

**MEETING NO. 9**  
**May 8, 2003**

**ERIE COUNTY LEGISLATURE**

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**MEETING NO. 9**  
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The Legislature was called to order by Chairman Swanick.

All Members Present.

The invocation was led by Rev. Joseph Sicari, Director of Catholic Charities.

The Pledge of Allegiance was led by Mr. Dusza.

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 Nos. 7 & 8 of 2003. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

**MISCELLANEOUS RESOLUTIONS**

Item 3 – MR. LARSON, ET AL presented a resolution Honoring Heather Kerl of Alden & Sara Jakubczak of Elma for Rescuing Two Children from Drowning at Myrtle Beach, South Carolina. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 4 – MS. CUSACK presented a resolution Honoring Father Joseph Sicari for Recently Being Appointed as Diocesan Director & President of Catholic Charities of Buffalo, New York. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. WEINSTEIN presented a resolution Honoring Evan Reed for His Elm Tree Living Heritage Project. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. SWANICK, RANZENHOFER, FALKNER, CHASE, McCARVILLE, CUSACK, WEINSTEIN & LARSON presented a resolution Honoring the Life of Honorable Edward A. Rath, Jr. Husband of Senator Mary Lou & Retired Justice of the Supreme Court. MR. HOLT seconded.

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CARRIED UNANIMOUSLY.

Item 7 – MR. DUSZA presented a resolution Congratulating Tom O’Donnell for Over 40 Years of Service to the UAW. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. DUSZA presented a resolution Honoring St. James School 5<sup>th</sup> Graders Upon Their Completion of D.A.R.E. Program. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. SMITH presented a resolution Celebrating William Arthur & Inez Hord Upon Their 50<sup>th</sup> Wedding Anniversary. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. DUSZA presented a resolution Honoring Volland Electric Upon Their 60<sup>th</sup> Anniversary of Service to WNY. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. DUSZA & MR. DALE presented a resolution Honoring Father Anthony Konieczny on His 60<sup>th</sup> Anniversary of Priesthood. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. DUSZA & MR. DALE presented a resolution Honoring Father Karl Kolodziejki on His 25<sup>th</sup> Anniversary of Priesthood. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. DUSZA presented a resolution Celebrating the 150<sup>th</sup> Anniversary of Our Lady Help of Christian Chapel Shrine. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. SMITH presented a resolution Honoring Nurses at ECMC During National Nurses Week. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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Item 15 – MR. HOLT presented a resolution In Memory of Gerald Patterson. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 16 – MR. HOLT presented a resolution In Memory of Claude D. Clapp. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 17 – MS. MARINELLI & MR. DeBENEDETTI presented a resolution Honoring the Caruso Family Upon Receiving the Annual “God, Family & Country Day” Award. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. HOLT presented a resolution Honoring Bishop William Henderson for 50 Years of Service. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. KUWIK presented a resolution Honoring Captain Thomas Brooks as he Retires from the Lackawanna Police Department. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 20 – MR. KUWIK presented a resolution Honoring Captain Michael Stump as he Retires from the Lackawanna Police Department. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. KUWIK presented a resolution Honoring Captain William Taggart as he Retires from the Lackawanna Police Department. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 22 – MR. KUWIK presented a resolution Honoring Detective Frank Purifoy as he Retires from the Lackawanna Police Department. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 23 – MR. KUWIK presented a resolution Honoring Detective Gerald Sobaszek as he Retires from the Lackawanna Police Department. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 24 – MR. KUWIK presented a resolution Honoring Detective Jerome Hazlett as he Retires from the Lackawanna Police Department. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 25 – MR. KUWIK presented a resolution Honoring Patrolman Gary Deren as he Retires from the Lackawanna Police Department. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 26 – MR. KUWIK presented a resolution Honoring Patrolman James McGroarty as he Retires from the Lackawanna Police Department. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

### **RECONSIDERATION**

Item 27 – MR. HOLT moved to reconsider the Miscellaneous Resolution Honoring Nurses at ECMC During National Nurses Week. MR. DALE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 28 – MR. HOLT moved to reconsider the Miscellaneous Resolution In Memory of Claude D. Clapp. MR. DALE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 29 – MR. HOLT moved to reconsider the Miscellaneous Resolution Honoring Bishop William Henderson for 50 Years of Service. MR. DALE seconded.

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CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

CHAIRMAN SWANICK directed that Comm. 9E-70 be taken out of order.

