route 240X, Glenwood Road Bridge 30-2, over Spencer Brook, BIN 3-04248-0 in the Town of Concord, P.I.N. 5754.53 (the "Project") is eligible for funding under Title 23, U.S. Code as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of non-Federal share of the costs the Construction & Construction Inspection Phase of the Project, PIN 5754.53.

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

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

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

RESOLVED, that the sum of \$172,600 has been appropriated from the 1996 Federal Aid Various Road and Bridge Design Program (SFG 420-727) for the project's Construction & Construction Inspection Phase via County Resolution No. 15E-14 adopted on the 5th day of July, 2001 and made available to cover the cost of participation in the above phase of the project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the project's Construction and Construction Inspection Phase exceeds the amount appropriated above \$172,600 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction and Construction Inspection Phase exceeds \$775,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

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

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

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

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

5. Item Page -2003 (Comm. 5E-21)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works has a General Architectural/Engineering Agreement with the firm of Buffalo Engineering, P.C. for providing architectural and engineering services, and

WHEREAS, during the Construction Phase of the above-mentioned project, additional design work was required by the Department of Public Works,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to Buffalo Engineering, P.C.'s General Architectural/Engineering Agreement for providing architectural/ engineering services for an amount not to exceed \$16,000, including reimbursables, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2002 EC Library Building Improvements, Fund 490, Project 326, in an amount not to exceed \$16,000, including reimbursables, and be it further,

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

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

6. Item Page -2003 (Comm. 5E-22)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Medium Voltage Switch Replacement project on April 17, 2002, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Ferguson Electric Construction Co., in the amount of \$280,800.00, and

WHEREAS, during construction it was discovered the service feeder switchgear is badly corroded and should be replaced,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$12,000.00 to a new total amount of \$40,000.00, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Project 813, Fund 480, in the amount of \$12,000.00, and be it further,

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

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

7. Item Page -2003 (Comm. 5E-23)

COUNTY EXECUTIVE

WHEREAS, Bart Ciambella was terminated from County service in December 2001 as a Senior Civil Engineer, and

WHEREAS, in the 2002 O&M budget the position held by Mr. Ciambella was eliminated, and

WHEREAS, Mr. Ciambella challenged the termination and now a settlement of reinstating him into County government must be made, and

WHEREAS, no unfilled Senior Civil Engineer position exists,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the creation of a Senior Civil Engineer position, grade 14, step 5, to be used as settlement for Mr. Ciambella, and be it further,

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RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Commissioner of Personnel, the Director of Budget Management & Finance, and the Office of the Comptroller.

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

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

COUNTY EXECUTIVE

WHEREAS, the Erie County Main Library is in need of exterior building rehabilitation, and

WHEREAS, the firm of Trautman Associates is already engaged by the Department of Public Works under an Architect/Engineer contract for Phases 1 thru 4 work at the Central Library, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Trautman Associates, on a percentage of construction basis, not to exceed \$50,000, including testing, reimbursables, and miscellaneous expenses relative to the engineering design services required for the Erie County Main Library Exterior Building Rehabilitation and Sitework, and be it further,

RESOLVED, that the \$50,000 fee allocation be taken from Project 290, Fund 410, and be it further,

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

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

9. Item Page -2003 (Comm. 5E-25)

COUNTY EXECUTIVE

WHEREAS, Erie Community College has determined a need for Erie Community College, City Campus – Athletic Facility Locker Room renovations, and

WHEREAS, the firm of Carmina & Wood, P.C. has completed the Project Initiation Report for the renovations to the locker room at the Athletic Facility, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to issue a contract to Carmina & Wood, P.C. to prepare contract documents and construction administration services for the renovations to the Erie Community College, City Campus – Athletic Facility Locker Room, and be it further,

RESOLVED, that the total amount paid for consulting services be a fee not to exceed \$20,000.00, including reimbursables, and be it further,

RESOLVED, that the fee allocation be from Project 293, Fund 410, and be it further,

RESOLVED, that fifty percent (50%) of the funding will be reimbursed by New York State Aid, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to Erie Community College; one copy to the Division of Budget Management & Finance; and one copy to the Comptroller's Office.
 (6-0) Chairman Swanick present as Ex-Officio Member.

10. Item Page -2003 (Comm. 5E-26)

COUNTY EXECUTIVE

WHEREAS, Erie County has been working with NYSERDA to receive an incentive for equipment installed at the New Family Court Building, and

WHEREAS, after meeting NYSERDA's requirements, they have offered an incentive to Erie County of \$104,378, and

WHEREAS, the Department of Public Works has investigated a new power treatment technology which may save electricity if installed in our buildings, and

WHEREAS, the next step in evaluating this new technology is to commence a pilot project, and

WHEREAS, as part of the pilot project, a comprehensive monitoring program must be present to verify the result even though the manufacturer guarantees the energy savings results, and

WHEREAS, C.J. Brown has the ability to implement and then verify the savings this new technology could bring,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes acceptance of the funds from NYSERDA for the New Family Court Building revenues and to increase appropriations in Project 750, Fund 410, in the amount of \$104,378.00, and be it further,

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RESOLVED, that the Erie County Legislature authorizes a supplemental agreement be awarded to C.J. Brown to install and evaluate EASI's technology for potentially saving electricity at an amount not to exceed \$45,000, and be it further,

RESOLVED, that if the pilot project proves successful, the Erie County Legislature authorizes another supplemental agreement be awarded to C.J. Brown to install EASI's technology for potentially saving electricity in the remainder of the building at an amount not to exceed \$59,378, and be it further,

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

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

11.	Item	Page	-2003	AS AMENDED (Comm. 5E-27)
	COUNTY EXECUTIVE			

WHEREAS, the contract for Phase I was awarded to NC Contracting, Inc., and

WHEREAS, the Commissioner of Parks & Recreation has requested that Phase II work be implemented prior to the golf season, and

WHEREAS, NC Contracting, Inc. has provided a quotation to complete the Phase II waterline installation, and

WHEREAS, the Department of Public Works and the Architect/Engineer Consultant for Phase II find the quotation fair and reasonable, and

WHEREAS, the work can be started immediately to assure completion as soon as possible,

NOW, THEREFORE, BE IT,

RESOLVED, that the sum of \$82,000 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the sum of \$12,000 be allocated for testing, additional engineering services, and miscellaneous expenses for Donald Gallo, P.E. with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from 2003 Grover Cleveland Waterline, Phase II budget, and be it further,

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RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Department of Parks & Recreation. (6-0) Chairman Swanick present as Ex-Officio Member.

AS AMENDED

12. Item Page -2003 (Comm. 5E-28)

COUNTY EXECUTIVE

WHEREAS, the 2003 budget contains \$1,500,000 for Roof Replacement & Waterproofing of Various County Facilities, and

WHEREAS, the firm of Stievater & Associates: Architects is already engaged by the Department of Public Works under an Architect/Engineer contract for the Roof Replacement, Waterproofing & Exterior Rehabilitation of Various County Facilities, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to issue a supplemental agreement to Stievater & Associates: Architects to prepare contract documents and provide inspection services for the Roof Replacement, Waterproofing and Exterior Building Rehabilitation of Various County Facilities, and be it further,

RESOLVED, that the total amount paid for consulting services will be on a percentage of construction basis, not to exceed \$120,000.00, including reimbursables, and be it further,

RESOLVED, that the fee allocation be taken from the 2003 Roofing & Waterproofing capital funds, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Office of Budget Management & Finance; and one copy to the Comptroller's Office. (6-0) Chairman Swanick present as Ex-Officio Member.

MICHAEL H. RANZENHOFER
CHAIRMAN

ITEM 24 - MR. LARSON presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

March 13, 2003

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 3

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

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

a.

Item	Page	-2002	(Comm. 5D-20)
BUDGET, MANAGEMENT & FINANCE: Letter to All Legislators Re: Response from DEP on Review of EC's Takeover of East Side Transfer Station as of 7/1/01.			
(6-0) Chairman Swanick present as Ex-Officio Member.			

b.

Item	Page	-2003	(Intro. 1-6)
DALE: Funding for Various Community Organizations.			
(6-0) Chairman Swanick present as Ex-Officio Member.			

AS AMENDED

2.

Item	Page	-2003	(Comm. 2D-13)
BUDGET, MANAGEMENT & FINANCE			

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

RESOLVED, that petitions numbered **203155** through **203180** inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2003	Petition No.	203,155.00
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ASSESSOR	Refund	\$55.70
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S-B-L 26.15-5-1/12C **142289 AMHERST**

Acct. No. 112	\$23.25	County
Acct. No. 132	\$32.45	Town/SpecialDist/School

22026 AMHERST # 9 FIRE PROTECTION	\$4.82	
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Charge To :	142289 AMHERST	\$27.63
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MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

REFUND - CLERICAL ERROR, THE CONDO EXEMPTION IN THE AMOUNT OF 11,000 SHOULD BE 16,000. RPTL 550(2)B
CHECK IN FAVOR OF: BEACON DEV

FISCAL YEAR 2003 Petition No. **203,156.00**

ASSESSOR **Refund** \$55.72

S-B-L 26.15-8-1./12D **142289 AMHERST**

Acct. No. 112 \$23.25 County

Acct. No. 132 \$32.47 Town/SpecialDist/School

22026 AMHERST # 9 FIRE PROTECTION \$4.82

Charge To : **142289 AMHERST** **\$27.65**

REFUND - CLERICAL ERROR, THE CONDO EXEMPTION IN THE AMOUNT OF 11,000 SHOULD BE 16,000. RPTL 550(2)B
CHECK FOR : RAY P DIEHL JR

FISCAL YEAR 2002 Petition No. **203,157.00**

ASSESSOR **Refund** \$176.67

S-B-L 56.55-1-1./7G **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$176.67 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$176.67**

Relevy School \$176.67 142203 WILLIAMSVILLE CENT

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION WAS 19,700 (25%) THIS EXEMPTION SHOULD BE IN THE AMOUNT OF 39,400 (50%). RPTL 550(2)C
CHECK FOR: ROSYLN MANN

FISCAL YEAR 2003 Petition No. **203,158.00**

ASSESSOR **Cancel** \$84.41

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S-B-L 56.55-1-1./7G

142289 AMHERST

Acct. No. 112	\$41.22	County
Acct. No. 132	\$43.19	Town/SpecialDist/School
Charge To :	142289 AMHERST	\$43.19

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 20,685 (35%) SHOULD BE 29,550 (50%). INCOME FOR EXEMPTION WAS CALCULATED INCORRECTLY. RPTL (2)C

FISCAL YEAR 2003

Petition No.

203,159.00

ASSESSOR	Refund	\$42.65
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S-B-L 56.62-1-1./40M5

142289 AMHERST

Acct. No. 112	\$20.83	County
Acct. No. 132	\$21.82	Town/SpecialDist/School
Charge To :	142289 AMHERST	\$21.82

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 17,920 SHOULD BE 22,400. RPTL 550(2)B
CHECK FOR: DOLORES PALCZYNSKI

FISCAL YEAR 2000

Petition No.

203,160.00

ASSESSOR	Refund	\$428.08
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S-B-L 79.32-2-7

142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$428.08	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$428.08	
Charge To :	142289 AMHERST	\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 20,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

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CHECK FOR: TIMOTHY & MAUREEN HENDERSON AMHERST CENTRAL

FISCAL YEAR 2001 Petition No. **203,161.00**

ASSESSOR **Refund** \$656.40

S-B-L 79.32-2-7 **142289 AMHERST**

Acct. No. 112 \$0.00 County
Acct. No. 132 \$656.40 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$656.40

Charge To : **142289 AMHERST** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: TIMOTHY & MAUREEN HENDERSON AMHERST CENTRAL

FISCAL YEAR 2002 Petition No. **203,162.00**

ASSESSOR **Refund** \$662.64

S-B-L 79.32-2-7 **142289 AMHERST**

Acct. No. 112 \$0.00 County
Acct. No. 132 \$662.64 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$662.64

Charge To : **142289 AMHERST** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: MAUREEN & TIMOTHY HENDERSON AMHERST CENTRAL

FISCAL YEAR 2002 Petition No. **203,163.00**

ASSESSOR **Refund** \$497.18

S-B-L 82.09-7-10.11 **142289 AMHERST**

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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$497.18	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$497.18	
	Relevy School	\$497.18	143201 CLARENCE CENTRAL

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: JOANNE BOLOGNESE CLARENCE CENTRAL

FISCAL YEAR 2003 Petition No. **203,164.00**

ASSESSOR **Cancel** \$85.05

S-B-L 283.00-2-17.2 **142889 BRANT**

	Acct. No. 112	\$36.19	County
	Acct. No. 132	\$48.86	Town/SpecialDist/School
	28020 BRANT FIRE PROTECTION	\$12.28	
<u>Charge To :</u>	142889 BRANT	\$36.58	

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 16,500 AND SHOULD BE 9,000.
RPTL 550(2)A

FISCAL YEAR 2003 Petition No. **203,165.00**

ASSESSOR **Cancel** \$0.86

S-B-L 30.00-4-66 **143200 CLARENCE**

	Acct. No. 112	\$0.47	County
	Acct. No. 132	\$0.39	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE	\$0.39	

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 28,000 AND SHOULD BE 27,900.
RPTL 550(2)A

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FISCAL YEAR 2001 Petition No. **203,166.00**

 ASSESSOR **Cancel** \$377.39

S-B-L 308.03-1-11.2 **143889 CONCORD**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$377.39	Town/SpecialDist/School
Charge To :	143889 CONCORD	\$377.39	
	Relevy School	\$377.39	143801 SPRING-GRIFFITH

CANCEL - CLERICAL ERROR, THE RELEVY SCHOOL WAS PLACED ON THE WRONG PARCEL. THE RELEVY SCHOOL BELONGS ON SBL 308.03-1-11.11.
 RPTL 550(2)I

FISCAL YEAR 2003 Petition No. **203,167.00**

 ASSESSOR **Cancel** \$570.46

S-B-L 250.09-2-24 **144489 EVANS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$570.46	Town/SpecialDist/School
Charge To :	144489 EVANS	\$570.46	

CANCEL - CLERICAL ERROR, THE DELINQUENT WATER WAS MISCALCULATED ON THE TAX ROLL. RPTL 550(2)

FISCAL YEAR 2000 Petition No. **203,168.00**

 ASSESSOR **Refund** \$441.06

S-B-L 105.00-3-34.1 **145289 LANCASTER**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$441.06	Town/SpecialDist/School

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Charge To : **145289 LANCASTER** **\$441.06**
 Relevy School \$441.06 145201 LANCASTER CENTRAL

REFUND - ERROR IN ESSENTIAL FACT, ADDITION WAS NOT BUILT. THE ASSESSED VALUE WAS 173,500 AND SHOULD BE 150,000. RPTL 550(3)B
 CHECK IN FAVOR OF: RANDALL & DIANE THORNTON

FISCAL YEAR 2001 Petition No. **203,169.00**

 ASSESSOR **Refund** \$319.20

S-B-L 105.00-3-34.1 **145289 LANCASTER**

 Acct. No. 112 \$135.93 County
 Acct. No. 132 \$183.27 Town/SpecialDist/School

 52610 GENERAL FIRE PROT \$45.06

Charge To : **145289 LANCASTER** **\$138.21**

REFUND - ERROR IN ESSENTIAL FACT, THE ADDITION WAS NEVER BUILT. THE ASSESSED VALUE WAS 173,500 AND SHOULD BE 150,000. RPTL 550(3)B
 CHECK FOR: RANDALL & DIANE THORNTON

FISCAL YEAR 2001 Petition No. **203,170.00**

 ASSESSOR **Refund** \$445.84

S-B-L 105.00-3-34.1 **145289 LANCASTER**

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$445.84 Town/SpecialDist/School

Charge To : **145289 LANCASTER** **\$445.84**
 Relevy School \$445.84 145201 LANCASTER CENTRAL

REFUND - ERROR IN ESSENTIAL FACT, NO ADDITION WAS BUILT. THE ASSESSED VALUE WAS 173,500 AND SHOULD BE 150,000. RPTL 550(3)B
 CHECK FOR: RANDALL & DIANE THORNTON

FISCAL YEAR 2002 Petition No. **203,171.00**

MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

REFUND - ERROR IN ESSENTIAL FACT, ADDITION WAS NEVER BUILT. THE ASSESSED VALUE WAS 173,500 AND SHOULD BE 150,000. RPTL 550(3)B
CHECK FOR: DIANE & RANDALL THORNTON

FISCAL YEAR 2003 Petition No. **203,175.00**

ASSESSOR **Cancel** \$129.62

S-B-L 22.00-1-11.1 **145689 NEWSTEAD**

Acct. No. 112 \$95.80 County

Acct. No. 132 \$33.82 Town/SpecialDist/School

Charge To : **145689 NEWSTEAD** **\$33.82**

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 20,829 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2003 Petition No. **203,176.00**

ASSESSOR **Cancel** \$5.99

S-B-L 33.00-6-30 **145689 NEWSTEAD**

Acct. No. 112 \$1.73 County

Acct. No. 132 \$4.26 Town/SpecialDist/School

Charge To : **145689 NEWSTEAD** **\$4.26**

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION FOR THE COUNTY IS 1,825 (50%) AND THE TOWN PORTION IS 703 (20%). RPTL 550(2)B

FISCAL YEAR 2003 Petition No. **203,177.00**

ASSESSOR **Cancel** \$1,017.90

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S-B-L 47.11-4-20.1

145689 NEWSTEAD

	Acct. No. 112	\$96.72	County
	Acct. No. 132	\$921.18	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD	\$921.18	
	Relevy School	\$921.18	145601 AKRON CENTRAL

CANCEL - CLERICAL ERROR, THE SCHOOL RELEVY WAS PREVIOUSLY PAID ON OCTOBER 15, 2002. RPTL 550(2)H

FISCAL YEAR 2003

Petition No.

203,178.00

ASSESSOR

Cancel

\$124.05

S-B-L 61.00-5-35

145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$124.05	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD	\$124.05	

CANCEL - CLERICAL ERROR, THIS IS VACANT LAND AND DOES NOT PAY FOR REFUSE TAX. RPTL 550(2)E

FISCAL YEAR 2003

Petition No.

203,179.00

ASSESSOR

Cancel

\$48.08

S-B-L 311.08-1-2

146200 SARDINIA

	Acct. No. 112	\$36.45	County
	Acct. No. 132	\$11.63	Town/SpecialDist/School
	62019 SARDINIA FIRE PROTECT	\$4.20	
<u>Charge To :</u>	146200 SARDINIA	\$7.43	

FISCAL YEAR 2003

Petition No.