**FROM THE COMPTROLLER**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

Re: Bond Resolution – Various Capital  
 Projects - \$41,736,757.

RESOLUTION NO. 149-2003

BOND RESOLUTION DATED May 8, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2003 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$45,356,757, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$3,620,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$41,736,757 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) May 6, 2003

(Adopted) May 8, 2003

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called “County”), is hereby authorized to undertake the various capital projects as described in column A of the attached

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schedule, each as more fully described in column G of the attached schedule and the duly adopted 2003 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2003 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The respective estimated maximum costs of (a) the specific objects or purposes set forth in rows 2, 12-17, 19-21, 23-24, 29-30, 39-42, 44-48, 51, 54 and 56 of the attached schedule, and (b) the classes of objects or purposes set forth in rows 1, 3-11, 18, 22, 25-28, 31A-38, 43, 49-50, 52-53 and 55 of the attached schedule, including preliminary costs and costs incidental thereto and to the financing thereof, is set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2003 Capital Budget for the County. The plan of financing includes the expenditure of \$3,620,000 in State and Federal aid expected to be received and the issuance of \$41,736,757 aggregate principal amount of bonds of the County to finance the balance of said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes and classes of objects or purposes for which said \$41,736,757 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the respective specific objects or purposes and classes of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of

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any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 14.199 – 2.801)

**LOCAL LAWS**

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Item 31 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 32 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

Item 33 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 34 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 35 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #1) 2003 remain on the table.

Item 36 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 37 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 38 – CHAIRMAN SWANICK directed that Local Law No. 3 (Print #1) 2003 be received and filed.

Item 39 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 40 – CHAIRMAN SWANICK directed that Local Law No. 8 (Print #1) 2003 remain on the table.

\*\*\* See Item 44 for further action on this item.

Item 41 – CHAIRMAN SWANICK directed that Local Law No. 9 (Print #1) 2003 remain on the table.

Item 42 – CHAIRMAN SWANICK directed that Local Law No. 10 (Print #1) 2003 remain on the table.

**COMMITTEE REPORTS**

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



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CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

April 29, 2003

REGIONALISM AD HOC COMMITTEE  
REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR McCARVILLE.

1. Item Page -2003 (Comm. 8E-13)

**COUNTY EXECUTIVE**

**WHEREAS**, the Erie County Department of Environment and Planning has been exploring the creation of an electronic on-line building permit system; and

**WHEREAS**, the Department of Environment and Planning, after investigating local government interest, formed a committee of five local municipalities and two private development firms to research the development of an electronic on-line building permit system; and

**WHEREAS**, this committee determined that forming a contractual partnership with University at Buffalo's Institute for Local Governance and Regional Growth to develop the required software programs was the most cost effective and efficient avenue to pursue; and

**WHEREAS**, the involved municipalities and private developers appreciate the potential effectiveness and efficiency associated with an electronic on-line building permit system; and

**WHEREAS**, this committee desires to develop the required software programs and serve as the pilot group for the purposes of evaluating the electronic on-line building permit before implementing the program countywide.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive is hereby authorized to enter into a contract with the University at Buffalo's Institute for Local Governance and Regional Growth in an amount not to exceed \$136,400, for development of the required software to implement an on-line permit program; and be it further

**RESOLVED**, that the source of funds for this contract shall be as follows: \$136,400 from the Regionalism/Economic Development Fund (DAC 110 9043038301299), which shall be transferred to a new sub-account for this purpose under Account 830, Contractual Services in Department 302, Agency Payments monitored by the Department of Environment and Planning; and be it further

**RESOLVED**, that the Request for Proposals provision of Section 19.08 of the Erie County Administrative Code is hereby waived; and be it further

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

(4-0) Legislator McCarville absent.

2.	Item	Page	-2003	<b>AS AMENDED</b> (Comm. 8E-15)
	<b>COUNTY EXECUTIVE</b>			

**WHEREAS**, Erie County Association of School Boards (ECASB) is desirous of considering the options available to improve educational opportunities for students in Erie County; and

**WHEREAS**, providing these opportunities in the most equitable, effective, and efficient manner possible is of utmost importance; and

**WHEREAS**, it is the obligation of the public sector explore all options available to improve such educational opportunities; and

**WHEREAS**, it is the objective of this action to promote and provide greater prospects for enhanced educational service delivery to students in Erie County; and