203,180.00

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	ASSESSOR	Cancel	\$125.83	
S-B-L	179.00-2-8			146600 WALES
	Acct. No. 112		\$106.15	County
	Acct. No. 132		\$19.68	Town/SpecialDist/School
<u>Charge To :</u>		146600 WALES		\$19.68

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF OF 3,279 SHOULD BE 16,562 (25%) RPTLK 550(2)B
 (5-0)

3. Item Page -2003 (Comm. 5E-12)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has determined that it would be in the best interest of the County of Erie that, pursuant to the provisions of the State of New York Municipal Bond Bank Agency Act and Section 1190.1(a) of the Real Property Tax Law, Erie County sell, assign and transfer all of its right, title and interest in, to and under certain liens on real property in respect of delinquent taxes to a Delaware statutory trust or other special purpose entity (the "Issuer") organized by the State of New York Municipal Bond Bank Agency (the "Agency"), which Issuer will finance the purchase thereof by issuing debt securities secured by, among other things, such tax liens, in a private placement in debt securities and, in connection therewith, for Erie County to acquire an interest in a Delaware limited liability company or other special purpose entity organized by the Agency, such interest representing a residual interest in the tax liens sold to the Issuer;

NOW THEREFORE, be it:

RESOLVED, that (i) the sale, transfer, assignment and conveyance by the County of Erie of all of its right, title and interest in, to and under the liens on real property in respect of delinquent taxes and any certificates evidencing any such liens, and any and all proceeds thereof, including, without limitation, any claims in respect of any such liens as to which the related property owners are involved in bankruptcy proceedings (collectively, the "Tax Liens") pursuant to the Purchase and Sale Agreement in substantially the form annexed hereto as Exhibit A (the "Purchase and Sale Agreement") to the Issuer named in the Purchase and Sale Agreement, (ii) the acquisition by Erie County of an interest in the limited liability company established pursuant to the Amended and Restated Limited Liability Company Agreement in substantially the form annexed hereto as Exhibit B (the "Limited Liability Company Agreement"), and (iii) the consummation by Erie County of each of the other transactions contemplated by the Purchase and Sale Agreement and the Limited Liability Company Agreement and the execution of any other documents required to effect those transactions (the "Ancillary Agreements"), are hereby authorized and approved; and be it further,

RESOLVED, that Erie County is authorized to enter into and perform its obligations under the Purchase and Sale Agreement, the Limited Liability Company Agreement and a representation

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ERIE COUNTY LEGISLATURE

and indemnity agreement with the initial purchasers of the securities to be issued by the Issuer in connection with the transactions contemplated by the Purchase and Sale Agreement and the Limited Liability Company Agreement (the "Representation and Indemnity Agreement") (collectively, the "Agreements"); and be it further,

RESOLVED, that the proposed forms of the Purchase and Sale Agreement and the Limited Liability Company Agreement are hereby authorized and approved, and that the County Executive, the Budget Director and the Commissioner of Finance (collectively, the "Authorized Officers") be, and each of them hereby is, authorized, empowered and directed to execute and deliver such Agreements and Ancillary Agreements in the name and on behalf of Erie County, with such changes thereto as any of the Authorized Officers may deem necessary or advisable, and to execute and deliver the Representation and Indemnity Agreement in the name and on behalf of the County of Erie in such form as any of the Authorized Officers may deem necessary or advisable, such determination to be evidenced conclusively by their execution and delivery thereof; and be it further,

RESOLVED, that the execution of the Agreements and Ancillary Agreements by an Authorized Officer pursuant to these resolutions shall constitute conclusive evidence of the approval of, and of that Authorized Officer's authority to execute, such Agreements; and be it further,

RESOLVED, that the Authorized Officers be, and each of them hereby is, authorized to take any other action and execute and deliver any other agreements, documents and instruments, as any of the Authorized Officers may deem necessary or advisable to carry out the purpose and intent of the foregoing resolutions, including, without limitation, to provide information concerning Erie County and the Tax Liens for inclusion in a private placement memorandum (the "PPM") relating to the issuance of securities (the "Bonds") collateralized, in part, by the Tax Liens and to authorize the use of the PPM in the marketing and sale of the Bonds in the private placement thereof, and to mail or otherwise forward any notices or other communications deemed necessary or desirable by any Authorized Officer to the owners of the real properties subject to the Tax Liens or to any other persons in connection with the sale thereof; and be it further,

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

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

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

DALE W. LARSON
CHAIRMAN

MR. LARSON moved to separate item #3 and moved the approval of the balance of the report. MS. CHASE seconded.

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CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #3. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

MR. DALE moved to reconsider item #3. MR. HOLT seconded.

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 16.070 – 0.930)

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

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 14.334 – 2.666)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

March 13, 2003

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CHASE.

1. Item Page -2003 (Comm. 5D-4)
DEP

RESOLUTION NO. 86
 RESOLUTION DATED _____, 2003

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**RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY
 SEWER DISTRICT NO. 2 AND MAKING OTHER DETERMINATIONS
 IN CONNECTION THEREWITH**

(Introduced) March 4, 2003
 (Adopted) _____, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated October 17, 2002 and a resolution of the Erie County Sewer District No. 2 Board of Managers dated October 17, 2002, an extension of Sewer District No. 2 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 2, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 2 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's benefit and assessment formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 2 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, said County Legislature duly adopted Resolution No. 35 on the 24th day of February, 2003, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 2 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 2 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 2 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 2 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

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WHEREAS, said public hearing was duly held at the Erie County Legislature, 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 20th day of March 2003, at 1:30 o'clock P.M., Prevailing Time; and

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

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

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

Section 1. Upon the evidence given at the public hearing held on March 20, 2003, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 2.

Section 2. The extension of Erie County Sewer District No. 2 is hereby approved and said extension shall be known as the "Town of Brant Extension" and shall comprise an area described as follows:

- (a) Lotus Bay Extension Area:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Brant, County of Erie and State of New York, commonly known as the Lotus Bay Area and part of the Wide Beach Subdivision bounded on the north by the Evangola State Park, bounded on the south by the northerly line of the Cattaraugus Indian Reservation, bounded on the east by Lake Shore Road and bounded on the west by Lake Erie, excepting and reserving therefrom the easternmost 1000 foot portion of the Wide Beach Subdivision.

- (b) Brant-Farnham Extension Area

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Brant and Village of Farnham, County of Erie, State of New York, commonly known as the Brant-Farnham Area, BEGINNING at a point in the northeasterly corner of the Village of Farnham; thence southerly along the easterly bounds of the Village of Farnham to its intersection with the centerline of a tributary of Muddy Creek; thence southeasterly along the centerline of the Muddy Creek tributary to its intersection with the easterly bounds of Erie County Tax Map parcel number 5, block 2, of sheet index number 266.00 as prepared by Aero Service of Philadelphia, Pennsylvania, thence southerly along the easterly bounds of said parcel, and its extension thereof, to a point 500 feet northwesterly from the northwesterly bounds of New York State Route 20; thence southwesterly on a line parallel to and distant 500 feet northwesterly from the northwesterly bounds of New York State Route 20 to its intersection with the northerly bounds of Cattaraugus Indian reservation; thence westerly along the northerly bounds of the Cattaraugus Indian reservation to its point of intersection with a line parallel with a line parallel to and distant 500 feet northwesterly from the northwesterly bounds of New York State Route 5; thence northeasterly on the line parallel to and distant 500 feet northwesterly from the bounds of New York State Route 5, to its intersection with the westerly bounds of the Village of Farnham; thence northerly along the westerly bounds of the Village of Farnham to its intersection with the southerly bounds of Evangola State Park; thence easterly along said Park bounds to its intersection with the northerly bounds of the Village of Farnham; thence easterly along the northerly bounds of the Village of Farnham, to the point of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 2 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's benefit and assessment formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

(4-0) Legislator Chase absent.

2. Item Page -2003 (Comm. 5D-5)

DEP

RESOLUTION NO. 87

RESOLUTION DATED _____, 2003

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

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

(Introduced) March 4, 2003.

(Adopted) _____, 2003.

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

WHEREAS, The County Legislature of the County of Erie, New York, has previously duly caused to be prepared a report and estimate of cost, by the County Engineers (Erie County Department of Environment and Planning) relating to an increase and improvement of the facilities of said District No. 2 which report and estimate of cost have been approved by the Board of Managers of said District on December 19, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe an increase and improvement of the facilities of Erie County Sewer District No. 2 in said County, consisting of the acquisition and installation of a new disinfection system at the Big Sister Creek Waste Water Treatment Plant and the reconstruction of approximately 4,500 linear feet of sewer line, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of said increase and improvement of the facilities of said Sewer District is \$2,100,000; and

WHEREAS, said County Legislature duly adopted Resolution 36 on February 24, 2003, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid increase and improvement of facilities in accordance with said report and estimate of cost; and

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

WHEREAS, said public hearing was duly held at 92 Franklin Street, 2nd Floor, Part 6, in Buffalo, New York, in said County, on March 20, 2003, at 1:30 o'clock P.M., Prevailing Time; and

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

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

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WHEREAS, pursuant to applicable provisions of Section 268 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the expenditure of funds for said additional increase and improvement because the cost thereof to the Typical Property (as defined in the County Law) as follows: \$9.00 for the Town of Hamburg, \$9.90 for the Town of Eden, \$8.00 for the Village of North Collins and \$9.12 for the Town of Evans; such costs not being above the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller;

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 2, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$2,100,000.

Section 2. The \$2,100,000 estimated cost of such expenditure is to be assessed against a benefited area which consists of the entire area of said Sewer District No. 2.

Section 3. This resolution shall take effect immediately.

(4-0) Legislator Chase absent.

3. Item Page -2003 (Comm. 5D-6)
DEP

RESOLUTION NO. 88

RESOLUTION DATED _____, 2003

RESOLUTION APPROVING (I) THE EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 3 AND (II) THE CONSOLIDATION OF ERIE COUNTY SEWER DISTRICT NO. 3, AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) March 4, 2003

(Adopted) _____, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated December 11, 2002 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated December 11, 2002, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County

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Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, such extension includes the reconstruction of approximately 5,000 linear feet of sewer line; and

WHEREAS, the maximum amount to be expended for such extension shall be \$500,000 and such amount shall be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's benefit and assessment formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, the estimated cost of hook up fees will be \$200 per home inspection for County built sewers, \$400 per home inspection for subdivision or privately built sewers, and a \$2 permit fee at the time of connection to the District; and

WHEREAS, the typical property will experience a decrease in sewer cost of approximately \$26 per year due to the extension; and

WHEREAS, pursuant to proceedings heretofore had and taken a report of the Erie County Sewer Agency dated December 11, 2002, a resolution of the Erie County Sewer District No. 3 Board of Managers dated December 11, 2002, and pursuant to Section 274-b of the County Law, a consolidation of the District has been proposed; and

WHEREAS, said County Legislature duly adopted Resolution No. 37 on the 24th day of February, 2003, calling a meeting of the County Legislature for the purpose of holding a public hearing on (i) the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan dated December 11, 2002, and (ii) the consolidation of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan dated December 11, 2002, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension and consolidation of Erie County Sewer District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State

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Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 20th day of March, 2003, at 1:00 o'clock P.M., Prevailing Time; and

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

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

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

Section 1. WITH RESPECT TO THE EXTENSION OF THE DISTRICT, and upon the evidence given at the public hearing held on March 20, 2003, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall be known as "The Blasdell Extension" and shall comprise an area described as follows:

LEGAL DESCRIPTION
VILLAGE OF BLASDELL

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Blasdell, Town of Hamburg, County of Erie and State of New York being part of Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 40, 41, 437, 438, 439, Township 10, Range 7 and 8 of The Buffalo Creek Indian Reservation and being further described as follows:

BEGINNING at a point on the North line of the Village of Blasdell, which is also the South line of the City of Lackawanna, said point being the Intersection of the center line of South Park Avenue (66 feet wide) and center line of Willet Road (49.5 feet wide). All of the accompanying courses as outlined hereafter follow the Village of Blasdell boundary. Thence East along the center line of Willet Road a bearing of $S88^{\circ}-29'-43''E$, a distance of 183.04 feet to a point, said point being the Northeast corner of the Village of Blasdell; thence South a bearing of $S00^{\circ}-27'-17''E$, a distance of 1,778.46 feet to a point at the Northeast corner of sub-lot 1 of map cover 439; thence continuing South a bearing of $S00^{\circ}-12'-42''E$, a distance of 456.24 feet to a point, said point being on the South Right of Way (ROW) of Elmwood Avenue (50 feet wide); thence East along the South ROW of Elmwood Avenue a bearing of $S88^{\circ}-42'-47''E$, a distance of 120.0 feet to a point, said point being the Northeast corner of sub-lot 193 of map cover 439; thence South along said East line of sub-lot 193 a bearing of $S00^{\circ}-12'-42''E$, a distance of 120 feet to a point, said point being the Southeast corner of said sub-lot 193 and the Northwest corner of sub-lot 208 of map cover 439; thence East along the North line of sub-lot 208 of map cover 439 a bearing of $S88^{\circ}-42'-47''E$, a distance of 30 feet to a point, said point being the Northeast corner of sub-lot 208; thence South along the East line of sub-lot 208 and its extension Southerly a bearing of $S00^{\circ}-12'-42''E$, a distance of 159.35 feet to a point, said point being on the South ROW of Oakwood Avenue (50 feet wide); thence East along the South ROW of Oakwood Avenue a bearing of $S88^{\circ}-50'-27''E$, a distance of 188.73 feet to a point, said point being the Northeast corner of sub-lot 21 of map cover 475; thence South along the East line of sub-lot 21 a bearing of $S00^{\circ}-38'-52''W$, a distance of 148.0 feet to a point, said point being the Southeast corner of said sub-lot 21; thence West along the South line of sub-lot 21, 20 and 19 a bearing of $N88^{\circ}-50'-27''W$, a distance of 90 feet to a point, said point being the Northeast corner of sub-lot 95 of map cover 475; thence South along the East line of sub-lot 95 a bearing of $S00^{\circ}-38'-52''W$, a distance of 152 feet to a point, said point being the Southeast corner of said sub-lot 95 on the North line of Lake Avenue (66 feet wide); thence West along the North line of Lake Avenue a bearing of $N88^{\circ}-50'-27''W$, a distance of 180.0 feet to a point, said point being the Southwest corner of sub-lot 100 of map cover 475; thence North along the West line of sub-lot 100 a bearing of $N00^{\circ}-38'-52''E$, a distance of 152.0 feet to a point, said point being the Southeast corner of sub-lot 12 of map cover 475; thence West along the South line of sub-lot 12 and 11 a bearing of $N88^{\circ}-50'-27''W$, a distance of 60.0 feet to a point, said point being the Southwest corner of sub-lot 11 and the Northeast corner of sub-lot 6 of map cover 475; thence South along the East line of sub-lot 6 a bearing of $S00^{\circ}-12'-42''E$, a distance of 24.0 feet to a point; thence West at a bearing of $N88^{\circ}-50'-28''W$ a distance of 6.10 feet to a point; thence South at a bearing of $S00^{\circ}-12'-42''E$, a distance of 153.04 feet to a point, said point being on the North line of Farm Lot 40 and former center line of Lake Avenue as laid out as a 50 feet wide road; thence continuing South at a bearing of $S00^{\circ}-07'-57''E$, a distance of 294.75 feet to a point; thence East at a bearing of $S88^{\circ}-50'-27''E$, a distance of 660 feet to a point; thence North at a bearing of $N00^{\circ}-07'-57''W$, a distance of 253.75 feet to a point, said point being on the South line of Lake Avenue as laid out as a 66 feet wide road; thence East along said South line of Lake Avenue a bearing of $S88^{\circ}-50'-27''E$, a distance of 40 feet to a point; thence South at a bearing of $S00^{\circ}-07'-57''E$, a distance of 1,024.05 feet to a point; thence west at a bearing of $N88^{\circ}-50'-27''W$, a distance of 700.0 feet to a point; thence South at a bearing of $S00^{\circ}-07'-57''E$, a distance of 1,536.34 feet to a point, said point being at the center-line of Milestrip Road (49.5 feet wide); thence continuing South at a bearing of $S00^{\circ}-20'-22''E$, a distance of 174.75 feet to a point; thence West a

bearing of N88°-11'-57"W, a distance of 183.02 feet to a point, said point being on the center-line of South Park Avenue (66 feet wide); thence continuing West a bearing of S89°-46'-22"W, a distance of 1,469.90 feet to a point, said point being on the East line of Farm Lot 4 and 174.75 feet South of the Northeast corner of said lot; thence continuing West parallel to the north line of said Farm Lot 4 and at a bearing of N89°-48'-42"W, a distance of 1,380.66 feet to a point, said point being on the East ROW of Pieczonka Drive (60 feet wide); thence South along the East ROW of Pieczonka Drive a bearing of S00°-36'-30"W, a distance of 295.0 feet to a point; thence Easterly a bearing of S76°-26'-54"E, a distance of 763.49 feet to a point; thence South at a bearing of S00°-16'-18"W, a distance of 1,291.16 feet to a point; thence West a bearing of N89°-48'-42"W, a distance of 811.70 feet to a point, said point being on the West ROW of Pieczonka Drive (60 feet wide); thence North along the West ROW of said road a bearing of N00°-36'-30"E, a distance of 1,762.68 feet to a point, said point being 174.75 feet South of the North line of Farm Lot 4; thence West a bearing of N89°-48'-42"W, a distance of 1,517.28 feet to a point; thence North a bearing of N00°-55'-17"E, a distance of 2,795.90 feet to a point, said point being on the South line of sub-lot 42 map cover 550 at a distance of 28.5 feet West of the Southeast corner of said sub-lot; thence continuing North at a bearing of N00°-30'-40"E, a distance of 2902.25 feet to a point; thence East a bearing of S88°-41'-31"E, a distance of 4330.0 feet to the point of beginning.

In addition to the above stated description, Parcel's I and II were annexed into the Village of Blasdell and are described as follows:

PARCEL I

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York being part of Lot 439, Township 10 and Range 7 of the Buffalo Creek Indian Reservation and being further described as subdivision lots numbered 22, 23, 24, 25, 26, 27, 83, 84, 85, 86, 87, 88, 89, 90 and 91 as shown on Map Cover Number 475, as filed in the Erie County Clerk's office and being further described as follows:

COMMENCING at a point on the North line of Lake Avenue (66 feet wide) located 484.0 feet East of the East line of South Park Avenue (66 feet wide) which is also the Southwest corner of subdivision lot number 91 as shown on map cover 475; thence North along the West line of subdivision lot number 91 and the West line of subdivision lot number 22, a distance of three hundred and four feet (304') to the South line of Oakwood Avenue (50 feet wide); thence East a distance of one hundred eighty feet (180') along the South line of Oakwood Avenue and along the North lines of subdivision lots numbered 22, 23, 24, 25, 26 and 27 to the Northeast corner of subdivision lot number 27; thence South along the East line of subdivision lot number 27, a distance of one hundred fifty-two feet (152') to the Northwest corner of subdivision lot number 85; thence East a distance of ninety feet (90') along the North line of subdivision lots numbered 85, 84 and 83 to the Northeast corner of subdivision lot number 83; thence South a distance of one hundred fifty two feet (152') along the West line of subdivision lot number 83 to the North line of Lake Avenue; thence West a distance of two hundred and seventy feet (270') along the North line of Lake Avenue and the South line of subdivision lots numbered 83, 84, 85, 86, 87, 88, 89, 90 and 91 to the point or place of beginning.

PARCEL II

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York being part of Lot 439, Township 10 and Range 7 of the Buffalo Creek Indian Reservation and being further described as subdivision lots numbered 92, 93 and 94 as shown on map cover number 475 filed in the Erie County Clerk's Office and being further described as follows:

COMMENCING at a point on the North line of Lake Avenue (66 feet wide) 484.0 feet East of the East line of South Park Avenue (66 feet wide) which is also the Southeast corner of subdivision lot number 92 as shown on map cover 475; thence West a distance of ninety feet (90') along the North line of Lake Avenue and the South line of subdivision lots numbered 92, 93 and 94; thence North a distance of one hundred fifty two feet (152') along the West line of subdivision lot number 94 to the Northwest corner thereof; thence East a distance of ninety feet (90') along the North line of subdivision lots numbered 94, 93 and 92 to the Northeast corner of subdivision lot number 93; thence South a distance of one hundred fifty two feet (152') along the East line of subdivision lot number 92 to the North line of Lake Avenue to the point or place of beginning.