**WHEREAS**, ECASB requires the assistance of Erie County to achieve these objectives; and

**WHEREAS**, it is the desire of the ECASB membership to enhance and provide the educational opportunities for students in Erie County in the most equitable, effective, and efficient manner possible,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Executive is hereby authorized to execute contracts with the ECASB to assist in the development and execution of a study to explore improving and enhancing educational opportunities and service delivery in Erie County in an amount not to exceed \$75,000; and be it further

**RESOLVED**, that the Erie County funds will be drawn upon by ECASB at such a time that at least \$250,000 from other funding sources has been secured and a consultant has been selected and approved by ECASB, and be it further

**RESOLVED**, that the source of funds for this purpose shall be \$75,000 available in the Regionalism/Economic Development Fund (DAC 110 9043038301299), which shall be transferred within the 2003 Budget to Account 830-1426, Contractual Services, Erie County Association of School Boards in Department 302, Project 922, Agency Payments Monitored by the Department of Environment and Planning; and be it further

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**RESOLVED**, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, and the County Comptroller.  
(4-0) Legislator McCarville absent.

**BARRY A. WEINSTEIN, M.D.  
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 44 – MR. HOLT moved to reconsider LL Intro. 8-1. MS. MARINELLI seconded.

CHAIRMAN SWANICK directed that a roll call be taken.

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

CARRIED UNANIMOUSLY.

MR. HOLT moved the consideration of the Local Law. MS. MARINELLI 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)

TABLED.

Item 45 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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## RESOLUTION NO. 151

May 1, 2003

HUMAN SERVICES  
COMMITTEE  
REPORT NO. 4

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

1. RESOLVED, that the following item is hereby tabled as amended.

- |    |      |       | <b>AS AMENDED</b>   |
|----|------|-------|---|
|    | Page | -2003 | (Comm. 8E-24)   |
| a. |      |       |   |
|    |      |       | <b>COUNTY EXECUTIVE:</b> Reconstitution of ECMC as a Public Benefit Corporation - Home Rule Requests. |
|    |      |       | (6-0 on the amendment) Chairman Swanick present as Ex-Officio Member.                                 |

2. Item Page -2003 (Comm. 7E-14)  
**COUNTY EXECUTIVE**  
**WHEREAS**, the Erie County Legislature has already appropriated funds for the Administrative Division for the period January 1, 2003 to December 31, 2003, and

**WHEREAS**, the Department of Senior Services (Department) was notified that a potential administrative merger between Los Tainos and Hispanics United of Buffalo (HUB) has not yet been finalized, and

**WHEREAS**, the Department budgeted all funds under HUB in the 2003 budget, and

**WHEREAS**, the Department desires to contract with Los Tainos, and

**WHEREAS**, the County budget for this Division is in need of revision.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive be and is hereby authorized to enter into a contract with Los Tainos for the period January 1, 2003 through December 31, 2003, for \$5,000, and be it further

**RESOLVED**, that the budget for the Administrative Division, Project 939, be revised as follows:

		CURRENT	AMENDED
		BUDGET CHANGES	BUDGET
<b>APPROPRIATIONS</b>			
Account	Description		

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830/208	Los Tainos Agency	\$0	+\$5,000	\$5,000
830/220	Hispanics United of Buffalo	10,000	<u>-5,000</u>	5,000
	<b>TOTAL CHANGE</b>		<u><u>\$0</u></u>	

and be it further

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

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

3. Item Page -2003 (Comm. 8E-10)

**COUNTY EXECUTIVE**

**WHEREAS**, the Rural Van Transportation Program serves low-income households as well as the elderly and disabled in 25 municipalities in northeastern and southern Erie County; and

**WHEREAS**, the Rural Van Program has been operated under an Erie County contract with Rural Transit Service, Inc., a not-for-profit corporation, for the past year; and

**WHEREAS**, Rural Transit Service, Inc., after public notice and completion of a County request for proposal process in 2002, was recommended for another five (5) year period through May, 2007 subject to the annual availability of federal funds and an annual contract with Erie County; and

**WHEREAS**, Rural Transit Service, Inc., desires to replace a high-mileage, high-maintenance van operating in the Towns of Boston, Colden and Eden, utilizing \$22,000 of Federal Community Development funds available in prior and current years' Erie County Community Development Grants,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Executive is hereby authorized to execute an amendatory agreement with Rural Transit Service, Inc. (RTS) a not-for-profit corporation, in order to administer the Rural Van Transportation Program for the 2003-2004 Community Development Consortium Block Grant (CDBG) Program year, for an amended contract amount not to exceed \$429,798 which includes purchasing a 7-passenger van, and operating support to provide transportation service to 25 towns and villages in Southern and Northeastern Erie County: and be it further