LEGAL DESCRIPTION

FORD MOTOR COMPANY (V. Blasdell / T. Hamburg)

(LIBER 4566, PAGE 308)

All that tract or parcel of land, situate in the Town of Hamburg and partly in the Village of Blasdell in said Town, in the County of Erie, in the State of New York, being part of Lots Nos. 5, 6, 8, 9 and 10, Township 10, Range 8, of the Buffalo Creek Indian Reservation, bounded and described as follows, according to a survey made in July and August, 1949, by Nussbaumer, Clarke and Velzy, Inc., Engineers:

Beginning in the Easterly street line of Lake Shore Road (one hundred (100) feet in width) at a point located one thousand four hundred fifty-six and thirty one-hundredths (1,456.30) feet Southwardly, measured along said Easterly street line, from the Northerly line of Lot 8, Township 10, Range 8, of said Buffalo Creek Indian Reservation, thence, along said Easterly street line, the following three courses and distances: (1) Southwardly six hundred eighty-seven and eight-three one-hundredths (687.83) feet; (2) Southwardly, along a curve to the right, the radius of which is one thousand four hundred ninety-nine and five-tenths (1,499.5) feet, seven hundred fifty-four and seventeen one-hundredths (754.17) feet; and (3), Southwestwardly fifty-four and eight one-hundredths (54.08) feet; thence Southeastwardly, along a line erected at right angles to the last preceding course, two hundred thirty-seven and forty-five one-hundredths (237.45) feet, more or less to a point in a line which is parallel to, and one thousand five hundred seventy-two and forty-four one-hundredths (1,572.44) feet, measured at right angles, Southwardly from a line extended Eastwardly from the point of beginning herein before set forth and erected at right angles to said Easterly line of Lake Shore Road at said point of beginning; thence Eastwardly, along said line

parallel to said line so erected at right angles to said Easterly line of Lake Shore Road, one thousand eight hundred thirty-three and ninety-one one-hundredths (1,833.91) feet to a point in a curved line concentric with, and two hundred fifty (250) feet, measured radially, Westwardly from the Westerly line of the right of way of The New York Central Railroad Company; thence Northeastwardly, along said curved line, the radius of which is ten thousand seven hundred seven and ninety one-hundredths (10,707.90) feet, three hundred seventy and eight-seven one-hundredths (370.87) feet; thence Northeastwardly, along a line parallel to, and two hundred fifty (250) feet, measured at right angles, Westwardly from, said Westerly line of said right of way, eight hundred two and twelve one-hundredths (802.12) feet; thence Northeastwardly, along a curve to the left, the radius of which is five thousand thirty-eight and eighty-six one-hundredths (5,038.86) feet and which is concentric with, and two hundred fifty (250) feet, measured radially, Westwardly from, said Westerly line of said right of way, six hundred sixty-eight and seventy-two one-hundredths (668.72) feet to a point in the Southerly line of Mile Strip Road (forty-nine and five-tenths (49.5) feet in width); thence, along said Southerly line, the following two (2) courses and distances: (1) Westwardly one hundred eighty-seven and fifty-eight one-hundredths (187.58) feet and (2) Northwestwardly, along a line which forms an angle with the last preceding course, when measured clockwise therefrom, of two hundred twenty degrees fifty-eight minutes ($220^{\circ} 58'$), one thousand fifty-two and forty-two one-hundredths (1,052.42) feet to a corner of land of The Federal Portland Cement Co., Inc., said corner being at the intersection of the Easterly line of said Lot 8 and the Westerly line of said Village of Blasdell; thence, along the line of said land of The Federal Portland Cement Co., Inc., the following four (4) courses and distances: (1) Southwardly, along a line which forms an angle with the last preceding course, when measured clockwise therefrom, of forty-three degrees thirty-eight minutes ($43^{\circ} 38'$), one hundred three and thirty-four one-hundredths (103.34) feet; (2) Southwardly, along a line which forms an angle with the last preceding course, when measured clockwise therefrom, of one hundred eighty-four degrees two minutes ($184^{\circ} 02'$), seven hundred nine and ten one-hundredths (709.10) feet; (3) Southwardly, along a line which forms an angle with the last preceding course, when measured clockwise therefrom, of one hundred seventy-five degrees fifty-eight minutes ($175^{\circ} 58'$), one hundred one and ninety-six one-hundredths (101.96) feet to a point in the above mentioned line extended Eastwardly from the point of beginning at right angles to said Easterly line of Lake Shore Road; and (4) Westwardly, along said line so erected at right angles to said Easterly line of Lake Shore Road, one thousand one hundred seventy-eight and seventy-four one-hundredths (1,178.74) feet; thence Westwardly, continuing along said line so erected at right angles to said Easterly line of Lake Shore Road, four hundred fifty (450) feet, more or less, to the place of beginning; containing ninety-one and two hundred thirty-two one-thousandths (91.232) acres.

(LIBER 6934, PAGE 425)

All that tract or parcel of land, situate in the Town of Hamburg, in the County of Erie, in the State of New York, being part of Lots Nos. 5 and 10, Township 10, Range 8, of the Buffalo Creek Indian Reservation, bounded and described as follows:

Beginning at a point in the Southerly line of land conveyed by the Grantor to the Grantee by deed dated August 22, 1949, and recorded in the Office of the Clerk of said County of Erie in Liber 4566 of Deeds at page 308; said point being located North eighty-five degrees twenty-two minutes

twenty-seven seconds West (N 85° 22' 27" W) fifty-six and twenty-four one-hundredths (56.24) feet from the Southeasterly corner of said land conveyed to the Grantee; thence, through lands of the Grantor, the following five (5) courses and distances: (1) South forty-eight degrees thirty-four minutes thirty-five seconds West (S 48° 34' 35" W) four hundred twenty-three and forty one-hundredths (423.40) feet; (2) South thirty-four degrees forty-one minutes thirty-three seconds West (S 34° 41' 33" W) three hundred eighty-three and sixty-one one-hundredths (383.61) feet; (3) Southwestwardly by a curve to the right the radius of which is ten thousand nine hundred sixty and two-tenths (10,960.2) feet and the chord of which is South thirty-six degrees fifty-six minutes thirty-three seconds West (S 36° 56' 33" W) Two hundred thirty-eight and forty-eight one-hundredths (238.48) feet; (4) South thirty-seven degrees fifty-eight minutes thirty seconds West (S. 37° 58' 30" W.) one hundred thirty and one-hundredths (130.09) feet to a point distant one hundred (100) feet Northwardly from the Southerly line of said Lot No. 10, Township 10, Range 8, measured at right angles thereto; and (5) North eighty-four degrees three minutes thirty-one seconds West (N 84° 03' 31" W) one thousand three hundred fifty-four and seventy-two one hundredths (1,354.72) feet to line of land conveyed by The Stony Point Land Company to James Cocina and Carmella Cocina, his wife, by deed dated April 18, 1947, and recorded in said Office in Liber 4097 of Deeds at page 441; thence, partly along line of said last-mentioned land and partly along line of land conveyed by said The Stony Point Land company to Josef Bratek and Julia Bratek, his wife, by deed dated June 17, 1948, and recorded in said Office in Liber 4342 of Deeds at page 254, North thirty-three degrees twenty-seven minutes fifty-two seconds East (N 33° 27' 52" E) one hundred fifty-two and sixty-four one-hundredths (152.64) feet; thence, along line of said land conveyed to Josef Bratek and Julia Bratek, his wife, North fifty-one degrees fifty-seven minutes forty-two seconds West (N 51° 57' 42" W) three hundred ninety-seven and seventy-four one hundredths (397.74) feet to the Southeasterly line of the right of way of Lake Shore road; thence, along said right-of-way line of Lake Shore Road, the following two (2) courses and distances: (1) Northeastwardly by a curve to the left the radius of which is two thousand nine hundred sixty-four and seventy-nine one-hundredths (2,964.79) feet and the chord of which is North thirty-five degrees thirty-six minutes twenty-three seconds East (N. 35° 36' 23" E.) two hundred twenty-six and eighty-four one hundredths (226.84) feet, an arc distance of two hundred twenty-six and nine-tenths (226.9) feet; and (2) North thirty-three degrees twenty-seven minutes fifty-two seconds East (N. 33° 27' 52" E.) seventy-seven and six tenths (77.6) feet to line of land conveyed by said The Stony Point Land Company to George Kovach and Rosa Kovach, his wife, by deed dated April 23, 1947, and recorded in said Office in Liber 4102 of Deeds at page 42; thence, leaving said Lake Shore Road and along line of said last-mentioned land, South fifty-six degrees thirty-two minutes eight seconds East (S. 56° 32' 08" E.) three hundred eighty-eight (388) feet; thence, partly along line of said last-mentioned land and partly along line of land conveyed by said The Stony Point Land Company to Rose Kovach by deed dated November 25, 1959, and recorded in said Office in Liber 6600 of Deeds at page 495, North thirty-three degrees twenty-seven minutes fifty-two seconds East (N. 33° 27' 52" E.) two hundred twenty (220) feet; thence, along line of said land conveyed to Rose Kovach, North fifty-six degrees thirty-two minutes eight seconds West (N. 56° 32' 08" W.) four hundred twenty-eight and eighty-two one-hundredths (428.82) feet to the Southeasterly line of said Lake Shore Road; thence, along said Southeasterly line of Lake Shore Road, the following four (4) courses and distances: (1) Northeastwardly by a curve to the left the radius of which is seven thousand five hundred fifteen (7,515) feet and the chord of which is North thirty degrees eleven minutes twelve seconds East (N. 30° 11' 12" E.) thirty-three and twenty-eight

one-hundredths (33.28) feet, an arc distance of thirty-three and twenty-eight one-hundredths (33.28) feet; (2) Northeastwardly by a curve to the left the radius of which is one thousand five hundred fifteen (1,515) feet and the chord of which is North thirty degrees eleven minutes twelve seconds East (N 30° 11' 12" E) seventy-six and nine-tenths (76.9) feet, an arc distance of seventy-six and ninety-one one-hundredths (76.91) feet; (3) continuing Northeastwardly by said curve to the left the radius of which is one thousand five hundred fifteen (1,515) feet and the chord of which is North twenty-six degrees fifty-eight minutes fifty-six seconds East (N 26° 58' 56" E) sixty-eight and eight one-hundredths (68.08) feet, an arc distance of sixty-eight and nine one-hundredths (68.09) feet; and (4) North twenty-three degrees forty-nine minutes twenty-eight seconds East (N 23° 49' 28" E) forty-two and ninety-six one-hundredths (42.96) feet to the Southwesterly corner of said land conveyed by the Grantor to the Grantee by said deed dated August 22, 1949; thence, along said last-mentioned land, the following two (2) courses and distances: (1) South fifty-six degrees thirty-two minutes eight seconds East (S 56° 32' 08" E) two hundred thirty-seven and forty-five one-hundredths (237.45) feet; and (2) South eighty-five degrees twenty-two minutes twenty-seven seconds (S 85° 22' 27" E) one thousand seven hundred seventy-seven and sixty-seven one-hundredths (1,777.67) feet to the place of beginning; containing thirty-five and eight-tenths (35.8) acres.

(LIBER 7266, PAGE 585)

All that tract or parcel of land, situate in said Town of Hamburg, and being part of Lots No. 10, Township 10, Range 8, of the said Holland Land Company's Survey, bounded and described as follows:

Beginning at the Southeasterly corner of the above-described Tract No. I, said corner being in the Westerly line of land (now or formerly of Buffalo Niagara Electric Corporation) which was conveyed to Niagara, Lockport & Ontario Power Company by The Stony Point Land Company by a deed dated November 9, 1922, and recorded in the Office of the Clerk of said County of Erie in Liber 1453 of Deeds at page 440; thence, along the line of said last-mentioned land, the following five (5) courses and distances: (1) Southwardly eight hundred thirty and fifty-four one-hundredths (830.54) feet; (2) Southwestwardly, along a line which forms an angle with the last preceding course, when measured counterclockwise therefrom, of one hundred forty-eight degrees seventeen minutes fifty-eight seconds (148° 17' 58"), two hundred six and thirty-two one-hundredths (206.32) feet; (3) Westwardly, along a line which forms an angle with the last preceding course, when measured counterclockwise therefrom, of one hundred twenty-one degrees fifteen minutes forty-four seconds (121° 15' 44"). One thousand six hundred fifty-two and ninety-three one-hundredths (1,652.93) feet; (4) Southwardly, along a line which forms an angle with the last preceding course, when measured counterclockwise therefrom, of two hundred fifty-eight degrees fifty-five minutes (258° 55'), fifty-one and thirty-one one-hundredths (51.31) feet; and (5) Westwardly, along a line which forms an angle with the last preceding course, when measured counterclockwise therefrom, of one hundred one degrees thirty-five minutes (101° 35'), one hundred nineteen and ninety-six one-hundredths (119.96) feet to a corner of land formerly of The Stony Point Land company; thence Northeastwardly, along the line of said last-mentioned land, one thousand one hundred fifty-three and seventy-five one hundredths (1,153.75) feet to the Southwesterly corner of the above-described

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Tract No. I; thence Eastwardly, along the line of said Tract No. I, said line being a line which forms an angle with the last preceding course, when measured counterclockwise therefrom, of one hundred eighteen degrees forty-nine minutes ($118^{\circ} 49'$), one thousand three hundred fifty-three and twenty-six one-hundredths (1,353.26) feet to the point of beginning; containing thirty-six and three hundred seventy-four one-thousandths (36.374) acres.

(LIBER 7692, PAGE 543)

All that tract or parcel of land, situate in the Town of Hamburg, County of Erie, State of New York and being part of Lot 10, Township 10, Range 8, of the Buffalo Creek Indian Reservation, more particularly bounded and described as follows:

Commencing at the point of intersection of the Southerly line of said Lot 10 and the former Southeasterly line of Lake Shore Road, also called State Highway 5019 (as a 100.0 foot wide right-of-way); thence Northeasterly at a bearing of North 43 degrees, 25 minutes, 12 seconds East 567.05 feet along said former Southeasterly line of Lake Shore Road to an angle point; thence Northeasterly at a bearing of North 33 degrees, 27 minutes 52 seconds East 550.50 feet along said former Southeasterly line of Lake Shore Road for a total distance from said Southerly line of Lot 10 of 1117.55 feet to the Northwesterly corner of lands described in description indicted on New York State Department of Public Works – Map No. 79 Parcel No. 101-Map and Description for the Appropriation of Property-Lake Shore-Lackawanna City S.H. 5019-Mile Strip Road Interchange, Erie County, recorded in Liber 650 of Deeds at Page 19, on October 9, 1959, in Erie County Clerk's Office; thence Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of said lands described in description indicated on said map recorded in Liber 6550 of Deeds at Page 19 for a distance of 21.18 feet to the easterly line of Lake Shore Road, also called State Highway 5019, as now established and the point of beginning of the lands described herein; thence continuing Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of lands of Julia R. Pinter (reputed owner) for a distance of 428.82 feet to the Easterly line of said lands of Julia R. Pinter; thence Southwesterly at a bearing of South 33 degrees, 27 minutes, 52 seconds West along said Easterly line of lands of Julia R. Pinter for a distance of 110.0 feet to the Southerly line of said lands of Julia R. Pinter; thence Northwesterly at a bearing of North 56 degrees, 32 minutes, 08 seconds West along said Southerly line of lands of Julia R. Pinter for a distance of 425.78 feet to the Easterly line of Lake Shore Road also called State Highway 5019, as now established, and the Southeasterly corner of the aforementioned lands described in description indicated on said map recorded in Liber 6550 of Deeds at page 19; thence Northeasterly along said Easterly line of Lake Shore Road (said Easterly line being on an arc having a radius of 7515.0 feet, the chord of said arc having a bearing of North 31 degrees, 52 minutes, 53 seconds East and a length of 110.04 feet, more or less, to the point or place of beginning, containing 1.08 acres of land, more or less.

(LIBER 7692, PAGE 541)

All that tract or parcel of land, situate in the Town of Hamburg, County of Erie, State of New York and being part of Lot 10, Township 10, Range 8, of the Buffalo Creek Indian Reservation, more particularly bounded and described as follows:

Commencing at the point of intersection of the Southerly line of said Lot 10 and the former Southeasterly line of Lake Shore Road, also called State Highway 5019 (as a 100.0 foot wide right-of-way); thence Northeasterly at a bearing of North 43 degrees, 25 minutes, 12 seconds East 567.05 feet along said former Southeasterly line of Lake Shore Road to an angle point; thence Northeasterly at a bearing of North 33 degrees, 27 minutes, 52 seconds East 440.50 feet along said former Southeasterly line of Lake Shore road for a total distance of 1,007.55 feet from said Southerly line of Lot 10 to the Northwesterly corner of lands described in description indicated on New York State Department of Public Works – Map No. 80 Parcel No. 102 – Map and Description for the Appropriation of Property – lake Shore Lackawanna City S. H. 5019 – Mile Strip Road Interchange, Erie County, recorded in Liber 6500 of Deeds at Page 581 on October 9, 1959, in Erie County Clerk's Office; thence Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of said lands described in description indicated on said map recorded in Liber 6500 at page 581 for a distance of 24.22 feet to the Easterly line Lake Shore Road also called State Highway 5019, as now established, thence continuing Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of lands of Alexander Ver (reputed owner) for a distance of 200.78 feet to the point of beginning of the lands described herein; thence continuing Southeasterly at a bearing of South 56 degrees, 32 minutes 08 seconds East along the Northerly line of lands of Loretta Bahorski, Ann Weber, Mary Chentfant and Frank Ver (reputed owners) for a distance of 225.0 feet to the Easterly line of said lands of Loretta Bahorski, et al; thence Southwesterly at a bearing of South 33 degrees 27 minutes, 52 seconds West along said Easterly line of lands of Loretta Bahorski, et al, for a distance of 110.0 feet to the Southerly line of lands of Loretta Bahorski, et al; thence Northwesterly at a bearing of North 56 degrees, 32 minutes, 8 seconds West along said Southerly line of lands of Loretta Bahorski, et al; for a distance of 225.0 feet to the Westerly line of lands of Loretta Bahorski, et al; thence Northeasterly at a bearing of North 33 degrees, 27 minutes, 52 seconds East along said Westerly line of lands of Loretta Bahorski, et al, for a distance of 110.00 feet to the point or place of beginning, containing 0.57 acres of land, more or less.

(LIBER 7692, PAGE 547)

All that Tract or Parcel of Land, situate in the Town of Hamburg, County of Erie, State of New York and being part of Lot 10, Township 10, Range 8 of the Buffalo Creek Reservation, more particularly bounded and described as follows:

Commencing at the point of intersection of the Southerly line of said Lot 10 and the former Southeasterly line of Lake Shore Road, also called State Highway 5019, (as a 100.0 foot wide right-of-way); thence Northeasterly at a bearing of North 43 degrees, 25 minutes, 12 second East 567.05 feet along said former Southeasterly line of Lake shore Road to an angle point; thence Northeasterly at a bearing of North 33 degrees, 27 minutes, 52 seconds East 440.50 feet along said former Southeasterly line of Lake Shore Road for a total distance from said Southerly line of Lot 10 of 1,007.55 feet to the Northwesterly corner of lands described in description indicated on New York

State Department of Public Works – Map No. 80 parcel No. 102 – Map and Description for the Appropriation of Property – Lake Shore – Lackawanna City S. H. 5019 – Mile Strip Road Interchange, Erie County, recorded in Liber 6500 of Deeds at Page 581 on October 9, 1959, in Erie County Clerk’s Office; thence Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of said lands described in description indicated on said map recorded in Liber 6500 of Deeds at page 581 for a distance of 24.22 feet to the Easterly line of Lake Shore Road, also called State Highway 5019, as now established, and the point of beginning of the lands described herein; thence continuing Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of lands of Alexander Ver (reputed owner) for a distance of 200.78 feet to the Easterly line of said lands of Alexander Ver; thence Southwesterly at a bearing of South 33 degrees, 27 minutes, 52 seconds West along said Easterly line of lands of Alexander Ver for a distance of 110.0 feet to the Southerly line of said lands of Alexander Ver; thence Northwesterly at a bearing of North 56 degrees, 32 minutes, 08 seconds West along said Southerly line of lands of Alexander Ver for a distance of 199.23 feet to the Easterly line of Lake Shore Road also called State highway 5019, as now established, and the Southeasterly corner of the aforementioned lands described in description indicated on said map recorded in Liber 6500 of Deeds at page 581; thence Northeasterly along said Easterly line of Lake Shore Road (said Easterly line being on an arc having a radius of 7,515.0 feet, the chord of said arc having a bearing of North 32 degrees, 39 minutes, 26 seconds East and a length of 110.01 feet, more or less) for an arc distance of 110.01 feet, more or less, to the point or place of beginning, containing 0.50 acres of land, more or less.

Section 3. Such extension includes the reconstruction of approximately 5,000 linear feet of sewer line and the maximum amount to be expended for such extension shall be \$500,000, and such amount shall be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District’s benefit and assessment formulas, as such formulas currently exist and as amended from time to time.

Section 4. WITH RESPECT TO THE CONSOLIDATION, it is hereby determined that it is in the public interest to assess all expenses of Erie County Sewer District No. 3, including all extensions heretofore and hereafter established, as a charge against the entire area of Erie County Sewer District No. 3 as extended.

Section 5. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, in the Hamburg Sun and the Front Page, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

(4-0) Legislator Chase absent.

4.	Item	Page	-2003	(Comm. 5E-14)
	COUNTY EXECUTIVE			

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, the County of Erie has secured the services of Pratt and Huth Associates to assist with the analysis of the Windom area wet weather flows in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the A/E Agreement dated October 17, 1991 with Pratt and Huth Associates, at the final contract amount of \$59,084.65.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated October 17, 1991 between the County of Erie/Erie County Sewer District No. 3 and Pratt and Huth Associates be formally closed-out in the final contract amount of \$59,084.65; and be it further

RESOLVED, that the Erie County Division of Sewerage Management is hereby authorized and directed to close-out the contract of October 17, 1991 between the County of Erie/Erie County Sewer District No. 3 and Pratt and Huth Associates; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one copy to Nancy Naples, Erie County Comptroller, Assistant County Attorney Gregory Dudek and John Rizzo, Deputy Comptroller.
(4-0) Legislator Chase absent.

DALE W. LARSON
CHAIRMAN

MR. LARSON moved to separate items #1, 2 & 3 and moved the approval of the balance of the report. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #1. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #2. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #3. MS. CUSACK seconded.

MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90

March 13, 2003

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

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

- | | | | | |
|----|---|------|-------|----------------|
| a. | Item | Page | -2002 | (Comm. 11D-9) |
| | ECC: Institutional Assessment Final Official Report 5/23/02. | | | |
| | (4-0) Legislator Fisher absent. | | | |
| | | | | |
| b. | Item | Page | -2002 | (Comm. 11E-5) |
| | CUSACK: Letter to ECC Re: Institutional Autonomy. | | | |
| | (4-0) Legislator Fisher absent. | | | |
| | | | | |
| c. | Item | Page | -2002 | (Comm. 16D-9) |
| | ECC: Draft Agreement Between County Executive, Legislature & Board of Trustees of ECC for Operation & Administration of ECC. | | | |
| | (4-0) Legislator Fisher absent. | | | |
| | | | | |
| d. | Item | Page | -2002 | (Comm. 20E-11) |
| | COMPTROLLER: ECC Institutional Autonomy. | | | |
| | (4-0) Legislator Fisher absent. | | | |
| | | | | |
| e. | Item | Page | -2003 | (Comm. 5E-6) |
| | COMPTROLLER: ECC –Local Law Authorizing ECC’s Authority & Responsibility for Performance of its Own Personnel, Payroll & Purchasing. | | | |
| | (4-0) Legislator Fisher absent. | | | |

2. Item Page -2003 (Comm. 5E-17)

COUNTY EXECUTIVE

Whereas, the Buffalo and Erie County Historical Society, Inc. (BECHS) has requested extraordinary funding assistance from Erie County, in the amount of \$70,000, to assist the Society in addressing its substantial fiscal problems that have resulted primarily from the loss of City of

MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

Buffalo funding to the Society in 2002, and from impacts resulting from the national economic downturn throughout the last several months, which includes the BECHS not meeting income goals in attendance/admissions, gift shop sales, and corporate foundation giving; and

Whereas, the Buffalo and Erie County Historical Society, a regional cultural asset located in a nationally renowned National Register listed building, is the caretaker and recorder of Buffalo and Erie County's written, spoken, pictorial and artifactual history, and the requested extraordinary County funding is essential to the BECHS successfully implementing a long-term fiscal stabilization program which will enable the Historical Society to continue its priority programs for Buffalo and Erie County; and

Whereas, it is important to understand that this funding request to Erie County is being made in addition to other cost savings and revenue producing efforts being undertaken by BECHS staff and its Board of Directors, which include the Society having taken dramatic action at the beginning of 2002 to control costs,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with the Buffalo and Erie County Historical Society, Inc., which will enable the County to provide extraordinary funding assistance, in the amount of \$70,000, to the Buffalo and Erie County Historical Society, as part of the Society's long term fiscal and programming strategy; and be it further

RESOLVED, that \$70,000 is hereby appropriated to address the Buffalo and Erie County Historical Society's extraordinary funding needs, the source of funds being unanticipated tobacco residual funds (DAC Code: 110 923310528 0100); and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Comptroller, the Commissioner of the Department of Environment and Planning; the Director of the Division of Budget, Management and Finance; and William Siener, Executive Director, Buffalo and Erie County Historical Society, 25 Nottingham Court, Buffalo, NY 14216. (4-0) Legislator Fisher absent.

**ELISE M. CUSACK
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

March 13, 2003

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CHASE.

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

	Item	Page	-2003	(Comm. 4D-5)
a.	COUNTY ATTORNEY:	Notice of Claims.		
	(4-0) Legislator Chase absent.			

	Item	Page	-2003	(Comm. 4D-6)
b.	COUNTY ATTORNEY:	Notice of Claims.		
	(4-0) Legislator Chase absent.			

STEVEN P. McCARVILLE
CHAIRMAN

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

Re: Memorializing State Legislation (A1628)
“Penny’s Law.” (Intro. 6-1)

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

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

WHEREAS, rape and murder committed by violators of any age are deplorable crimes, which are unacceptable in a civilized society, and

WHEREAS, under current New York State Penal Law a juvenile who is prosecuted as an adult in class A felony cases, if convicted, is still sentenced as a juvenile, and

WHEREAS, Legislation (A1628), commonly referred to as “Penny’s Law,” under consideration in The New York State Assembly after overwhelming approval in the Senate for the last three years, would rectify the grievous discrepancy by raising the current sentence for murder in the second degree from 5-9 years to 15-25 years to life, and

WHEREAS, “Penny’s Law” honors the life, which was prematurely taken from Penny Lea Brown, a nurse and mother from Salamanca, New York who was brutally raped and murdered on Mother’s Day in 1999, at the hands of a 15 year old criminal, convicted as an adult, but sentenced as a juvenile to a maximum of 9 years in prison, and

WHEREAS, Jennifer Bolender was also viciously murdered last December near the pedestrian bridge over the LaSalle Expressway, allegedly at the hands of two teenage boys, and

WHEREAS, this Honorable Body previously passed a resolution memorializing “Penny’s Law” and again joins the nearly 600 groups and individuals statewide including the New York State Sheriff’s Association, the New York State District Attorney’s Association, several other county legislatures, mayors, sheriff’s departments, chiefs of police and the growing bi-partisan coalition in the New York State Assembly in support of legislation (A1628),

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body reconfirms an unwavering commitment to protecting all citizens from violent criminals and sexual offenders of any age, and

RESOLVED, that this Honorable Body supports “Penny’s Law” (A1628) and urges the New York State Assembly to pass this legislation and Governor George Pataki to sign it into law, and

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

Fiscal Impact: NONE

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

CARRIED UNANIMOUSLY.

MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 93

Re: Consideration for Public Benefit Funding.
(Intro. 6-2)

A RESOLUTION SUBMITTED BY
LEGISLATOR CHASE

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Community Concern of WNY	\$10,000	CHASE
Eden Fire Department NO. 1	\$3,000	CHASE
Hamburg Vol. Fire Company, Inc.	\$10,000	CHASE
Hamburg Township VFW Post 1419	\$5,000	CHASE
Hamburg Civic Beautification Committee	\$2,000	CHASE
New Phoenix Theatre	\$5,000	CHASE
North Collins Central School	\$2,500	CHASE
Pinehurst Community Playground	\$1,500	CHASE
Sisterhood Wellness Center, Inc.	\$3,000	CHASE
TOTAL	\$42,000	

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ERIE COUNTY LEGISLATURE

And be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the Legislature – Contractual Expense (DAC: 110905100830) to General Fund, Interfund Transfers, Interfund-Library (DAC 1109253208864200), and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account: Interfund-Subsidy revenue (DAC 8209734206863200) \$5,000, and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account: North Collins Memorial Public Library (DAC 820973420830172) \$5,000, and be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 30 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 94

Re: Consideration for Public Benefit Funding.
(Intro. 6-3)

A RESOLUTION SUBMITTED BY
LEGISLATORS MARINELLI & FISHER

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

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March 20, 2003

ERIE COUNTY LEGISLATURE

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Buffalo Olmsted Parks Conservancy	\$37,500	MARINELLI
Buffalo Olmsted Parks Conservancy	\$37,500	FISHER
TOTAL	\$75,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
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MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

Buffalo Olmsted Parks Conservancy	\$37,500	FISHER
Buffalo Olmsted Parks Conservancy	\$37,500	MARINELLI
Gay & Lesbian Youth Services of WNY, Inc.	\$1,500	FISHER
WNY Writing Project - Canisius College	\$2,000	FISHER
National Alliance for the Mentally Ill	\$1,000	FISHER
The Mark Twain Museum	\$1,000	FISHER
Just Buffalo Literary Center	\$9,000	FISHER
Buffalo Philharmonic Chorus	\$1,000	FISHER
Aids Family Services	\$5,000	FISHER
Everywoman Opportunity Center, Inc.	\$3,000	FISHER
Meals on Wheels of Buffalo & Erie County	\$2,500	FISHER
TOTAL	\$106,000	

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95

Re: Consideration for Public Benefit Funding.
(Intro. 6-4)

A RESOLUTION SUBMITTED BY
LEGISLATOR FALKNER

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

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

NOW, THEREFORE, BE IT

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

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<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Greater Niagara Frontier Boy Scouts	\$5,000	FALKNER
Southtowns YMCA	\$3,000	FALKNER
West Seneca Rotary Foundation	\$25,000	FALKNER
West Seneca Youth Bureau	\$20,000	FALKNER
Safehomes (Parent Handbook)	(\$2,500)	FALKNER
West Seneca Youth Bureau	\$2,500	FALKNER
TOTAL	\$53,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

Re: Consideration for Public Benefit Funding.
(Intro. 6-5)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Ellwood Volunteer Fire Company	\$15,000	MARINELLI
Kenilworth Fire District #2	\$10,590	MARINELLI
TOTAL	\$25,590	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

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

A RESOLUTION SUBMITTED BY

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

LEGISLATOR SWANICK

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
River Road Volunteer Fire Company	\$3,000	SWANICK
Village of Kenmore	\$6,000	SWANICK
City of Tonawanda Community Development Agency	\$6,000	SWANICK
NICYO	\$3,000	SWANICK
TOTAL	\$18,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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March 20, 2003

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Item 34 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

Re: Consideration for Public Benefit Funding.
(Intro. 6-7)

A RESOLUTION SUBMITTED BY
LEGISLATOR DUSZA

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
General Pulaski Association	\$10,000	DUSZA
Cheektowaga Justice Court	\$5,000	DUSZA
St. Josaphat's Parish Outreach Program	\$4,500	DUSZA
Depew/Cheektowaga Taxpayers Assoc.	\$1,500	DUSZA
Depew American Legion Post 1528	\$1,000	DUSZA
TOTAL	\$22,000	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

Re: Consideration for Public Benefit Funding.
(Intro. 6-8)

A RESOLUTION SUBMITTED BY
LEGISLATOR McCARVILLE

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
East Aurora Elementary PTO - Playground Fundraising Committee	\$10,000	MCCARVILLE
Aurora Waldorf School	\$3,000	MCCARVILLE
East Aurora Boys & Girls Club	\$4,000	MCCARVILLE
Aurora Adult Day Care	\$2,000	MCCARVILLE
Aurora Senior Center	\$3,000	MCCARVILLE

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Friends of Emery Park	\$3,000	MCCARVILLE
Explore & More	\$1,000	MCCARVILLE
West Falls Fire Co.	\$3,000	MCCARVILLE
East Aurora Fire CO.	\$3,000	MCCARVILLE
Hawk Creek	\$3,000	MCCARVILLE
Aurora Post #362 - Legion	\$2,000	MCCARVILLE
Orchard Park Boys & Girls Club	\$4,000	MCCARVILLE
Orchard Park Senior Center	\$3,000	MCCARVILLE
Orchard Park Chamber of Commerce	\$5,000	MCCARVILLE
Orchard Park Post Prom	\$500	MCCARVILLE
Orchard Park Police DARE	\$500	MCCARVILLE
Orchard Park Fire Company	\$3,000	MCCARVILLE
Hillcrest Fire Company	\$3,000	MCCARVILLE
Orchard Park Boy Scouts	\$2,000	MCCARVILLE
Colden Fire Company	\$3,000	MCCARVILLE
Colden Highway Department	\$7,000	MCCARVILLE
LK Painter Community Center	\$3,000	MCCARVILLE
Blossom Garden School	\$3,000	MCCARVILLE
Collins Fire Company	\$3,000	MCCARVILLE
Collins Center Fire Company	\$3,000	MCCARVILLE
Gowanda Fire Company	\$3,000	MCCARVILLE
Drum Corps International	\$5,000	MCCARVILLE
Community Concern	\$2,500	MCCARVILLE
TOTAL	\$90,500	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

Re: Adopting Erie County Legislature's Rules of Order for 2003. (Intro. 6-9)

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

WHEREAS, the Erie County Legislature annually considers the adoption of Rules of Order for the conduct and procedure of this Honorable Body in order to exercise its powers and duties authorized by law including the Erie County Charter, Erie County Code and N.Y. County Law, and

WHEREAS, this Honorable Body desires to adopt such rules for the year 2003,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the Rules of Order for 2003 as follows:

2003
RULES OF ORDER
ERIE COUNTY LEGISLATURE

SECTION 1.00: ORGANIZATION

1.01 MAJORITY AND MINORITY LEADERS:

Annually, the members of the Legislature shall select Majority and Minority Leaders of their respective caucuses. By weighted vote of the membership of the Legislature there shall be designated a majority of the Legislature which shall be designated as the Majority Caucus. The remaining members of the Legislature shall be designated as the Minority Caucus. The Majority Leader shall be chosen by a petition subscribed to by a majority of the weighted vote of the members of the Majority Caucus, and the Minority Leader shall be chosen by a petition subscribed to by a majority of the weighted vote of the members of the Minority Caucus. In no case shall the Minority and Majority Leaders be members of the same political affiliation.

In addition to any other powers or responsibilities attributable to the Majority Leader and Minority Leader, the Majority Leader shall appoint the Legislature's Majority staff and the Minority Leader shall appoint the Legislature's Minority staff.

1.02 ACTING CHAIRMAN:

In the physical absence of the Chairman from any meeting of the Legislature, the designated Majority Leader shall become acting Chairman with all the powers and duties of Chairman for so long as the Chairman is physically absent.

In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chairman.

SECTION 2.00: MEETINGS

2.01 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.

2.02 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 weighted vote 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 section, 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 service 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 Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

2.03 QUORUM:

The weighted majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn. In the event that a legislator, as a member of the armed forces, is called to active duty rendering it impossible for the

legislator to be physically present at a meeting of the Legislature, the legislator shall be allowed to participate in the transaction of business through telephonic means and/or videoconferencing.

2.04 CHAIRMAN TO SECURE A QUORUM:

In the absence of a quorum during the sessions of the Legislature, the Chairman may take such measures as provided by law and as the Chairman may deem necessary to secure the presence of a quorum.

2.05 ROLL CALL, MINUTES, ABSENCES:

At any and every meeting of the Legislature, upon the members being called to order by the Chairman, the roll of members shall be called by the Clerk, and the names of those absent shall be inserted in the Minutes. The Majority and Minority Leaders should note the absence of any of their members because of county business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Legislature, the name of the member presenting or moving the same and seconding shall be entered.

2.06 ORDER OF BUSINESS:

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions;
4. The consideration of Communications, Local Laws and Resolutions on the table of Legislature;
5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;
9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;

10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;
11. Unfinished Business;
12. Announcements from the Chair;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chairman in his or her discretion may change the Order of Business at any session except as otherwise provided in Section 4.04.

2.07 ORDER DURING SESSION:

The Chairman shall take the chair promptly at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chairman and confined to the question before the Legislature, avoiding all personalities and reflections upon one's motives. The Chairman shall prevent personal reflections and confine members to the question under discussion. The Chairman shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

2.08 APPEAL FROM THE CHAIRMAN'S RULING:

On every appeal, the Chairman shall have the right to assign his reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chairman shall put the question: "Shall the Ruling of the Chairman be overturned?"

A motion to overrule a decision or ruling of the Chairman shall require approval by a majority of the weighted vote of the Legislature.

2.09 PRIVILEGE OF THE FLOOR:

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

2.10 REFERRALS TO COMMITTEE:

The Chairman, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the county or any other matter that there is a question of legality. The Chairman's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chairman's ruling has been

decided however, and if the same has been a determination in favor of the Chairman's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:

While the Chairman is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chairman shall allow opportunity for debate before the roll is called.

2.12 TIE VOTE:

When the Legislature shall be equally divided on any question, including the Chairman's vote, the question shall be deemed to have been lost.

2.13 PRIORITY OF BUSINESS:

All questions relative to priority of business shall be decided by the Chairman without debate, except as otherwise provided in Section 4.03, and the Chairman's decision shall be final.

2.14 LIMITATION ON TIME OF SPEECH:

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission of the majority of the weighted vote of the Legislature.

2.15 MAJORITY VOTE:

A majority of the total weighted vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by member(s) of the legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority of the weighted vote of the full legislature, except in such instances when items are removed from the agenda pursuant to Section 5.05.

2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

The Chairman, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chairman's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

2.17 RECORDING OF VOTE:

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

2.18 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of

the Legislature, and the Clerk shall record the names of the members and the way each shall have respectfully voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

2.19 BORROWING MONEY:

The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings, as the statute requires.

2.20 VOTE ON DISTINCT PROPOSITION:

If the question in debate contains several distinct propositions, the same shall be divided by the Chairman at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.

2.21 ABSTENTIONS:

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chairman must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chairman shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

2.22 SPEAK WHEN RECOGNIZED BY CHAIRMAN:

No member wishing to speak shall proceed without standing and without having addressed the Chairman from his or her place and until obtaining recognition by the Chairman.

2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:

These rules may at any time during the session be suspended by unanimous consent of all members of the Legislature present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority of the weighted vote of the Legislature for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the Legislature present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chairman of the Legislature, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

2.24 PRESENTATION OF MOTION:

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature;
2. A call of the Legislature;
3. To move the previous question;
4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

2.25 WITHDRAWAL OF RESOLUTION OR MOTION:

Any resolution or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairman of the vote thereon or before an amendment to such resolution or motion has been adopted.

2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chairman is putting any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

2.27 PREVIOUS QUESTIONS AND AMENDMENTS:

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue. If an amendment is being debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.
2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or "o n all pending questions.

2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which a change of vote is requested took place and at which a quorum is present.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Legislature, which can be given by general consent, or by adoption of a motion to grant the permission.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Legislature without unanimous consent.

2.29 MOTION TO RESCIND:

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative weighted vote of a majority of the total members of the Legislature.

2.30 COMMITTEE OF THE WHOLE:

The Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairman may name a member to preside.

2.31 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chairman of the Legislature or the Chairman of the Committee of the Whole, if so named, shall immediately report the fact to the Chairman of the Legislature and the adjournment of the Committee of the Whole shall be in order.

2.32 PRESENTATIONS TO BE IN WRITING:

All petitions, resolutions, committee reports and amendments thereof, shall be in writing.

2.33 TIME FOR PRESENTATION TO CLERK:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:

The Clerk of the Legislature shall not place any request for legislative action, which is filed by a county elected official, other than a county legislator, or by a non-elected county official, on the agenda for a regular or special legislative session, unless such request includes a sample resolution and an accompanying memorandum, which presents and includes:

- A SUMMARY OF RECOMMENDED ACTION
- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION
- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

2.35 SOLICITATIONS:

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

SECTION 3.00: COMMITTEES**3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:**

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

3.02 STANDING AND SPECIAL COMMITTEES:

There shall be the following standing committees to consist of five members each, except the Budget, Finance & Management Committee which shall consist of seven members for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chairman within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Clerk of the Legislature and printed in the journal.

STANDING COMMITTEES

Economic Development
 Finance & Management
 Energy & Environment
 Public Safety
 Human Services
 Community Enrichment
 Government Affairs
 Regionalism

SPECIAL COMMITTEES

The Chairman of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chairman may determine.

3.03 CHAIRMAN EX OFFICIO MEMBER OF ALL COMMITTEES:

The Chairman shall be a member Ex Officio of all committees with a vote thereon. The Chairman's presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chairman without delay.

3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

The Chairman of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

3.05(1) CONDUCT OF COMMITTEES:

All committees appointed by the Chairman shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with the departments of county government and the work entrusted to each of such committees.

3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:

Any matter referred by a committee to a department head for report of study shall be laid on the committee table for one week unless a longer period is specified by the committee.

3.05(3) REPORT ON ANY FINAL ACTION OF COMMITTEE:

Any final action taken by a majority of the weighted vote of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Legislature by a majority of the weighted vote of its total membership.

3.05(4) COMMITTEE AGENDA:

An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature.

3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:

No report shall be made by any committee on any subject referred to it except by a majority of the weighted vote of the total membership of the committee unless the Legislature otherwise directs. All reports of committees shall be in writing and presented to the full Legislature for consideration at the next succeeding regular session of the Legislature, except the report of the Budget, Finance and Management Committee on the County Executive's Tentative Annual Budget, as provided in Section 4.01.

3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Legislature (unless immediate consideration is given by a majority of the weighted vote of the Legislature). This rule shall not apply to reports of Standing and Special Committees on the last regular session before summer adjournment nor on the last regularly adjourned session at the close of the year.

SECTION 4.00: BUDGET**4.01 TENTATIVE BUDGET:**

The County Executive shall, on or before the 10th of November, submit thirty-five (35) copies of the tentative budget to the Legislature. The Budget, Finance & Management Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chairman of the Budget, Finance & Management Committee shall present such tentative budget to the Budget, Finance & Management Committee for its consideration. The Budget, Finance & Management Committee shall hold such meetings thereon as it may determine, and may require any officer or employee of the county or the head of any county department, bureau, office, board or commission, or of any organization receiving financial aid from the county, to appear before the committee for the purpose of furnishing any information required by the committee in its consideration of the tentative budget. After such consideration, the Budget, Finance & Management Committee shall approve such tentative budget as originally prepared or with such amendments or changes therein as the committee may determine, and shall submit such tentative budget, together with its report thereon, to the Legislature not later than the first Tuesday of December in each year. The report of the Budget, Finance & Management Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 1803 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 1803 of the Charter.