**RESOLVED**, that said contract authorization is contingent on the Erie County Community Development Block Grant Consortium receiving federal funds for the 2003-2004 Community Development Program year or the availability of unexpended funds allocated for the service from prior CDBG program years; and be it further

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**RESOLVED**, that the provisions of Section 19.08 of the Administrative Code requiring requests for proposal were complied with for the use of federal CDBG monies and a summary of the request for proposal process is attached to this resolution; and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management, and Finance, the Comptroller and the Commissioner of the Department of Environment and Planning.

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

**BARRY A. WEINSTEIN, M.D.  
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

Item 46 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

Re: Appointments to the Board of Directors of the Erie County Soil & Water Conservation District. (Intro. 9-1)

**A RESOLUTION SUBMITTED BY LEGISLATOR SWANICK**

**WHEREAS**, pursuant to state law, the Erie County Legislature must appoint members to the Erie County Soil and Water Conservation District Board of Directors, and

**WHEREAS**, the terms of the three at large Board Members, Darlene Vogel; Francis Gernatt; and Rosemary Bapst; expired on December 31, 2002 and Legislative Member Jeanne Chase's term is due to expire on April 10, 2003 and,

**WHEREAS**, appointments to the Board of Directors are made by a majority of the weighted vote of the Legislature

**NOW, THEREFORE, BE IT**

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**RESOLVED**, that the Erie County Legislature seeks to reappoint the members in the at large positions and the legislative position on the Board of Directors of the Erie County Soil and Water Conservation District, and be it further

**RESOLVED**, that the Erie County Legislature does hereby reappoint to the at large positions:

Darlene Vogel  
43 Errington Terrace  
Orchard Park, NY 14127

Francis Gernatt  
13384 Oswald Rd.  
Collins, NY 14034

Rosemary Bapst  
2901 Bowen Rd.  
P.O. Box C  
Elma, NY 14059

And be it further

**RESOLVED**, that the three at large members will serve three year terms that shall be retroactive to December 31, 2002 and shall expire on December 31, 2005, and be it further

**RESOLVED**, that the Erie County Legislature does hereby reappoint to the legislative position:

Hon. Jeanne Z. Chase  
184 Buffalo St.  
Hamburg, NY 14075

And be it further

**RESOLVED**, that the legislative member will serve a one year term that shall take effect on April 10, 2003 and shall expire on April 10, 2004, and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Erie County Soil and Water Conservation District, 50 Commerce Way, East Aurora, NY 14052; Erie County Farm Bureau, 21 S. Grove Street, East Aurora, NY 14052; Darlene Vogel, 43 Errington Terrace, Orchard Park, NY 14127; Francis Gernatt, 13384 Oswald Rd. Collins, NY 14034; Rosemary Bapst, 2901 Bowen Rd., P.O. Box C, Elma, NY 14059; and Hon. Jeanne Z. Chase, 184 Buffalo St., Hamburg, NY 14075.

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**Fiscal Impact: None**

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

CARRIED UNANIMOUSLY.

DELETE the fourth and fifth RESOLVE clause in their entirety and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby reappoint to the legislative positions:

Hon. Jeanne Chase  
184 Buffalo St.  
Hamburg, NY 14075

Hon. David Dale  
805 Fillmore Ave.  
Buffalo, NY 14212

And be it further

RESOLVED, that the legislative members will serve one year terms that shall take effect on April 10, 2003 and shall expire on April 10, 2004, and be it further

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

CARRIED UNANIMOUSLY.

Item 47 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 153

Re: Memorializing State Legislation on Anti-Terrorism. (Intro. 9-2)

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

**WHEREAS**, A chemical or biological attack against a civilian population or the threat of such an attack, however unimaginable before September 11, 2001, has become a stark and disturbing reality, and



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**WHEREAS**, The tragic events of September 11, 2001 produced losses of security and freedom, economic losses, and infrastructure damage and most importantly the loss of loved ones, and

**WHEREAS**, the terrorist act has caused the citizens of New York State to feel vulnerable on our own soil thus calling on our state government to create a government body that addresses our homeland security, and

**WHEREAS**, Legislation (A1398) under consideration in The New York State Assembly, after approval in the Senate, would create a NYS Assembly Standing Committee on Homeland Security that would assist with the devastation that occurs after a terrorist attack and help strengthen existing programs dealing with Homeland Security, and

**WHEREAS**, Legislation (A1294) under consideration in The New York State Assembly, after approval in the Senate, would establish crimes for money laundering for terrorism and the criminal use or possession of chemical or biological weapons, and

**WHEREAS**, Legislation (A1290) under consideration in The New York State Assembly, after approval in the Senate, would establish the crime of cyber-terrorism, and

**WHEREAS**, Legislation (A1289) under consideration in The New York State Assembly, after approval in the Senate, would create the crime of agri-bioterrorism,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Honorable Body reaffirms its participation in response to the need for a coordinated and comprehensive strategy on every level, and every branch of government to prevent, prepare and respond to any unforeseen disaster in order to protect the people of Erie County, and

**RESOLVED**, that this Honorable Body supports Assembly Bills: A1294, A1290, A1289, and A1398 and urges the New York State Assembly to pass this legislation and Governor 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. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 48 – CHAIRMAN SWANICK directed that the following resolution be referred to the REGIONALISM AD HOC COMMITTEE.

GRANTED.

Intro. 9-3 From LEGISLATOR FISHER Re: Expansion of the Niagara Power Project Boundaries to Include the Lake Erie-Niagara River Ice Boom as a Part of the Formal Relicensing Process.

Item 49 – CHAIRMAN SWANICK directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 9-4 From LEGISLATORS HOLT, SMITH & SCHROEDER Re: Support for the EC-US Department of Housing & Urban Development Dollar Home Agreement.

Item 50 – CHAIRMAN SWANICK directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 9-5 From LEGISLATORS HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH, DUSZA & MARINELLI Re: Restoring Essential Funding to ECMC Health Care Network.

Item 51 – CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

CARRIED UNANIMOUSLY.

Intro. 9-6 From LEGISLATORS HOLT, SCHROEDER & KUWIK Re: EC Support for Buffalo-Niagara Renewal Community.

Item 52 – CHAIRMAN SWANICK directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

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Intro. 9-7 From LEGISLATOR DALE Re: Request for Information on County Highway Property Found on Private Property.

Item 53 – MR. FALKNER presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

Re: Consideration for Public Benefit Funding.  
(Intro. 9-8)

A RESOLUTION SUBMITTED BY  
LEGISLATOR FALKNER

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

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

**NOW, THEREFORE, BE IT**

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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
West Seneca Chamber of Commerce	\$3,000.00	FALKNER
Junior Achievement of WNY, Inc.	\$3,000.00	FALKNER
West Seneca Central School District (Academy of Finance)	\$1,000.00	FALKNER
Meals on Wheels of Buffalo & Erie County	\$2,000.00	FALKNER
<b>TOTAL</b>	<b>\$9,000</b>	

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

Fiscal Impact: None

MR. FALKNER moved to amend the resolution. MR. RANZENHOFER 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>
West Seneca Chamber of Commerce	\$3,000	FALKNER
Junior Achievement of WNY, Inc.	\$3,000	FALKNER
West Seneca Central School District (Academy of Finance)	\$1,000	FALKNER
Meals on Wheels of Buffalo & Erie County	\$2,000	FALKNER
Meals on Wheels of Buffalo & Erie County	\$2,000	CHASE
Meals on Wheels of Buffalo & Erie County	\$2,000	MCCARVILLE
Meals on Wheels of Buffalo & Erie County	\$7,285	RANZENHOFER
Meals on Wheels of Buffalo & Erie County	\$1,500	SWANICK
Associated Builders & Contractors	\$2,000	CHASE
Associated Builders & Contractors	\$3,000	FALKNER
Associated Builders & Contractors	\$2,000	MCCARVILLE
Associated Builders & Contractors	\$16,500	RANZENHOFER
Associated Builders & Contractors	\$1,000	SWANICK
<b>TOTAL</b>	<b>\$46,285</b>	

And be it further

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

CARRIED UNANIMOUSLY.