4.03 LEVY OF SCHOOL TAXES:

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

4.04 ADOPTION OF BUDGET:

On or before the first Tuesday of December, following the submission of the tentative budget, the budget shall be the first order of business following consideration of the Minutes. Upon conclusion of the consideration of the budget, as provided in the Charter and Code, the motion to adopt the budget, either with amendments thereto, if any, to make the necessary appropriations therefore, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Budget, Finance & Management Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 1803, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

SECTION 5.00: MISCELLANEOUS

5.01 APPOINTMENTS AND CONFIRMATIONS:

All appointments by this Legislature shall lie on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chairman of the Legislature, notice of their candidacy for that position. The Chairman of the Legislature shall notify the Chairman of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chair of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chairman of the Legislature, for the purpose of interviewing the candidate(s).

5.02 PURCHASE OVER \$10,000.00:

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement. On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall

include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

5.03 ANNUAL REPORTS:

The County Executive shall make an annual report to the County Legislature concerning the activities of the several administrative units of the county during the preceding fiscal year in such detail, as the County Legislature shall direct. The head of any bureau or organization receiving financial support from the county shall make an annual report concerning the activities of the respective bureaus or organizations during the preceding fiscal year. The County Executive, or the head of the bureaus or organizations shall file thirty (30) copies of said report with the Clerk of the Legislature not later than March first of each and every year.

Such reports, weekly and monthly, as prescribed by the Legislature shall be furnished to the Legislature by all department heads and heads of bureaus and organizations receiving financial support from the county. Such reports shall be received and filed or referred to appropriate committees.

5.04 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time the proposal has been reviewed and recommended by the Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The Clerk of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

5.05 REDUCTION OF AGENDA:

Any local law, resolution or other item pending on the agenda of the Legislature itself, or any committee or subcommittee thereof, that was first introduced, submitted and filed prior to January 1 of any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

5.06 DUTIES OF ADMINISTRATIVE ASSISTANTS:

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

5.07 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Clerk of the Legislature will maintain an accounting log of the Legislature's in-house postage meter.

3. All members of the Legislature are entitled to one (1) district wide mailing (newsletter, calendar of events, etc.) per year. Printing and postage costs will be inclusive.
4. Two (2) weeks prior to the printing and/or sending of a district wide mailing, the member must notify the Chairman of the Legislature and submit a final copy of the intended mail piece. Timely scheduling of mailing resources and targeted mailing date will be set upon printing and staff availability.
5. District wide mailings allowed to each member under this policy must be **postmarked and mailed**, no later than, forty-five (45) days prior to the date of the Erie County Legislature Primary Election or Erie County Legislature General Election to which the member is a candidate.
6. District wide mailings will not be authorized after the Erie County Legislature General Election, to which the member is a candidate, except at the discretion of the Chairman and ratification of an authorizing resolution by a majority of the weighted vote of the Legislature.
7. The Chairman, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
8. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings.
9. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.
10. This policy is retroactive to February 1, 2002.

5.08 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

5.09(1) DECORUM IN LEGISLATURE CHAMBER:

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

5.09(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:

All visitors and spectators to the Erie County Legislature must be respectful and obey the rules of order promulgated by this Honorable Body.

5.09(3) FLOOR MOVEMENT:

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Legislature Chamber will be restricted during sessions and public hearings to Legislators, Legislature Staff, Credentialed Members of the Media, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Erie County Legislature.

5.09(4) BANNERS, SIGNS AND PLACARDS:

Any display of banners, signs, or placards in the Legislature Chamber or Committee Rooms that is disruptive to the deliberative process of the Erie County Legislature and not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(5) DISTRIBUTION OF LITERATURE OR MATERIALS:

Any distribution of literature or materials in the Legislature Chamber or Committee Rooms not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(6) AUDIO RECORDING:

Audio recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature.

5.09(7) VIDEO RECORDING:

Video recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature; and
- c) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

5.09(8) VIOLATIONS:

Any violation of the order or decorum of the Legislature subjects an offending party to removal from the Erie County Legislature's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

5.10 AMENDMENT OF RULES:

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority of the weighted vote of the total members of the Legislature, and only after at least one day's notice in writing, filed with the Clerk of the Legislature.

SECTION 6.00: EFFECTIVE DATE

6.01 EFFECTIVE DATE:

These rules shall be effective immediately upon adoption by a majority of the weighted vote of the total membership of the Legislature.

Fiscal Impact: None for Resolution

MR. HOLT moved to send the resolution to Committee. MR. DALE seconded.

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

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

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED. (WEIGHTED VOTE: 8.585 – 8.415)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

Re: Requesting 2004 Federal Funding for Continuing Restoration of Graycliff Estate & Conservancy. (Intro. 6-10)

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

WHEREAS, Erie County has provided the Graycliff Conservancy with \$668,000 in restoration funds and \$35,000 in operational funds to support the restoration of the Frank Lloyd Wright designed Graycliff Estate in Derby, New York, and

WHEREAS, the Graycliff Conservancy's primary goal in acquiring and restoring the Graycliff Estate is to preserve this important architectural treasure in our community and create economic development through heritage tourism, and

WHEREAS, the Buffalo-Niagara Region's location at the junction of Lake Erie and the Niagara River, as well as its proximity to the Canadian border, has created a rich legacy tied to many milestones in American history, and

WHEREAS, at the turn of the century the City of Buffalo's prosperity was mirrored in the beauty and diversity of its architecture, including the work of celebrated architects such as H. H. Richardson and Frank Lloyd Wright, and a national landmark series of parks and parkways designed by Frederick Law Olmsted, and

WHEREAS, the Graycliff Conservancy's efforts compliments and strengthens the current restoration of the Darwin D. Martin House which was designed by Frank Lloyd Wright in 1904, and

WHEREAS, Graycliff and the Martin House are respective "portraits" of Isabelle and Darwin Martin and these two homes offer the public a unique opportunity to Compare and contrast Mr. Wright's plan for a male vs. a female patron, as well as an urban, primary residence vs. a summer country estate, and

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WHEREAS, Frank Lloyd Wright's stature as the leading American architect of the 20th century, together with the compelling "story" of his achievements in our community and his long-term relationship with the Martin family will provide an anchor for heritage tourism efforts in Western New York, and

WHEREAS, the Graycliff Conservancy is actively participating in several bi-national and regional initiatives which give urgency to their efforts to return the Graycliff complex to its original landmark design, and

WHEREAS, the Graycliff Estate will be the only Frank Lloyd Wright site serving as a host location for the public arts project Art on Wheels, sponsored by the Burchfield-Penney Art Center, and

WHEREAS, the Graycliff Estate will take part in the second annual cross-border doors Open initiative which invites the public to visit selected architecturally significant sites in Western New York at no charge, and

WHEREAS, the Graycliff Conservancy continues its collaboration with other attractions located south of Buffalo to market their sites through a collective brochure, and

WHEREAS, Graycliff's participation in all of these projects will provide an excellent opportunity to attract new audiences and significantly increase site attendance at Graycliff, which will result in a substantial economic benefit for the Buffalo-Niagara Region, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby requests the assistance of U.S. Senators Hillary Rodham Clinton and Charles Schumer, as well as Congressmen Jack Quinn, Thomas Reynolds and the members of the entire New York State Congressional Delegation to identify and secure \$1 million in FY 2004 federal funds to restore the Graycliff Estate, which is a sponsored project of the federal Save America's Treasures program and is an official site on the Seaway Trail, New York State's only National Scenic Byway, and be it further

RESOLVED, that a certified copy of the resolution shall be provided to U.S. Senators Hillary Rodham Clinton and Charles Schumer, US Congressmen Jack Quinn and Thomas Reynolds, along with the members of the entire New York State Congressional Delegation, Erie County Executive Joel A. Giambra, Laurence K. Rubin – Erie County Commissioner of Environment & Planning and to the Graycliff Conservancy Board of Directors.

Fiscal Impact: None for Resolution

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

CARRIED. (WEIGHTED VOTE: 16.070 – 0.930)

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Item 38 – CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 6-11 From LEGISLATOR WEINSTEIN Re: NYS Wireless Service Surcharge.

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

GRANTED.

Intro. 6-12 From LEGISLATOR DeBENEDETTI Re: Donation of Surplus Copier.

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

GRANTED.

Intro. 6-13 From LEGISLATORS HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH, DUSZA & MARINELLI Re: Plans for Controlling Spending & Containing Costs in County Budget.

Item 41 – CHAIRMAN SWANICK directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 6-14 From LEGISLATORS HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH, DUSZA & MARINELLI Re: Supporting Legislation to Require All Gas & Electric Corporations to Respond to Customer Calls Involving Safety & Reliability Issues.

Item 42 – CHAIRMAN SWANICK directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 6-15 From LEGISLATOR FISHER Re: Recommending Formation of Olmstead Compliance Committee.

Item 43 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

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Intro. 6-16 From LEGISLATORS HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH, DUSZA & MARINELLI Re: Support for NYSAC's Efforts to Urge NYS to Cap Mandatory Local Share Contributions to Medicaid Program.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 44 – MR. HOLT moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 3-6. MR. KUWIK seconded.

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

RECONSIDERATIONS

Item 45 – MR. LARSON presented the Finance & Management Committee Report No. 2 for reconsideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102

February 27, 2003

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

Item Page -2002 (Comm. 10D-8)
 a. **COMPTROLLER:** Previously Issued Audit Reports – Pilot Comm. 20E-6 (2001) & Commissary/Holding Center & Correctional Facility Audit Comm. 3E-2. (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2002 (Comm. 11E-9)
 b. **COMPTROLLER:** Expenditure Review of Tobacco Fund Capital Projects for Period 1/1/01 – 2/28/02.

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(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

- Item Page -2002 (Comm. 24E-1)
 c. **COMPTROLLER:** Audit – Public Benefit Agency Contracts Administrated by Erie County
 Legislature for Period 1/1/01 – 12/31/01.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

- Item Page -2002 (Comm. 24E-2)
 d. **COMPTROLLER:** Audit – Buffalo & Erie County Botanical Gardens Society Contract
 Compliance for Period 1/1/01 – 6/30/02.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

- Item Page -2002 (Comm. 25D-1)
 e. **BUDGET, MANAGEMENT & FINANCE:** Budget Monitoring Report for Period Ending
 9/30/02.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

- Item Page -2003 (Comm. 1D-12)
 f. **ECMC:** Copy of Letter to Comptroller Naples Re: ECMC Budget for 2003.
 (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

- Item Page -2003 (Comm. 1E-5)
 g. **COMPTROLLER:** Response to Comm. 1D-12.
 (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

- Item Page -2003 (Comm. 3E-15)
 h. **DALE:** Letter to Clerk of Legislature Re: Vote of Comm. 1E-24 (2003) as Amended to be
 Changed to No.
 (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

- Item Page -2003 (Comm. 4E-10)
 i. **COMPTROLLER:** 2002 Investment Earnings.
 (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

AS AMENDED

2. Item Page -2003 (Comm. 2D-13)
BUDGET, MANAGEMENT & FINANCE

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

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

RESOLVED, that petitions numbered **203079** through **203153** inclusive
 be hereby approved or denied base upon the recommendation of the Director of Real Property Services

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and be charged back to the applicable towns and / or cities.

FISCAL YEAR	2003	Petition No.	203,079.00
	ASSESSOR	Cancel	\$101.06
S-B-L	129.01-3-13	142089 ALDEN	
	Acct. No. 112		\$73.57 County
	Acct. No. 132		\$27.49 Town/SpecialDist/School
Charge To :	142089 ALDEN		\$27.49

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 24,255 WAS MISCALCULATED. THE CORRECT AMOUNT IS 34,650. RPTL550(2)B

FISCAL YEAR	2003	Petition No.	203,080.00
	ASSESSOR	Cancel	\$191.55
S-B-L	97.00-1-5	142089 ALDEN	
	Acct. No. 112		\$106.44 County
	Acct. No. 132		\$85.11 Town/SpecialDist/School
	20019 ALDEN FIRE PROTECTION	\$45.33	
Charge To :	142089 ALDEN		\$39.78

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 150,400 AND SHOULD BE 135,360. RPTL 550(2)A

FISCAL YEAR	2003	Petition No.	203,081.00
	ASSESSOR	Cancel	\$166.57
S-B-L	108.00-1-23.1	142089 ALDEN	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$166.57 Town/SpecialDist/School
Charge To :	142089 ALDEN		\$166.57

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR TWO UNITS OF REFUSE. PARCEL IS A SINGLE FAMILY AND SHOULD BE CHARGED FOR 1 UNIT. RPTL 550(2)E

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FISCAL YEAR	2002	Petition No.	203,082.00
	ASSESSOR	Refund	\$573.06
S-B-L	26.07-3-37	142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$573.06	Town/SpecialDist/School
Charge To :	142289 AMHERST	\$573.06	
	Relevy School	\$573.06	142207 SWEET HOME CENTRAL

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 45,135
 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: JANET BARBEAU

FISCAL YEAR	2003	Petition No.	203,083.00
	ASSESSOR	Cancel	\$405.83
S-B-L	26.07-3-37	142289 AMHERST	
	Acct. No. 112	\$198.19	County
	Acct. No. 132	\$207.64	Town/SpecialDist/School
Charge To :	142289 AMHERST	\$207.64	

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 42,627
 (50%) WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR	2002	Petition No.	203,084.00
	ASSESSOR	Refund	\$630.70
S-B-L	27.15-5-38	142289 AMHERST	
	Acct. No. 112	\$92.44	County
	Acct. No. 132	\$538.26	Town/SpecialDist/School
Charge To :	142289 AMHERST	\$538.26	

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVER CHARGED ON THE LIGHT
 DISTRICT TAX . RPTL 550(2)E
 CHECK FOR: CARMEN & BRIDGET MARINACCIO

FISCAL YEAR	2003	Petition No.	203,085.00
	ASSESSOR	Cancel	\$360.90

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S-B-L 41.16-9-5 **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$360.90	Town/SpecialDist/School
Charge To :	142289 AMHERST		\$360.90

CANCEL - CLERICAL ERROR, THE SANITARY SEWER TAX WAS MISCALCULATED INCORRECTLY ON THE TAX BILL. RPTL 550(2)E

FISCAL YEAR 2003 **Petition No.** **203,086.00**

ASSESSOR Refund \$201.60

S-B-L 42.07-7-14 **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$201.60	Town/SpecialDist/School
	22029 SWORMSVILE FIRE PROTECTION	\$201.60	
Charge To :	142289 AMHERST		\$0.00

REFUND - UNLAWFUL ENTRY, PARCEL IS BEING CHARGED FOR SWORMVILLE FIRE DISTRICT. PROPERTY IS IN E AMHERST FIRE DIST. RPTL 550(7)B
 CHECK FOR: MICHAEL & ANN ZIMMERMAN

FISCAL YEAR 2003 **Petition No.** **203,087.00**

ASSESSOR Cancel \$194.18

S-B-L 42.07-7-20 **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$194.18	Town/SpecialDist/School
	22029 SWORMSVILE FIRE PROTECTION	\$194.18	
Charge To :	142289 AMHERST		\$0.00

CANCEL - UNLAWFUL ENTRY, PARCEL IS LOCATED OUTSIDE SWORMSVILE FIRE DISTRICT. PARCEL IS IN THE E AMHERST FIRE DISTRICT. RPTL 550(7)B

FISCAL YEAR 2003 **Petition No.** **203,088.00**

ASSESSOR Cancel \$228.82

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S-B-L 42.10-5-1.1 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$228.82	Town/SpecialDist/School
Charge To :	142289 AMHERST		\$228.82

CANCEL - CLERICAL ERROR, THE PARCEL IS VACANT LAND. THE SEWER TAX AND THE GARBAGE TAX WAS PLACED ON THIS PARCEL IN ERROR. RPTL 550(2)E

FISCAL YEAR 2003 Petition No. 203,089.00

ASSESSOR Cancel \$20,855.10

S-B-L 55.01-1-3.1/B 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$20,855.10	Town/SpecialDist/School
Charge To :	142289 AMHERST		\$20,855.10
	Relevy School	\$20,855.10	142203 WILLIAMSVILLE CENT

CANCEL - CLERICAL ERROR, THE RPTL 520 INCLUDED A SCHOOL TAX THAT WAS PREVIOUSLY PAID DIRECTLY TO THE SCHOOL DISTRICT. RPTL 550(2)H

FISCAL YEAR 2002 Petition No. 203,090.00

ASSESSOR Refund \$582.44

S-B-L 56.05-8-23 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$582.44	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION		\$582.44	
Charge To :	142289 AMHERST		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: NICHOLAS & BARBARA CHRETIS WILLIAMSVILLE CENTRAL

FISCAL YEAR 2003 Petition No. 203,091.00

ASSESSOR Cancel \$1,054.08

S-B-L 67.72-4-40 142289 AMHERST

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	Acct. No. 112	\$218.35	County
	Acct. No. 132	\$835.73	Town/SpecialDist/School
Charge To :	142289 AMHERST		\$835.73
	Relevy School	\$684.73	142201 AMHERST CENTRAL

CANCEL - CLERICAL ERROR, THE DISABILITY EXEMPTION IN THE AMOUNT OF 31,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR	2002	Petition No.	203,092.00
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ASSESSOR	Refund	\$578.95
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S-B-L	68.08-1-23	142289 AMHERST
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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$578.95	Town/SpecialDist/School
Charge To :	142289 AMHERST		\$578.95
	Relevy School	\$578.95	142203 WILLIAMSVILLE CENT

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 29,820 (30%) WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: GEORGE A BLACK

FISCAL YEAR	2003	Petition No.	203,093.00
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ASSESSOR	Cancel	\$295.25
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S-B-L	68.08-1-23	142289 AMHERST
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	Acct. No. 112	\$144.19	County
	Acct. No. 132	\$151.06	Town/SpecialDist/School
Charge To :	142289 AMHERST		\$151.06

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 31,013 (40%) WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR	2002	Petition No.	203,094.00
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ASSESSOR	Refund	\$662.64
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S-B-L	79.25-3-9	142289 AMHERST
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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$662.64	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION		\$662.64	

MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

CANCEL - CLERICAL ERROR, THIS IS A SINGLE FAMILY HOME AND WAS CHARGED FOR 3 UNITS OF REFUSE WHEN IT SHOULD HAVE ONLY BEEN CHARGED FOR 1 UNIT OF REFUSE. RPTL 550(2)E

FISCAL YEAR	2001	Petition No.	203,098.00
	ASSESSOR	Refund	\$115.00
S-B-L	211.00-4-30.112	142600 BOSTON	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$115.00	Town/SpecialDist/School
Charge To :	142600 BOSTON		\$115.00

REFUND - CLERICAL ERROR, THIS PARCEL IS A TWO FAMILY UNIT AND WAS CHARGED FOR 3 UNITS OF REFUSE IT SHOULD BE ONLY 2 UNITS. RPTL 550(2)E
CHECK FOR: RICHARD SCHUNK

FISCAL YEAR	2002	Petition No.	203,099.00
	ASSESSOR	Refund	\$110.00
S-B-L	211.00-4-30.112	142600 BOSTON	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$110.00	Town/SpecialDist/School
Charge To :	142600 BOSTON		\$110.00

REFUND- CLERICAL ERROR, THIS PARCEL IS A 2 UNIT HOME AND WAS CHARGED FOR 3 UNITS OF REFUSE WHEN IT SHOULD ONLY 2 UNITS. RPTL 550(2)E
CHECK FOR: RICHARD A SCHUNK

FISCAL YEAR	2003	Petition No.	203,100.00
	ASSESSOR	Cancel	\$3,433.25
S-B-L	91.15-1-7.2	143089 CHEEKTOWAGA	
	Acct. No. 112	\$88.68	County
	Acct. No. 132	\$3,344.57	Town/SpecialDist/School
Charge To :	143089 CHEEKTOWAGA		\$3,344.57
	Relevy School	\$844.57	143003 CHEEK. UNION #3

CANCEL - CLERICAL ERROR, THE PARCEL WAS PURCHASED AT THE COUNTY AUCTION OCTOBER,2002. DEBRIS REMOVAL AND RELEVY SCHOOL ARE PART OF THE IN REM ACTION. RPTL 550(2)E

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

FISCAL YEAR 2003 Petition No. **203,101.00**

ASSESSOR **Cancel** \$104,716.

S-B-L 102.03-2-20.2 **143089 CHEEKTOWAGA**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$104,716.39 Town/SpecialDist/School

Charge To : **143089 CHEEKTOWAGA** **\$104,716.39**

CANCEL - CLERICAL ERROR, THIE PARCEL IS EXEMPT FROM SANITARY SEWER
 AND DRAINAGE TAXES. RPTL 550(2)E

FISCAL YEAR 2003 Petition No. **203,102.00**

ASSESSOR **Cancel** \$104,750.

S-B-L 102.03-2-20.3 **143089 CHEEKTOWAGA**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$104,750.28 Town/SpecialDist/School

Charge To : **143089 CHEEKTOWAGA** **\$104,750.28**

CANCEL - CLERICAL ERROR, THIS PARCEL IS EXEMPT FROM SANITARY SEWER
 AND DRAINAGE TAXES. RPTL 550(2)E

FISCAL YEAR 2003 Petition No. **203,103.00**

ASSESSOR **Cancel** \$104,750.

S-B-L 102.03-2-20.4 **143089 CHEEKTOWAGA**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$104,750.28 Town/SpecialDist/School

Charge To : **143089 CHEEKTOWAGA** **\$104,750.28**

CANCEL - CLERICAL ERROR, THIS PARCEL IS EXEMPT FROM SANITARY SEWER
 AND DRAINAGE TAXES. RPTL 550(2)E

MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

FISCAL YEAR	2002	Petition No.	203,104.00
	ASSESSOR	Refund	\$49.49
S-B-L	103.08-1-40	143089 CHEEKTOWAGA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$49.49	Town/SpecialDist/School
Charge To :	143089 CHEEKTOWAGA	\$49.49	
	Relevy School	\$49.49	145201 LANCASTER CENTRAL

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS 56,100 AND SHOULD BE 54,100 ON THE TAX ROLL. RPTL 550(2)A
CHECK FOR: RICHARD P BUZIAK

FISCAL YEAR	2003	Petition No.	203,105.00
	ASSESSOR	Cancel	\$36.37
S-B-L	103.08-1-40	143089 CHEEKTOWAGA	
	Acct. No. 112	\$14.84	County
	Acct. No. 132	\$21.53	Town/SpecialDist/School
	30800 EC#4 SS DEPEW CHK	\$1.53	
Charge To :	143089 CHEEKTOWAGA	\$20.00	

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 56,100 AND SHOULD BE 54,100.
RPTL 550(2)A

FISCAL YEAR	2003	Petition No.	203,106.00
	ASSESSOR	Cancel	\$648.20
S-B-L	103.18-1-4.1	143089 CHEEKTOWAGA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$648.20	Town/SpecialDist/School
	30300 ERIE CO SEW DST 1	\$200.00	
	30312 ECSD#1 USER CHARGE	\$448.20	
Charge To :	143089 CHEEKTOWAGA	\$0.00	

CANCEL - CLERICAL ERROR, PARCEL WAS CHARGED IN ERROR FOR A SEWER UNIT AND A USER CHARGE. RPTL 550(2)E

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

FISCAL YEAR	2003	Petition No.	203,107.00
	ASSESSOR	Cancel	\$294.49
S-B-L	82.10-1-19	143200 CLARENCE	
	Acct. No. 112		\$159.58 County
	Acct. No. 132		\$134.91 Town/SpecialDist/School
	32023 HARRIS HILL FIRE DIST	\$47.16	
Charge To :	143200 CLARENCE		\$87.75

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 40,000 ADN SHOULD BE 5,000.
RPTL 550(2)A

FISCAL YEAR	2003	Petition No.	203,108.00
	ASSESSOR	Cancel	\$17.27
S-B-L	82.11-1-27.2	143200 CLARENCE	
	Acct. No. 112		\$3.15 County
	Acct. No. 132		\$14.12 Town/SpecialDist/School
	32023 HARRIS HILL FIRE DIST	\$0.67	
Charge To :	143200 CLARENCE		\$13.45
	Relevy School	\$8.29	143201 CLARENCE CENTRAL

CANCEL - CLERICAL ERROR, THIS PARCEL IS BEING ASSESSED UNDER SBL 82.11-1-27.1. RPTL 550(2)F

FISCAL YEAR	2003	Petition No.	203,109.00
	ASSESSOR	Cancel	\$391.77
S-B-L	215.00-4-21.41	143400 COLDEN	
	Acct. No. 112		\$209.37 County
	Acct. No. 132		\$182.40 Town/SpecialDist/School
	34021 COLDEN FIRE DIST	\$85.21	
Charge To :	143400 COLDEN		\$97.19

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 148,600 AND SHOULD BE 122,700.
RPTL 550(2)A

MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

FISCAL YEAR	2003	Petition No.	203,110.00
	ASSESSOR	Cancel	\$215.67
S-B-L	278.00-1-17.112	143889 CONCORD	
	Acct. No. 112		\$119.19 County
	Acct. No. 132		\$96.48 Town/SpecialDist/School
	38019 CONCORD FIRE PROTECT	\$36.19	
Charge To :	143889 CONCORD		\$60.29

CANCEL - CLERICAL ERROR, THE ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 98,700 AND SHOULD BE 83,200.
RPTL 550(2)A

FISCAL YEAR	2003	Petition No.	203,111.00
	ASSESSOR	Cancel	\$117.06
S-B-L	335.19-5-22	143889 CONCORD	
	Acct. No. 112		\$92.27 County
	Acct. No. 132		\$24.79 Town/SpecialDist/School
Charge To :	143889 CONCORD		\$24.79

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

FISCAL YEAR	2003	Petition No.	203,112.00
	ASSESSOR	Cancel	\$348.53
S-B-L	209.00-4-6	144000 EDEN	
	Acct. No. 112		\$250.57 County
	Acct. No. 132		\$97.96 Town/SpecialDist/School
Charge To :	144000 EDEN		\$97.96

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 45,700 (50%) FOR COUNTY TAX AND 22,850 (25%) FOR TOWN TAXES WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR	2002	Petition No.	203,113.00
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MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

	ASSESSOR	Refund	\$460.76	
S-B-L	238.15-2-11	144000 EDEN		
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$460.76	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$460.76		
Charge To :	144000 EDEN			\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 27,000 ENTITLED TO WAS OMITTED IN FROM THE ROLL. RPTL 550(2)C
CHECK FOR: FRANCIS & CECELI RENAUD EDEN CENTRAL

FISCAL YEAR	2003	Petition No.	203,114.00	
	ASSESSOR	Cancel	\$16,950.86	
S-B-L	126.03-3-31	144200 ELMA		
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$16,950.86	Town/SpecialDist/School
	42020 ELMA FIRE PROTECT	\$8,818.22		
	42021 SPRINGBROOK FIRE PROTECT	\$4,008.88		
Charge To :	144200 ELMA			\$4,123.76

CANCEL - UNLAWFUL ENTRY, PARCELS ARE WHOLLY EXEMPT FROM TAXES. PARCELS ARE RELIGIOUS INSTITUTIONS. RPTL 550(2)A

FISCAL YEAR	2003	Petition No.	203,115.00	
	ASSESSOR	Cancel	\$327.02	
S-B-L	138.01-1-2.1	144200 ELMA		
	Acct. No. 112		\$102.95	County
	Acct. No. 132		\$224.07	Town/SpecialDist/School
	42020 ELMA FIRE PROTECT	\$13.59		
Charge To :	144200 ELMA			\$210.48
	Relevy School		\$201.22	144201 IROQUOIS CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALU WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 1,700 AND SHOULD BE 800.
RPTL 550(2)A

FISCAL YEAR	2003	Petition No.	203,116.00	
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MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

	ASSESSOR	Cancel	\$85.47	
S-B-L	192.20-2-2		144489 EVANS	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$85.47	Town/SpecialDist/School
<u>Charge To :</u>		144489 EVANS		\$85.47

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 8,588 (50%) FOR THE TOWN TAX WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR	2003	Petition No.	203,117.00	
	ASSESSOR	Refund	\$333.95	
S-B-L	206.00-3-21.7		144489 EVANS	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$333.95	Town/SpecialDist/School
<u>Charge To :</u>		144489 EVANS		\$333.95

REFUND - CLERICAL ERROR, THE FRONTAGE WAS FIGURED INCORRECTLY ON THE TAX ROLL. FRONTAGE WAS 596.15 AND SHOULD BE 332.11 RPTL 550(2)E
CHECK FOR: SINBAD DEVELOPMENT

FISCAL YEAR	2003	Petition No.	203,118.00	
	ASSESSOR	Cancel	\$658.75	
S-B-L	207.00-4-22.4		144489 EVANS	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$658.75	Town/SpecialDist/School
<u>Charge To :</u>		144489 EVANS		\$658.75

CANCEL - UNLAWFUL ENTRY, PARCEL IS LOCATED OUTSIDE THE SOUTHWESTERN WATER IMPROVEMENT DISTRICT. RPTL 550(7)B

FISCAL YEAR	2001	Petition No.	203,119.00	
	ASSESSOR	Refund	\$118.52	

MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE****S-B-L** 220.19-5-22.1**144489 EVANS**

	Acct. No. 112	\$8.27	County
	Acct. No. 132	\$110.25	Town/SpecialDist/School
44068	ERIE CO SEW DST 2	\$110.25	
Charge To :	144489 EVANS		\$0.00

REFUND - CLERICAL ERROR, THE FRONTAGE WAS INCORRECT ON THE SEWER DISTRICT. FRONTAGE WAS 150.00 ADN SHOULD BE 45 FT. RPTL 550(2)E
CHECK FOR: KATHRYN TIMM

FISCAL YEAR	2002	Petition No.	203,120.00
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ASSESSOR	Refund	\$110.25
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S-B-L 220.19-5-22.1**144489 EVANS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$110.25	Town/SpecialDist/School
44068	ERIE CO SEW DST 2	\$110.25	
Charge To :	144489 EVANS		\$0.00

REFUND - CLERICAL ERROR, THE FRONTAGE WAS MISCALCULATED ON THE SEWER DISTRICT TAX. FRONTAGE WAS 150.00 FT AND SHOULD BE 45. FT. RPTL 550(2A)
CHECK FOR: KATHRYN TIMM

FISCAL YEAR	2001	Petition No.	203,121.00
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ASSESSOR	Refund	\$159.86
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S-B-L 220.19-5-22.2**144489 EVANS**

	Acct. No. 112	\$2.36	County
	Acct. No. 132	\$157.50	Town/SpecialDist/School
44068	ERIE CO SEW DST 2	\$157.50	
Charge To :	144489 EVANS		\$0.00

REFUND - CLERICAL ERROR, THIS PARCEL IS LANDLOCKED WITH NO FRONTAGE ON THE SEWER TAX. SEWER TAX WAS MISCALCULATED. RPTL 550(2)E
CHECK FOR: DONALD & KATHRYN TIMM

FISCAL YEAR	2002	Petition No.	203,122.00
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ASSESSOR	Refund	\$157.50
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MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

S-B-L 220.19-5-22.2 **144489 EVANS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$157.50	Town/SpecialDist/School
44068	ERIE CO SEW DST 2	\$157.50	
Charge To :	144489 EVANS	\$0.00	

REFUND - CLERICAL ERROR, PARCEL IS LANDLOCKED WITH NO FRONTAGE. THE SEWER TAX WAS MISCALCULATED USING FRONTAGE. RPTL 550(2)E
 CHECK FOR: DONALD & KATHRYN TIMM

FISCAL YEAR	2003	Petition No.	203,123.00
	ASSESSOR	Cancel	\$157.50

S-B-L 220.19-5-22.2 **144489 EVANS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$157.50	Town/SpecialDist/School
44068	ERIE CO SEW DST 2	\$157.50	
Charge To :	144489 EVANS	\$0.00	

CANCEL - CLERICAL ERROR, THIS PARCEL IS LANDLOCKED WITH NO FRONTAGE. THE SEWER TAX WAS MISCALCULATED USING A FRONTAGE. RPTL 550(2)E

FISCAL YEAR	2003	Petition No.	203,124.00
	ASSESSOR	Cancel	\$110.25

S-B-L 220.19-5-22.3 **144489 EVANS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$110.25	Town/SpecialDist/School
44068	ERIE CO SEW DST 2	\$110.25	
Charge To :	144489 EVANS	\$0.00	

CANCEL - CLERICAL ERROR, THE FRONTAGE USED ON THIS PARCEL WAS INCORRECT. THE FRONTAGE WAS 150. FT AND SHOULD BE 45 FT FOR THE SEWER TAX. RPTL 550(2)E

FISCAL YEAR	2003	Petition No.	203,125.00
	ASSESSOR	Refund	\$62.93

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

S-B-L 235.11-1-28

144489 EVANS

Acct. No. 112	\$62.93	County
Acct. No. 132	\$0.00	Town/SpecialDist/School

Charge To : **144489 EVANS** **\$0.00**

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 10,703 WAS MISCALCULATED. THE CORRECT AMOUNT IS 21,407 (50%) RPTL 550(2)B
 CHECK FOR: CLARENCE W DICKEY

FISCAL YEAR 2003 **Petition No.** **203,126.00**

ASSESSOR **Cancel** \$2,757.68

S-B-L 235.15-5-2.2

144489 EVANS

Acct. No. 112	\$621.21	County
Acct. No. 132	\$2,136.47	Town/SpecialDist/School

44076 ERIE CO SEW DST 2 \$90.54

Charge To : **144489 EVANS** **\$2,045.93**
Relevy School \$1,717.46 144401 LAKE SHORE CENTRAL

CANCEL - UNLAWFUL ENTRY, THIS PARCEL IS WHOLLY EXEMPT FROM TAXES AND SHOULD BE IN ROLL SECTION 8. RPTL 550(7)A

FISCAL YEAR 2003 **Petition No.** **203,127.00**

ASSESSOR **Refund** \$21.93

S-B-L 235.19-2-41.1

144489 EVANS

Acct. No. 112	\$0.00	County
Acct. No. 132	\$21.93	Town/SpecialDist/School

44076 ERIE CO SEW DST 2 \$21.93

Charge To : **144489 EVANS** **\$0.00**

REFUND- CLERICAL ERROR THE VALUE USED FOR SEWER TAX WAS 58,900 AND SHOULD BE 3,000. RPTL 550(2)E
 CHECK FOR: MICHAEL A CEPPAGLIA

FISCAL YEAR 2003 **Petition No.** **203,128.00**

ASSESSOR **Refund** \$21.93

S-B-L 235-19-2-41.2

144489 EVANS

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$21.93	Town/SpecialDist/School
44076 ERIE CO SEW DST 2	\$21.93		
Charge To :	144489 EVANS		\$0.00

REFUND - CLERICAL ERROR, THE VALUE USED FOR SEWER TAX WAS 58,900 AND SHOULD 3,000. RPTL 550(2)E
 CHECK FOR: DAVID & DIANN G HOSLER

FISCAL YEAR	2003	Petition No.	203,129.00
	ASSESSOR	Cancel	\$149.38

S-B-L 250.12-1-32 **144489 EVANS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$149.38	Town/SpecialDist/School
Charge To :	144489 EVANS		\$149.38

CANCEL - CLERICAL ERROR, THE DELINQUENT WATER WAS PLACED ON THE WRONG SBL. THE CORRECT SBL IS 250.12-11-32. RPTL 550(2)E

FISCAL YEAR	2003	Petition No.	203,130.00
	ASSESSOR	Cancel	\$95.15

S-B-L 250.12-10-44.12 **144489 EVANS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$95.15	Town/SpecialDist/School
Charge To :	144489 EVANS		\$95.15

CANCEL - CLERICAL ERROR, THE FRONTAGE ON THE WATER DISTRICT IS INCORRECT. THE FRONTAGE USED WAS 305. FT AND SHOULD BE 125. FT.
 RPTL 550(2)E

FISCAL YEAR	2003	Petition No.	203,131.00
	ASSESSOR	Cancel	\$363.88

S-B-L 250.17-1-16 **144489 EVANS**

	Acct. No. 112	\$0.00	County
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MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

Charge To :	Acct. No. 132	\$363.88	Town/SpecialDist/School
	144489 EVANS		\$363.88

CANCEL - CLERICAL ERROR, THE DELINQUENT WATER WAS PLACED ON THE PARCEL IN ERROR. THE CORRECT SBL IS 250.17-10-16. RPTL 550(2)E

FISCAL YEAR	2003	Petition No.	203,132.00
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ASSESSOR	Refund	\$292.19
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S-B-L 252.00-2-12 **144489 EVANS**

Charge To :	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$292.19	Town/SpecialDist/School
	144489 EVANS		\$292.19

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 29,250 FOR THE TOWN TAX WAS OMITTED FROM THE TAX BILL. RPTL 550(2)B
CHECK FOR: BETTY GESL

FISCAL YEAR	2000	Petition No.	203,133.00
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ASSESSOR	Refund	\$113.56
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S-B-L 220.19-5-22.1 **144489 EVANS**

Charge To :	Acct. No. 112	\$3.31	County
	Acct. No. 132	\$110.25	Town/SpecialDist/School
	44068 ERIE CO SEW DST 2	\$110.25	
	144489 EVANS		\$0.00

REFUND - CLERICAL ERROR, THE FRONTAGE USED FOR SEWER TAX IS INCORRECT. THE FRONTAGE USED FOR 150.FT AND SHOULD BE 45.FT. RPTL 550(2)E
CHECK FOR: KATHRYN TIMM

FISCAL YEAR	2000	Petition No.	203,134.00
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ASSESSOR	Refund	\$164.59
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S-B-L 220.19-5-22.2 **144489 EVANS**

Charge To :	Acct. No. 112	\$7.09	County
	Acct. No. 132	\$157.50	Town/SpecialDist/School
	44068 ERIECO SEW DST 2	\$157.50	

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

CANCEL - CLERICAL ERROR, THE PARCEL IS A GROUP HOME OWNED BY NEW YORK STATE AND PAYS TAXES ONLY ON WHICH IT RECEIVED A DIRECT BENEFIT. RPTL 550(2)C

FISCAL YEAR	2002	Petition No.	203,138.00
	ASSESSOR	Refund	\$138.58
S-B-L	247.00-3-23	145000 HOLLAND	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$138.58	Town/SpecialDist/School
Charge To :	145000 HOLLAND	\$138.58	
	Relevy School	\$138.58	145001 HOLLAND CENTRAL

REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 10,757 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: JOANNE SZULEWSKI

FISCAL YEAR	2003	Petition No.	203,139.00
	ASSESSOR	Cancel	\$84.72
S-B-L	247.00-3-23	145000 HOLLAND	
	Acct. No. 112	\$50.26	County
	Acct. No. 132	\$34.46	Town/SpecialDist/School
Charge To :	145000 HOLLAND	\$34.46	

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 10,757 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR	2003	Petition No.	203,140.00
	ASSESSOR	Cancel	\$112.23
S-B-L	264.00-2-9	145000 HOLLAND	
	Acct. No. 112	\$66.58	County
	Acct. No. 132	\$45.65	Town/SpecialDist/School
Charge To :	145000 HOLLAND	\$45.65	

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF

MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

14,250 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR	2002	Petition No.	203,141.00
	ASSESSOR	Refund	\$127.90
S-B-L	115.70-1-18	145289 LANCASTER	
	Acct. No. 112	\$65.46	County
	Acct. No. 132	\$62.44	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER	\$62.44	

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 11,400 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: ROBERT SCHIERSING

FISCAL YEAR	2003	Petition No.	203,142.00
	ASSESSOR	Cancel	\$136.05
S-B-L	115.70-1-18	145289 LANCASTER	
	Acct. No. 112	\$62.78	County
	Acct. No. 132	\$73.27	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER	\$73.27	

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 11,400 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR	2003	Petition No.	203,143.00
	ASSESSOR	Refund	\$127.11
S-B-L	116.05-5-23	145289 LANCASTER	
	Acct. No. 112	\$58.65	County
	Acct. No. 132	\$68.46	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER	\$68.46	

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 10,650 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: JOSEPH LESNIAK

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FISCAL YEAR 2000 Petition No. **203,144.00**

ASSESSOR **Refund** \$233.37

S-B-L 555.00-33-1 **145889 NORTH COLLINS**

Acct. No. 112 \$92.29 County

Acct. No. 132 \$141.08 Town/SpecialDist/School

58019 NO COLLINS FIRE DIST \$23.89

Charge To : **145889 NORTH COLLINS** **\$117.19**

REFUND - CLERICAL ERROR, THIS PARCEL IS DUPLICATED UNDER SBL

555.00-5-1. RPTL 550(2)F

CHECK FOR: LAWTONS WATER CO

FISCAL YEAR 2000 Petition No. **203,145.00**

ASSESSOR **Refund** \$323.77

S-B-L 555.00-33-1 **145889 NORTH COLLINS**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$323.77 Town/SpecialDist/School