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Item 54 – MS. CHASE presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

Re: Consideration for Public Benefit Funding.  
(Intro. 9-9)

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>
Angola Volunteer Fire Company	\$5,000	CHASE
Eden Little Loop Football	\$2,000	CHASE
Eden Recreation Department	\$5,000	CHASE
Eden Sons of Legion	\$5,000	CHASE
Erie County Farm Bureau, Inc.	\$5,000	CHASE
Evans/Brant Chamber of Commerce	\$3,500	CHASE
Hamburg Character First	\$1,000	CHASE
Hamburg Light up the Town	\$1,000	CHASE
Ten Lives Club	\$500	CHASE
<b>TOTAL</b>	<b>\$28,000</b>	

And be it further

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**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 the Erie County Legislature does hereby approve the transfer of \$2,500 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 931, Department 150 Sheriff – Overtime (110931150801), and be it further

**RESOLVED**, that the Erie County Sheriff's Department's Overtime budget is hereby amended and increased by \$2,500, for the purpose of funding overtime expenses for the Sheriffs who perform car seat safety checks throughout the county, and be it further

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

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

Fiscal Impact: None

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

- DELETE the Third and Fourth RESOLVED Clauses in their entirety and REPLACE them with:

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$11,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 931, Department 150 Sheriff – Overtime (110931150801), and be it further

**RESOLVED**, that the Erie County Sheriff's Department's Overtime budget is hereby amended and increased by \$11,000, for the purpose of funding overtime expenses for the Sheriffs who perform car seat safety checks throughout the county, and be it further

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

CARRIED UNANIMOUSLY.

Item 55 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

Re: Consideration for Public Benefit Funding.  
(Intro. 9-10)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 MOUNT</u>	<u>SPONSOR</u>
Cheektowaga Senior Recreation Center	\$5,000	DUSZA
Town Park Homeowners Association, Inc.	\$1,500	DUSZA
Cheektowaga Patriotic Commission	\$1,000	DUSZA
Cheektowaga Community Symphony Orchestra	\$1,500	DUSZA
82nd Airborne Association Museum	\$1,500	DUSZA
St. Philip the Apostle Parish Youth Program	\$4,000	DUSZA
Depew Volunteer Fire Department	\$2,500	DUSZA
Rescue Hose Company #1	\$2,500	DUSZA
Depew Police Department	\$2,000	DUSZA
Response To Love Outreach Program	\$2,000	DUSZA
Doyle Hose Fire Co. #1	\$2,500	DUSZA
Depew Village Senior Citizen Center	\$1,500	DUSZA
Depew Village Court	\$1,500	DUSZA
Monsignor Adamski Polish Saturday School	\$1,500	DUSZA
Cheektowaga Lions Club	\$1,500	DUSZA
Matt Peczynski Memorial Scholarship Fund	\$1,000	DUSZA
Chopin Singing Society	\$3,000	DUSZA

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TOTAL	\$36,000

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 56 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

Re: Consideration for Public Benefit Funding.  
(Intro. 9-11)

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

**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**



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

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
North Buffalo Community Development Corporation	\$10,000	MARINELLI
Buffalo Building Trades Development Partnership, Inc.	\$2,500	MARINELLI
Empire State Games	\$2,000	MARINELLI
<b>TOTAL</b>	<b>\$14,500</b>	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 57 – MR. DeBENEDETTI presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 158

Re: Consideration for Public Benefit Funding.  
(Intro. 9-12)

A RESOLUTION SUBMITTED BY  
LEGISLATOR DEBENEDETTI

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**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>
West Side Little League Football	\$5,000	DEBENEDETTI
Holy Cross Head Start/Hispanic Health Fair	\$1,000	DEBENEDETTI
<b>TOTAL</b>	<b>\$6,000</b>	

And be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 58 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 159

Re: Legislative Personnel Adjustments.  
(Intro. 9-13)

A RESOLUTION SUBMITTED BY  
LEGISLATORS SWANICK & RANZENHOFER

WHEREAS, from time to time certain personnel adjustments are necessary to address the staffing needs of the Legislature,

NOW, THEREFORE, be it

RESOLVED, that this Honorable Body does hereby CREATE one (1) position of ADMIN ASST LEG (Job Group 10, Step 5) to Function 2000 – Clerk’s Staff – Admin, effective May 12, 2003, and be it further

RESOLVED, that the Erie County Legislature does hereby DELETE two (2) positions of CLERK TYP (LEG) PT: Position No. 001767, Position No. 001724, effective January 1, 2003, and be it further

RESOLVED, that the Erie County Legislature does hereby DELETE one (1) position of ADMIN ASST LEG RPT: Position No. 001210 effective April 23, 2003, and be it further

RESOLVED, that the Clerk of the Legislature, the Commissioner of the Department of Personnel, and the Director of the Division of Budget, Management & Finance are hereby authorized to complete all of the necessary paperwork to effectuate these personnel changes, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Department of Personnel and the Director of the Division of Budget, Management & Finance.