Charge To : **145889 NORTH COLLINS** **\$323.77**

Relevy School \$323.77 145801 NORTH COLLINS CENT

REFUND- CLERICAL ERROR, THIS PARCEL IS A DUPLICATE OF SBL

555.00-5-1. RPTL 550(2)E

CHECK FOR: LAWTONS WATER CO

FISCAL YEAR 2001 Petition No. **203,146.00**

ASSESSOR **Refund** \$191.21

S-B-L 555.00-33-1 **145889 NORTH COLLINS**

Acct. No. 112 \$70.43 County

Acct. No. 132 \$120.78 Town/SpecialDist/School

58019 NO COLLINS FIRE DIST \$22.10

Charge To : **145889 NORTH COLLINS** **\$98.68**

REFUND - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE OF SBL

555.00-5-1. RPTL 550(2)C

CHECK FOR: LAWTONS WATER CO

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FISCAL YEAR	2001	Petition No.	203,147.00
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ASSESSOR	Refund	\$307.82
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S-B-L	555.00-33-1	145889 NORTH COLLINS
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Acct. No. 112	\$0.00	County
Acct. No. 132	\$307.82	Town/SpecialDist/School
Charge To :	145889 NORTH COLLINS	\$307.82
Relevy School	\$307.82	145801 NORTH COLLINS CENT

REFUND - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE OF SBL
555.00-5-1. RPTL 550(2)F
CHECK FOR: LAWTONS WATER CO

FISCAL YEAR	2002	Petition No.	203,148.00
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ASSESSOR	Refund	\$164.07
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S-B-L	555.00-33-1	145889 NORTH COLLINS
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Acct. No. 112	\$70.08	County
Acct. No. 132	\$93.99	Town/SpecialDist/School
58019 NO COLLINS FIRE DIST	\$21.62	
Charge To :	145889 NORTH COLLINS	\$72.37

REFUND - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE OF SBL
555.00-5-1. RPTL 550(2)F
CHECK FOR: LAWTONS WATER CO

FISCAL YEAR	2002	Petition No.	203,149.00
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ASSESSOR	Refund	\$294.85
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S-B-L	555.00-33-1	145889 NORTH COLLINS
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Acct. No. 112	\$0.00	County
Acct. No. 132	\$294.85	Town/SpecialDist/School
Charge To :	145889 NORTH COLLINS	\$294.85
Relevy School	\$294.85	145801 NORTH COLLINS CENT

REFUND - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE SBL
555.00-5-1. RPTL 550(2)F
CHECK FOR: LAWTONS WATER CO

FISCAL YEAR	2003	Petition No.	203,150.00
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ASSESSOR **Cancel** \$462.03

S-B-L 78.21-1-28 **146489 TONAWANDA**

Acct. No. 112 \$299.87 County
 Acct. No. 132 \$162.16 Town/SpecialDist/School

Charge To : **146489 TONAWANDA** **\$162.16**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 38,509 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2003 Petition No. **203,151.00**

ASSESSOR **Cancel** \$13,862.81

S-B-L 134.07-3-13.2 **146800 WEST SENECA**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$13,862.81 Town/SpecialDist/School

Charge To : **146800 WEST SENECA** **\$13,862.81**
Relevy School \$13,862.81 146801 WEST SENECA CENT

CANCEL - CLERICAL ERROR, THE RPTL 520 THAT WAS ADDED TO THIS PARCEL INCLUDED A SCHOOL TAX THAT WAS PREVIOUSLY PAID ON OCTOBER 11, 2001. RPTL 550(2)E

FISCAL YEAR 2003 Petition No. **203,152.00**

ASSESSOR **Cancel** \$159.32

S-B-L 136.05-3-28 **146800 WEST SENECA**

Acct. No. 112 \$56.49 County
 Acct. No. 132 \$102.83 Town/SpecialDist/School

Charge To : **146800 WEST SENECA** **\$102.83**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 6,885 (15%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2003 Petition No. **203,153.00**

ASSESSOR **Cancel** \$126.56

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S-B-L 142.16-7-2

146800 WEST SENECA

Acct. No. 112	\$44.87	County
Acct. No. 132	\$81.69	Town/SpecialDist/School

Charge To : **146800 WEST SENECA** **\$81.69**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 9,116 (25%) COUNTY AND THE TOWN 5,470 (15%) WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

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

RESOLVED, that petitions numbered **203154** through **203154** inclusive be hereby approved or **denied** base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR	1999	Petition No.	203,154.00
	ASSESSOR	Refund	\$180.21

S-B-L 81.06-3-26

142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$180.21	Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$180.21

Charge To : **142289 AMHERST** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 7,200 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR : TIMOTHY & SUSAN HANSON WILLIAMSVILLE CENTRAL

THE DIRECTOR OF REAL PROPERTY TAX SERVICES, JOSEPH MACIEJEWSKI HAS DETERMINED THAT THIS PETITION BE DENIED. NEW YORK REAL PROPERTY TAX LAW REQUIRES THAT AN APPLICATION TO REFUND BE FILED WITHIN 3 YEARS OF THE ANNEXATION OF THE TAX WARRANT. THIS APPLICATION WAS RECEIVED ON FEBRUARY 19, 2003. TO RECEIVE THE REFUND THE APPLICATION HAD TO BE RECEIVED BY OUR OFFICE BY SEPTEMBER 14, 2002.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

3. Item Page -2003 (Comm. 4E-5)
COMPTROLLER

A.

MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June thirty, two thousand three; and

WHEREAS, Senate Bill S. 843 and Assembly Bill A. 1785, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June thirty, two thousand four;

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 S. 843, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

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.

Such request is made by the chief executive officer of such municipality, concurred with 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 County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

B.

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June thirty, two thousand three; and

WHEREAS, Assembly Bill A. 1785 and Senate Bill S. 843, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June thirty, two thousand four;

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

TO THE LEGISLATURE:

MEETING NO. 6**March 20, 2003****ERIE COUNTY LEGISLATURE**

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A. 1785, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

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.

Such request is made by the chief executive officer of such municipality, concurred with 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 County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

**DALE W. LARSON
CHAIRMAN**

MR. LARSON moved to separate item #1.h. and moved the approval of the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

February 3, 2003

The Honorable Laurie A. Mazella
Clerk
Erie County Legislature
25 Delaware Ave.
Buffalo, NY 14202

RE: REQUEST TO CHANGE VOTE ON COMM. 1E-24 (2003), AS AMENDED.

Dear Madam Clerk:

I hereby change my vote on the aforementioned communication to "no," pending the authorization of the Erie County Legislature, pursuant to Rule 33 of the Rules of the Erie County Legislature.

Very truly yours,

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DAVID DALE
Erie County Legislator
5th District

MR. LARSON moved the approval of item #1.h. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed a roll call to be taken.

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

CARRIED. (WEIGHTED VOTE: 11.307 – 5.693)

Item 46 – MR. LARSON moved to reconsider Intro. 5-14. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-14 From LEGISLATOR DALE Re: Consideration for Public Benefit Funding.

SUSPENSION OF THE RULES

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

GRANTED.

Comm. 6E-38 From CHAIRMAN SWANICK Re: Appointment to Agricultural and Farmland Protection Board.

RECEIVED, FILED & PRINTED.

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

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Dear Ms. Manzella:

Please be advised that, pursuant to Section 302 of the New York State Agricultural District Law, Article 25-AA, I hereby appoint and reappoint the following individuals to the Erie County Agricultural and Farmland Protection Board:

APPOINTMENT:

Hon. Jeanne Z. Chase
Erie County Legislator - 12th District
25 Delaware Avenue
Buffalo, New York 14202

REAPPOINTMENTS:

Brett Kreher
Kreher's Poultry Farm
5411 Davison Road
Clarence, New York 14031

Kenneth Carnevale
Vice President of Produce and Floral
Tops Markets, Inc.
6363 Main Street
Williamsville, New York 14221-5898

Walter Henry
7185 Sisson Highway
Hamburg, New York 14075

The terms of Messrs. Kreher, Henry and Carnevale are to expire in March, 2007. Legislator Chase's term will coincide with her legislative term.

Sincerely,

CHARLES M. SWANICK
Chairman

COMMUNICATIONS FROM ELECTED OFFICIALS**FROM THE COMPTROLLER**

Item 48 – (Comm. 6E-1) Distribution of Sales Tax Revenue Remitted to Erie County for Fiscal Year Ended 12/31/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIRMAN SWANICK

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Item 49 – (Comm. 6E-2) Copy of Letter to Chairman of Energy & Environment Committee
 Re: Request of Acea Mosey-Powlowski for Reappointment to ECWA.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR LARSON

Item 50 – (Comm. 6E-3) Copy of Letter to Acea Mosey-Powlowski Re: Meeting of Energy
 & Environment Committee to Interview as Candidate for Reappointment to ECWA.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 51 – (Comm. 6E-4) Notice of Informational Meeting of Energy & Environment
 Committee.

Received and filed.

FROM THE COMPTROLLER

Item 52 – (Comm. 6E-5) Certificate of Determination of Sale & Issuance of Various Bonds.

Received and filed.

FROM LEGISLATOR HOLT

Item 53 – (Comm. 6E-6) Excused Absence of Legislator Fisher from Legislative Session of
 3/20/03.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 54 – MR. RANZENHOFER presented the following resolution and moved for
 immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

Re: Appointment to Buffalo & Erie County
 Board of Trustees. (Comm. 6E-7)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of W.
 Lawrence Buck of 848 LeBrun Road, Amherst, New York 14226 to the Buffalo & Erie County
 Public Library Board of Trustees for a term to expire December 31, 2007.

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

CARRIED UNANIMOUSLY.

Item 55 – (Comm. 6E-8) EC\ECSD No. 3 – NYS Water Pollution Control Revolving Loan Program – Blasdell Connection.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 56 – (Comm. 6E-9) EC Environmental Management Council Interns.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 57 – (Comm. 6E-10) Pilot for 923 Sycamore Street, City of Buffalo.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 58 – (Comm. 6E-11) Pilot for 376 Urban Street, City of Buffalo.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 59 – (Comm. 6E-12) Contract\Amendment Design Services – Erie Canalway Trail Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 60 – (Comm. 6E-13) EC Community Development Circuit Rider Program Consultant Services – First Amendatory Agreement.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 61 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

Re: Phase II Re-engineering Project.
 (Comm. 6E-14)

WHEREAS, at the County Executive's request, the Erie County Comptroller issued a Request for Proposals to various firms to conduct an operational study of the functions of County government in order to improve County operating effectiveness and deliver County services more efficiently, and

WHEREAS, legislative approval to enter into a contract with Lumsden & McCormick, LLP (Lumsden) and Center for Government Research (CGR) to conduct this study was received on September 20, 2001, and

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WHEREAS, Phase I of the study has been completed and a final report issued that was dated February 6, 2003, and

WHEREAS, several recommendations provided in the final report cannot be implemented without a more detailed implementation plan, and

WHEREAS, there are unexpended appropriations in Account 830-Contractual Services of the 2002 budgets for the Comptroller's Office and Division of Information and Support Services to pay for this work, and

WHEREAS, Lumsden and CGR are uniquely qualified to assist in this implementation since the recommendations were made by them as a result of their extensive research and analysis during Phase I, and

WHEREAS, the Erie County Administrative Code Section 19.08 requires a Request for Proposals (RFP) process be followed for professional, technical or other consultant service contracts having a value in excess of \$10,000, and

WHEREAS, the Erie County Administrative Code section 19.08 also provides that the legislature may by resolution waive the RFP procedure if it makes a finding of necessity that the special service or procedure must be provided immediately, and

WHEREAS, the reason that these consulting services need to be provided immediately is so that the Phase I recommendations can be implemented in conjunction with and in the same time frame as the County's ERP computer conversion project, and

WHEREAS, the ERP project implementation schedule calls for a January 1, 2004 start-up of most of the core financial applications, and

WHEREAS, in order to coordinate the implementation of the centralized accounting functions and fleet management recommendations with the ERP implementation schedule it is neither possible nor desirable to conduct an RFP process for the implementation consulting assistance required, not only because there is insufficient time to conduct the RFP process but also, more importantly, because no other available consulting firms have the unique qualifications possessed by Lumsden and CGR for this project because of their Phase I efforts just now concluded and which commenced in October 2001, and

WHEREAS, this unique background knowledge of Lumsden and CGR and the urgency of implementation in order to coordinate with the ERP conversion date of January 1, 2004 satisfies the Administrative Code provision that allow waiver of the RFP process in cases where a special service or procedure must be provided immediately,

NOW, THEREFORE, BE IT

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RESOLVED, that \$140,000 in unexpended 2002 Contractual Services appropriations in the Comptroller's Office be re-appropriated to 2003, and be it further

RESOLVED, that \$60,000 in unexpended 2002 Contractual Services appropriations in Fleet Services be re-appropriated to 2003, and be it further

RESOLVED, that the Comptroller's 2003 overtime account be increased by \$40,000, and be it further

RESOLVED, that the Comptroller's 2003 contractual services account be increased by \$100,000, and be it further

RESOLVED, that the Division of Information and Support Services 2003 contractual services account be increased by \$60,000, and be it further

RESOLVED, that the legislature makes a finding of necessity in accordance with the Administrative Code Section 19.08 that due to the need to coordinate the Phase II Re-engineering project with the ERP conversion scheduled for January 1, 2004, that Lumsden and CGR possess special skills that must be provided immediately, and be it further

RESOLVED, that in accordance with the Administrative Code Section 19.08 the legislature hereby waives the normally required RFP procedures, and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with Lumsden & McCormick, LLP in the amount of \$100,000, and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with CGR in the amount of \$60,000, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 62 – (Comm. 6E-15) Available Balances as of 12/31/02 that have been Reappropriated in 2003 Budget.

Item 63 – (Comm. 6E-16) 2002 Year-End Budget Balancing Amendments.

Item 64 – (Comm. 6E-17) Sale of Buffalo Sabres.

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

FROM LEGISLATOR RANZENHOFER

Item 65 – (Comm. 6E-18) Proposed 2003 Rules of Order for EC Legislature.

RECEIVED, FILED & PRINTED.

**A RESOLUTION TO BE SUBMITTED BY LEGISLATORS
SWANICK, RANZENHOFER, LARSON, CHASE,
WEINSTEIN, MCCARVILLE, CUSACK & FALKNER**

RE: ADOPTING ERIE COUNTY LEGISLATURE'S RULES OF ORDER FOR 2003

WHEREAS, the Erie County Legislature annually considers the adoption of Rules of Order for the conduct and procedure of this Honorable Body in order to exercise its powers and duties authorized by law including the Erie County Charter, Erie County Code and N.Y. County Law, and

WHEREAS, this Honorable Body desires to adopt such rules for the year 2003,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the Rules of Order for 2003 as follows:

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**2003
RULES OF ORDER
ERIE COUNTY LEGISLATURE**

SECTION 1.00: ORGANIZATION

1.01 MAJORITY AND MINORITY LEADERS:

Annually, the members of the Legislature shall select Majority and Minority Leaders of their respective caucuses. By weighted vote of the membership of the Legislature there shall be designated a majority of the Legislature which shall be designated as the Majority Caucus. The remaining members of the Legislature shall be designated as the Minority Caucus. The Majority Leader shall be chosen by a petition subscribed to by a majority of the weighted vote of the members of the Majority Caucus, and the Minority Leader shall be chosen by a petition subscribed to by a majority of the weighted vote of the members of the Minority Caucus. In no case shall the Minority and Majority Leaders be members of the same political affiliation.

In addition to any other powers or responsibilities attributable to the Majority Leader and Minority Leader, the Majority Leader shall appoint the Legislature's Majority staff and the Minority Leader shall appoint the Legislature's Minority staff.

1.02 ACTING CHAIRMAN:

In the physical absence of the Chairman from any meeting of the Legislature, the designated Majority Leader shall become acting Chairman with all the powers and duties of Chairman for so long as the Chairman is physically absent.

In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chairman.

SECTION 2.00: MEETINGS**2.01 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.

2.02 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 weighted vote 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 section, 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 service 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 Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

2.03 QUORUM:

The weighted majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn. In the event that a legislator, as a member of the armed forces, is called to active duty rendering it impossible for the legislator to be physically present at a meeting of the Legislature, the legislator shall be allowed to participate in the transaction of business through telephonic means and/or videoconferencing.

2.04 CHAIRMAN TO SECURE A QUORUM:

In the absence of a quorum during the sessions of the Legislature, the Chairman may take such measures as provided by law and as the Chairman may deem necessary to secure the presence of a quorum.

2.05 ROLL CALL, MINUTES, ABSENCES:

At any and every meeting of the Legislature, upon the members being called to order by the Chairman, the roll of members shall be called by the Clerk, and the names of those absent shall be inserted in the Minutes. The Majority and Minority Leaders should note the absence of any of their members because of county business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Legislature, the name of the member presenting or moving the same and seconding shall be entered.

2.06 ORDER OF BUSINESS:

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions;
4. The consideration of Communications, Local Laws and Resolutions on the table of Legislature;

5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;
9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;
10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;
11. Unfinished Business;
12. Announcements from the Chair;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chairman in his or her discretion may change the Order of Business at any session except as otherwise provided in Section 4.04.

2.07 ORDER DURING SESSION:

The Chairman shall take the chair promptly at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chairman and confined to the question before the Legislature, avoiding all personalities and reflections upon one's motives. The Chairman shall prevent personal reflections and confine members to the question under discussion. The Chairman shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

2.08 APPEAL FROM THE CHAIRMAN'S RULING:

On every appeal, the Chairman shall have the right to assign his reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chairman shall put the question: "Shall the Ruling of the Chairman be overturned?"

A motion to overrule a decision or ruling of the Chairman shall require approval by a majority of the weighted vote of the Legislature.

2.09 PRIVILEGE OF THE FLOOR:

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

2.10 REFERRALS TO COMMITTEE:

The Chairman, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the county or any other matter that there is a question of legality. The Chairman's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chairman's ruling has been decided however, and if the same has been a determination in favor of the Chairman's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:

While the Chairman is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chairman shall allow opportunity for debate before the roll is called.

2.12 TIE VOTE:

When the Legislature shall be equally divided on any question, including the Chairman's vote, the question shall be deemed to have been lost.

2.13 PRIORITY OF BUSINESS:

All questions relative to priority of business shall be decided by the Chairman without debate, except as otherwise provided in Section 4.03, and the Chairman's decision shall be final.

2.14 LIMITATION ON TIME OF SPEECH:

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission of the majority of the weighted vote of the Legislature.

2.15 MAJORITY VOTE:

A majority of the total weighted vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by member(s) of the legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority of the weighted vote of the full legislature, except in such instances when items are removed from the agenda pursuant to Section 5.05.

2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

The Chairman, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chairman's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

2.17 RECORDING OF VOTE:

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

2.18 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectfully voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

2.19 BORROWING MONEY:

The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings, as the statute requires.

2.20 VOTE ON DISTINCT PROPOSITION:

If the question in debate contains several distinct propositions, the same shall be divided by the Chairman at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.

2.21 ABSTENTIONS:

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chairman must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chairman shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

2.22 SPEAK WHEN RECOGNIZED BY CHAIRMAN:

No member wishing to speak shall proceed without standing and without having addressed the Chairman from his or her place and until obtaining recognition by the Chairman.

2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:

These rules may at any time during the session be suspended by unanimous consent of all members of the Legislature present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority of the weighted vote of the Legislature for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the Legislature present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chairman of the Legislature, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

2.24 PRESENTATION OF MOTION:

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature;
2. A call of the Legislature;
3. To move the previous question;
4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

2.25 WITHDRAWAL OF RESOLUTION OR MOTION:

Any resolution or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairman of the vote thereon or before an amendment to such resolution or motion has been adopted.

2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chairman is putting any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

2.27 PREVIOUS QUESTIONS AND AMENDMENTS:

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue. If an amendment is being debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.
2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or "on all pending questions."

2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which a change of vote is requested took place and at which a quorum is present.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Legislature, which can be given by general consent, or by adoption of a motion to grant the permission.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Legislature without unanimous consent.

2.29 MOTION TO RESCIND:

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative weighted vote of a majority of the total members of the Legislature.

2.30 COMMITTEE OF THE WHOLE:

The Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairman may name a member to preside.

2.31 COMMITTEE OF THE WHOLE – NO QUORUM; ADJOURNMENT:

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chairman of the Legislature or the Chairman of the Committee of the Whole, if so named, shall immediately report the fact to the Chairman of the Legislature and the adjournment of the Committee of the Whole shall be in order.