**Fiscal Impact:** To be determined.

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

CARRIED UNANIMOUSLY.

Item 59 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 160

Re: Transfer of Public Benefit Funding.  
(Intro. 9-14)

A RESOLUTION SUBMITTED BY LEGISLATORS

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SWANICK, RANZENHOFER, LARSON, CHASE, WEINSTEIN,  
MCCARVILLE, CUSACK, FALKNER, HOLT, KUWIK,  
DUSZA, FISHER AND SCHROEDER

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

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

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$327,865 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Aids Family Services	830/505	\$5,000	FISHER
Amherst Library	830/0156	\$20,000	WEINSTEIN
Amherst Symphony Orchestra	830/654	\$2,000	CUSACK
Amherst Symphony Orchestra	830/654	\$2,000	WEINSTEIN
Amherst Youth Board	830/865	\$10,000	WEINSTEIN
Character First of Hamburg	830/	\$500	KUWIK
East Aurora American Legion Post 362	830/1494	\$2,000	MCCARVILLE
Everywoman Opportunity Center, Inc.	830/0225	\$3,000	FISHER
Friends of The Woods	830/382	\$2,500	DUSZA
Girl Scout Council of Buffalo & Erie County	830/1640	\$5,000	WEINSTEIN
Grand Island Chamber of Commerce	830/613	\$5,500	SWANICK
Grand Island Jr. Soccer	830/1577	\$1,000	SWANICK
Greater Niagara Frontier (Boy Scouts of America)	830/	\$5,000	FALKNER
Greater Niagara Frontier (Boy Scouts of America)	830/	\$5,000	SWANICK
Hamburg Natural History Soc., Inc.	830/0951	\$3,000	KUWIK
Heritage Heights Elementary School	830/	\$5,000	CUSACK
Heritage Heights Elementary School	830/	\$5,000	WEINSTEIN

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Institute for Local Governance & Regional Growth	830/	\$37,000	MAJORITY
Kenmore Town of Tonawanda Union Free School District	830/	\$15,000	SWANICK
Kenmore Vol. Fire Department	830/0959	\$5,000	SWANICK
Lackawanna Chamber of Commerce	830/1112	\$3,000	KUWIK
Literacy Volunteers of America Buffalo & Erie County, Inc.	830/344	\$3,000	FALKNER
Neighborhood Information Center	830/	\$15,000	DUSZA
NICYO	830/534	\$100,000	HOLT
River Road Volunteer Fire Company	830/1551	\$3,000	SWANICK
South Buffalo Alive	830/	\$5,000	SCHROEDER
Suburban Adult Services, Inc.	830/0125	\$2,500	FALKNER
Tonawanda Post # 264 American Legion	830/1552	\$5,000	SWANICK
Town of Elma	830/770	\$2,365	FALKNER
Vietnam Veterans of America, Inc.	830/1377	\$3,000	SWANICK
Village of Kenmore Police Department	830/732	\$5,000	SWANICK
West Seneca Satellite of Variety Club Telethon	830/	\$20,000	FALKNER
West Seneca Youth Bureau (Americorps)	830/1474	\$2,500	FALKNER
West Seneca Youth Bureau (Americorps)	830/1474	\$20,000	FALKNER
<b>TOTAL</b>		<b>\$327,865</b>	

And be it further

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

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

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

**Fiscal Impact: Appropriation of 2003 budgeted funds**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

Re: Consideration for Public Benefit Funding.  
(Intro. 9-15)

A RESOLUTION SUBMITTED BY  
LEGISLATOR CUSACK

**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>
Amherst Chamber of Commerce	\$10,000	CUSACK
Amherst Police Department	\$2,000	CUSACK
Amherst Senior Services	\$2,500	CUSACK
Associated Builders and Contractors	\$2,000	CUSACK
Boys and Girls Clubs	\$5,000	CUSACK
Brighton Fire Hall	\$2,000	CUSACK
Brighton Volunteer Fire Hall	\$2,000	CUSACK
Cleveland Hill Fire District	\$5,000	CUSACK
Eggertsville/Snyder Library	\$3,000	CUSACK
Harlem Kensington Cleveland Community Association	\$5,000	CUSACK
Meals on Wheels	\$1,500	CUSACK
Mel Ott Little League	\$2,000	CUSACK
MusicalFare Theatre	\$2,500	CUSACK