2.32 PRESENTATIONS TO BE IN WRITING:

All petitions, resolutions, committee reports and amendments thereof, shall be in writing.

2.33 TIME FOR PRESENTATION TO CLERK:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:

The Clerk of the Legislature shall not place any request for legislative action, which is filed by a county elected official, other than a county legislator, or by a non-elected county official, on the agenda for a regular or special legislative session, unless such request includes a sample resolution and an accompanying memorandum, which presents and includes:

- A SUMMARY OF RECOMMENDED ACTION
- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION
- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

2.35 SOLICITATIONS:

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be

covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

SECTION 3.00: COMMITTEES

3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

3.02 STANDING AND SPECIAL COMMITTEES:

There shall be the following standing committees to consist of five members each, except the Budget, Finance & Management Committee which shall consist of seven members for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chairman within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Clerk of the Legislature and printed in the journal.

STANDING COMMITTEES

Economic Development
 Finance & Management
 Energy & Environment
 Public Safety
 Human Services
 Community Enrichment
 Government Affairs
 Regionalism

SPECIAL COMMITTEES

The Chairman of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chairman may determine.

3.03 CHAIRMAN EX OFFICIO MEMBER OF ALL COMMITTEES:

The Chairman shall be a member Ex Officio of all committees with a vote thereon. The Chairman's presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chairman without delay.

3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

The Chairman of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

3.05(1) CONDUCT OF COMMITTEES:

All committees appointed by the Chairman shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with the departments of county government and the work entrusted to each of such committees.

3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:

Any matter referred by a committee to a department head for report of study shall be laid on the committee table for one week unless a longer period is specified by the committee.

3.05(3) REPORT ON ANY FINAL ACTION OF COMMITTEE:

Any final action taken by a majority of the weighted vote of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Legislature by a majority of the weighted vote of its total membership.

3.05(4) COMMITTEE AGENDA:

An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature.

3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:

No report shall be made by any committee on any subject referred to it except by a majority of the weighted vote of the total membership of the committee unless the Legislature otherwise directs. All reports of committees shall be in writing and presented to the full Legislature for consideration at the next succeeding regular session of the Legislature, except the report of the Budget, Finance and Management Committee on the County Executive's Tentative Annual Budget, as provided in Section 4.01.

3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Legislature (unless immediate consideration is given by a majority of the weighted vote of the Legislature). This rule shall not apply to reports of Standing and Special Committees on the last regular session before summer adjournment nor on the last regularly adjourned session at the close of the year.

SECTION 4.00: BUDGET

4.01 TENTATIVE BUDGET:

The County Executive shall, on or before the 10th of November, submit thirty-five (35) copies of the tentative budget to the Legislature. The Budget, Finance & Management Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chairman of the Budget, Finance & Management Committee shall present such tentative budget to the Budget, Finance & Management Committee for its consideration. The Budget, Finance & Management Committee shall hold such meetings thereon as it may determine, and may require any officer or employee of the county or the head of any county department, bureau, office, board or commission, or of any organization receiving financial aid from the county, to appear before the committee for the purpose of furnishing any information required by the committee in its consideration of the tentative budget. After such consideration, the Budget, Finance & Management Committee shall approve such tentative budget as originally prepared or with such amendments or changes therein as the committee may determine, and shall submit such tentative budget, together with its report thereon, to the Legislature not later than the first Tuesday of December in each year. The report of the Budget, Finance & Management Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 1803 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 1803 of the Charter.

4.03 LEVY OF SCHOOL TAXES:

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

4.04 ADOPTION OF BUDGET:

On or before the first Tuesday of December, following the submission of the tentative budget, the budget shall be the first order of business following consideration of the Minutes. Upon conclusion of the consideration of the budget, as provided in the Charter and Code, the motion to adopt the budget, either with amendments thereto, if any, to make the necessary appropriations therefore, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Budget, Finance & Management Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 1803, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

SECTION 5.00: MISCELLANEOUS

5.01 APPOINTMENTS AND CONFIRMATIONS:

All appointments by this Legislature shall lie on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chairman of the Legislature, notice of their candidacy for that position. The Chairman of the Legislature shall notify the Chairman of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chair of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chairman of the Legislature, for the purpose of interviewing the candidate(s).

5.02 PURCHASE OVER \$10,000.00:

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement. On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

5.03 ANNUAL REPORTS:

The County Executive shall make an annual report to the County Legislature concerning the activities of the several administrative units of the county during the preceding fiscal year in such detail, as the County Legislature shall direct. The head of any bureau or organization receiving financial support from the county shall make an annual report concerning the activities of the respective bureaus or organizations during the preceding fiscal year. The County Executive, or the head of the bureaus or organizations shall file thirty (30) copies of said report with the Clerk of the Legislature not later than March first of each and every year.

Such reports, weekly and monthly, as prescribed by the Legislature shall be furnished to the Legislature by all department heads and heads of bureaus and organizations receiving financial support from the county. Such reports shall be received and filed or referred to appropriate committees.

5.04 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time the proposal has been reviewed and recommended by the Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The Clerk

of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

5.05 REDUCTION OF AGENDA:

Any local law, resolution or other item pending on the agenda of the Legislature itself, or any committee or subcommittee thereof, that was first introduced, submitted and filed prior to January 1 of any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

5.06 DUTIES OF ADMINISTRATIVE ASSISTANTS:

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

5.07 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Clerk of the Legislature will maintain an accounting log of the Legislature's in-house postage meter.
3. All members of the Legislature are entitled to one (1) district wide mailing (newsletter, calendar of events, etc.) per year. Printing and postage costs will be inclusive.
4. Two (2) weeks prior to the printing and/or sending of a district wide mailing, the member must notify the Chairman of the Legislature and submit a final copy of the intended mail piece. Timely scheduling of mailing resources and targeted mailing date will be set upon printing and staff availability.
5. District wide mailings allowed to each member under this policy must be **postmarked and mailed**, no later than, forty-five (45) days prior to the date of the Erie County Legislature Primary Election or Erie County Legislature General Election to which the member is a candidate.
6. District wide mailings will not be authorized after the Erie County Legislature General Election, to which the member is a candidate, except at the discretion of the Chairman and ratification of an authorizing resolution by a majority of the weighted vote of the Legislature.
7. The Chairman, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.

8. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings.
9. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.
10. This policy is retroactive to February 1, 2002.

5.08 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

5.09(1) DECORUM IN LEGISLATURE CHAMBER:

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

5.09(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:

All visitors and spectators to the Erie County Legislature must be respectful and obey the rules of order promulgated by this Honorable Body.

5.09(3) FLOOR MOVEMENT:

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Legislature Chamber will be restricted during sessions and public hearings to Legislators, Legislature Staff, Credentialed Members of the Media, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Erie County Legislature.

5.09(4) BANNERS, SIGNS AND PLACARDS:

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Any display of banners, signs, or placards in the Legislature Chamber or Committee Rooms that is disruptive to the deliberative process of the Erie County Legislature and not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(5) DISTRIBUTION OF LITERATURE OR MATERIALS:

Any distribution of literature or materials in the Legislature Chamber or Committee Rooms not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(6) AUDIO RECORDING:

Audio recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature.

5.09(7) VIDEO RECORDING:

Video recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature; and
 - d) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

5.09(8) VIOLATIONS:

Any violation of the order or decorum of the Legislature subjects an offending party to removal from the Erie County Legislature's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

5.10 AMENDMENT OF RULES:

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority of the weighted vote of the total members of the Legislature, and only after at least one day's notice in writing, filed with the Clerk of the Legislature.

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March 20, 2003

ERIE COUNTY LEGISLATURE

SECTION 6.00: EFFECTIVE DATE

6.01 EFFECTIVE DATE:

These rules shall be effective immediately upon adoption by a majority of the weighted vote of the total membership of the Legislature.

Fiscal Impact: None for Resolution

FROM THE COUNTY EXECUTIVE

Item 66 – (Comm. 6E-19) Fire Training Academy Addition & Renovations, Phase I – Additional A\E & Commissioning Services.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 67 – (Comm. 6E-20) ECMC – Ambulatory Support Services Renovations.

Item 68 – (Comm. 6E-21) ECCF & ECHC Update of Master Plan for Jail Management A\E Agreement.

Item 69 – (Comm. 6E-22) EC Courts Master Plan Implementation Renovations – Contingency Fund Increase.

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

Item 70 – (Comm. 6E-23) Authorizing Contract Between ECC & Safety & Health Training Center.

Item 71 – (Comm. 6E-24) Authorizing Contract Between ECC & Cambridge Strafford Ltd.

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

Item 72 – (Comm. 6E-25) Personnel Adjustment – County Clerk’s Office.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 73 – (Comm. 6E-26) Emergency Services – Approval of Additions to Prequalified List of Professionals & Approval of Fee for Service Contracts.

Item 74 – (Comm. 6E-27) District Attorney – Internet Crimes Against Children Grant.

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

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Item 75 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

Re: County Attorney – Transfer of Funds – Risk Retention Fund. (Comm. 6E-28)

WHEREAS, the County of Erie is self insured and maintains a program of risk management for liability claims; and

WHEREAS, the Department of Law administers a Risk Retention Fund for the purposes of paying settlements, judgments, claims and expenses brought against the County of Erie and its administrative units; and

WHEREAS, it is necessary to provide additional funding in the amount of \$3,000,000 for the Risk Retention Fund (DAC 110 961601832).

NOW, THEREFORE, BE IT

RESOLVED, that funds in the amount of \$3,000,000 are hereby transferred to the Department of Law, Risk Retention Fund, General Liability (DAC 110 961601832). The source of funds for said transfer shall be the appropriation of the following items of designated fund balance: risk retention (DAC TO BE ASSIGNED), \$1,931,824; structural budget repairs (DAC 110 9233102881999200), \$750,975; and county contingencies – 1995 (DAC 110 92331029010001995), \$317,201; and be it further

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

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

After the 1ST RESOLVE clause, ADD the following:

RESOLVED, that the Erie County Legislature directs the Department of Budget, Management & Finance to report to the Legislature the specific details as to the source of these funds including the budget year(s) from which the \$3 million will be transferred and the DAC code for the assigned risk retention line from which \$1,931,824 will be transferred, and be it further

MR. RANZENHOFER moved to send the amendment to committee. MR. LARSON seconded.

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

FAILED. (WEIGHTED VOTE: 7.655 – 9.345)

MS. MARINELLI moved to approval of the amendment. MR. LARSON seconded.

CHAIRMAN SWANICK directed a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 76 – (Comm. 6E-29) EC SSTA Sewer Service Options – Village of East Aurora.

Item 77 – (Comm. 6E-30) ECSD No. 6\Buffalo Sewer Authority – Proposed Agreement Union Ship Canal Properties.

Item 78 – (Comm. 6E-31) EC\ECSD No. 2 – NYS Water Pollution Control Revolving Loan Program – Big Sister Creek Waste Water Treatment Plant Disinfection System.

Item 79 – (Comm. 6E-32) Southtowns Sewerage Treatment Agency – A\E Agreement Close-Out – A\E Agreement Dated 11/1/95 – URS Consultants.

Item 80 – (Comm. 6E-33) ECSD & ECSSTA\Buffalo Sewer Authority – Proposed Industrial Pretreatment Agreement.

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

FROM LEGISLATORS RANZENHOFER & CHASE

Item 81 – (Comm. 6E-34) Notice of Informational Meeting Re: Presentation of New Central Police Public Safety Campus Project.

Received and filed.

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

FROM LEGISLATOR DeBENEDETTI

Item 82 – (Comm. 6E-35) Copy of Letter to Comptroller’s Office Re: Bonded Indebtedness.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR HOLT

Item 83 – (Comm. 6E-36) Minority Caucus Appointment to EC Soil & Water Conservation District Board of Directors.

RECEIVED, FILED & PRINTED.

March 17, 2003

The Honorable Laurie A. Manzella
 Clerk
 Erie County Legislature
 25 Delaware Ave., 7th Floor
 Buffalo, New York 14202

**RE: MINORITY CAUCUS APPOINTMENT TO ERIE COUNTY SOIL AND WATER
 CONSERVATION DISTRICT BOARD OF DIRECTORS**

Dear Madam Clerk:

Please be advised that, in accordance with the by-laws of the aforementioned organization, Legislator David Dale will serve as the Minority Caucus appointment to the Board of Directors of the Erie County Soil and Water Conservation District.

Please see that this item is received, filed, and printed at the legislative session scheduled for March 20, 2003. Thank you.

Very truly yours,

GEORGE A. HOLT. JR.
 Minority Leader
 Erie County Legislature

cc: Hon. David Dale, Erie County Legislator, 5th District
 Francis Gernatt, Chairman, Erie County & Water Conservation District

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

FROM LEGISLATOR LARSON

Item 84 – (Comm. 6E-37) Consolidation of Pesticide – Related Communications.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 85 – (Comm. 6D-1) Notice that Local Law No. 1 – 2003 has Been Filed with NYS Secretary of State.

Received and filed.

FROM ECC

Item 86 – (Comm. 6D-2) Meeting Notice & Minutes.

Received and filed.

FROM DEP

Item 87 – (Comm. 6D-3) SEQR – Solicitation for Lead Agency Status – Type I Action – Bethlehem Park Rehab\Replacement.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 88 – (Comm. 6D-4) Notice of Public Hearing – Local Law Intro. No. 4 – 2003.

RECEIVED, FILED & PRINTED.

March 7, 2003

VIA HAND DELIVERY

Ms. Laurie A. Manzella, Clerk
Erie County Legislature
25 Delaware Avenue, 7th

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

Floor Buffalo, New York 14202

RE: Notice of Public Hearing
Local Law Intro. No.4-2003

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on March 6,2003.

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

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

By: BRIAN D. WHITE
Assistant County Attorney

encl.

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, Monday, March 24, 2003 at 10:00 a.m., concerning:

A LOCAL LAW amending Local Law No. 2-2001, granting a partial exemption from real property taxation, pursuant to Section four hundred fifty-nine-c of the Real Property Tax Law, to persons with disabilities who have limited incomes.

The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On March 6, 2003, the Erie County Legislature adopted Erie County Local Law Intro. No.4-2003. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

JOEL A. GIAMBRA
Erie County Executive

Item 89 – (Comm. 6D-5) Notice of Public Hearing – Local Law Intro. No. 5 – 2003.

RECEIVED, FILED & PRINTED.

March 7, 2003

VIA HAND DELIVERY

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

RE: Notice of Public Hearing
Local Law Intro. No. 5-2003

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on March 6, 2003.

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

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

By: BRIAN D. WHITE
Assistant County Attorney

encl.

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

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, Monday, March 24, 2003 at 10:00 a.m., concerning:

A LOCAL LAW authorizing Erie Community College to have authority and responsibility for the performance of its own personnel, payroll and purchasing functions.

The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On March 6, 2003, the Erie County Legislature adopted Erie County Local Law Intro. No. 5-2003. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
Erie County Executive

Item 90 – (Comm. 6D-6) Notice of Public Hearing – Local Law Intro. No. 6 – 2003.

RECEIVED, FILED & PRINTED.

March 7, 2003

VIA HAND DELIVERY

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

RE: Notice of Public Hearing
Local Law Intro. No. 6-2003

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on March 6, 2003.

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

Very truly yours,

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

FREDERICK A. WOLF
Erie County Attorney

By: BRIAN D. WHITE
Assistant County Attorney

encl.

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, Monday, March 24, 2003 at 10:00 a.m., concerning:

A LOCAL LAW amending Local Law 1-1960, as amended, constituting the Erie County Administrative Code, by enacting an amendment to Article 11-C.07 -b thereby increasing the Fire Advisory Board from 21 members to 25 members.

The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On March 6, 2003, the Erie County Legislature adopted Erie County Local Law Intro. No. 6-2003. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
Erie County Executive

FROM ECC

Item 91 – (Comm. 6D-7) Meeting Notice.

Received and filed.

FROM DEP

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

Item 92 – (Comm. 6D-8) SEQR – Solicitation for Lead Agency Status – Unlisted Action – Kenmore Avenue \Sheridan Drive Intersection Improvements.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECMC

Item 93 – (Comm. 6D-10) Agenda, Minutes & Financial Statements.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 94 – (Comm. 6D-11) Budget Monitoring Report for Period Ending 12/31/02.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 95 – (Comm. 6D-12) Agenda & Minutes.

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF TONAWANDA

Item 96 – (Comm. 6M-1) Resolution in Favor of 33% Wireless Surcharge Being Permanently Returned to Local Governments.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHARLES EATON

Item 97 – (Comm. 6M-2) Letter of Resignation as Chief of Staff to the Minority.

RECEIVED, FILED & PRINTED.

March 7, 2003

The Honorable George A. Holt, Jr.
 Democratic Leader
 Erie County Legislature
 25 Delaware Ave., 5th Floor

MEETING NO. 6
March 20, 2003

ERIE COUNTY LEGISLATURE

Buffalo, NY 14202

Dear Mr. Leader:

I hereby tender my resignation as Chief of Staff to the Minority, effective 5:01 p.m. today. The position title in which I serve, and from which I resign, is in function 4000 of the Legislature's budget, line 22, CHF OF STF MIN.

It has been my great good pleasure to serve the members of the Legislature's Democratic caucus in several capacities since my initial appointment in 1993. Most particularly, it has been the experience of serving as the Chief of Staff to the caucus, as I have since January 1999, which has been the most rewarding. I am grateful to you and to your colleagues in the caucus for the trust and support that you placed in me. I shall never forget it.

I thank you for your innumerable courtesies, and I wish you, your legislative colleagues and staff good luck and Godspeed in all of your future endeavors.

Very truly yours,

CHARLES E. EATON
 Chief of Staff
 Democratic Caucus

c: Honorable Members, Democratic Caucus
 The Honorable Charles M. Swanick, Chairman
 The Honorable John W. Greenan, Commissioner, Department of Personnel

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 98 – (Comm. 6M-3) Notice of Meeting 3/18/03 & Agenda.

Received and filed.

FROM STEELFIELDS LTD

Item 99 – (Comm. 6D-4) Meeting Notice Re: Republic Steel & Donner Hanna Coke Properties.

Received and filed.

FROM NYSDEC

Item 100 – (Comm. 6D-5) Fact Sheet – Pfohl Brothers Landfill.

Received and filed.

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ERIE COUNTY LEGISLATURE

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 101 – (Comm. 6M-6) Notice of Meeting to be Held 3/20/02.

Received and filed.

FROM THE CITY OF BUFFALO

Item 102 – (Comm. 6M-7) Copy of Resolution Re: County Reimbursement for Maintenance of City\County Roads.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS COMPTROLLER

Item 103 – (Comm. 6M-8) Town of Orchard Park – Water District No. 17, Extension No. 3.

Received and filed.

FROM ACEA MOSEY-PAWLOWSKI, TREASURER ECWA

Item 104 – (Comm. 6M-9) Requesting Consideration for Reappointment to Board of Commissioners of ECWA.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CITY OF BUFFALO

Item 105 – (Comm. 6M-10) Copy of Resolution Re: Clean Air Act.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ST LAWRENCE COUNTY BOARD OF LEGISLATORS

Item 106 – (Comm. 6M-11) Copy of Resolution Re: Gender Neutral Office Titles.

Received and filed.

FROM THE STEELWORKERS ORGANIZATION OF ACTIVE RETIREES

Item 107 – (Comm. 6M-12) Letter Expressing Thanks to Legislature for Efforts on Behalf of Bethlehem Steel Retirees.

Received and filed.

MEMORIAL RESOLUTIONS

Item 108 – Legislator Holt requested that when the Legislature adjourns, it do so in memory of Alfonzo Thompson.

Item 109 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Elizabeth Young.

Item 110 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Mary Waziak.

Item 111 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Kenneth Engler.

Item 112 – Legislator Kuwik requested that when the Legislature adjourns, it do so in memory of Robert Downey.

Item 113 – Legislator Fisher requested that when the Legislature adjourns, it do so in memory of Jim Burns.

Item 114 – Legislator Schroeder requested that when the Legislature adjourns, it do so in memory of Fran Schneider's father.

Item 115 – Legislator Cusack requested that when the Legislature adjourns, it do so in memory of Edward E. Frauenheim, Jr.

Item 116 – Legislator McCarville requested that when the Legislature adjourns, it do so in memory of Robert Long.

Item 117 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Carlos Vernan.

Item 118 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Sharon Jackson.

ADJOURNMENT

Item 119 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

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

MEETING NO. 6

March 20, 2003

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

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

**LAURIE A. MANZELLA
CLERK**