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North Bailey Fire Hall	\$2,500	CUSACK
Snyder Fire Department	\$5,000	CUSACK
Sweet Home School District	\$2,100	CUSACK
The Center for Hospice & Palliative Care	\$2,500	CUSACK
Town of Amherst- Fetto Park	\$5,000	CUSACK
<b>TOTAL</b>	<b>\$61,600</b>	

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 the Erie County Legislature does hereby approve the transfer of \$1,500 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 931, Department 150 Sheriff – Overtime (110931150801), and be it further

**RESOLVED**, that the Erie County Sheriff’s Department’s Overtime budget is hereby amended and increased by \$1,500, for the purpose of funding overtime expenses for the Sheriffs who perform car seat safety checks throughout the county, and be it further

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

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

Fiscal Impact: None

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

CARRIED UNANIMOUSLY.

Item 61 – CHAIRMAN SWANICK directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

**MEETING NO. 9**

**May 8, 2003**

**ERIE COUNTY LEGISLATURE**

Intro. 9-16 From LEGISLATORS HOLT & DeBENEDETTI Re: Requesting Information From ECIDA Concerning Status of Advanced Training Center.

Item 62 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 9-17 From LEGISLATOR MARINELLI Re: Plan Ahead: A Capital Improvement Planning & Finance Program.

Item 63 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 9-18 From LEGISLATORS HOLT, MARINELLI, DeBENEDETTI, SCHROEDER & FISHER Re: Taxpayer Relief, Debt Reduction & Budget Stabilization Act of 2003.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 64 – MR. LARSON moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 8E-3. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 162

Re: Open Item – Sewer District Bond Accounts.

RESOLUTION NO. 162-2003

BOND RESOLUTION DATED \_\_\_\_\_, 2003

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT TO SAID COUNTY.

(Introduced) \_\_\_\_\_, 2003

(Adopted) \_\_\_\_\_, 2003



**MEETING NO. 9****May 8, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly the resolution of this County Legislature dated March 20, 2003, an extension of Erie County Sewer District No. 3 and the reconstruction of approximately 5,000 linear feet of sewer line have been approved at an estimated maximum cost of \$500,000, and

WHEREAS, it is now desired to provide for the financing of said cost, NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the reconstruction of approximately 5,000 linear feet of sewer line, all as more fully described in the map, plan, report and estimate of cost approved by the Board of Managers of Erie County Sewer District No. 3 on December 11, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law; and the total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$500,000. The plan of financing includes the issuance of \$500,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in 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 2. The period of probable usefulness for the specific object or purpose for which said \$500,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$500,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay, on an interim basis, the costs or a portion of the costs of said improvements for which \$500,000 bonds are herein authorized prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

**MEETING NO. 9****May 8, 2003****ERIE COUNTY LEGISLATURE**

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00 and 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining annual debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the County Comptroller, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

CARRIED UNANIMOUSLY.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 16.041 – 0.959)

Item 65 – MR. RANZENHOFER moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 8E-24 (A) & (B). MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

Re: Reconstitution of ECMC as a Public Benefit Corporation Home Rule Requests. [8E-24(A)]

WHEREAS, the Erie County Medical Center healthcare network, including the hospital itself, its outpatient clinics, its Skilled Nursing Facility, its several primary care centers and substance abuse treatment centers, and the Erie County Home, is currently owned and operated by the County of Erie as a public hospital, and

WHEREAS, the formal reconstitution of the Erie County Medical Center healthcare network into a public benefit corporation, an independently operated public entity separate and distinct from the County of Erie, would afford such corporation legal, financial and managerial flexibility now lacking, and

WHEREAS, Assembly Bill No. A.8039 and Senate Bill No. S.4409, now pending before the New York State Legislature, would create a state board to be known as the Erie County Medical Center Corporation, a body corporate and politic constituting a public benefit corporation;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.8039, entitled “AN ACT to amend the public authorities law, in relation to the creation of the Erie County Medical Center Corporation and providing for the rights, powers, duties and jurisdiction of such corporation.”

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 in by a

**MEETING NO. 9****May 8, 2003****ERIE COUNTY LEGISLATURE**

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, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

MR. RANZENHOFER moved the approval of Resolution A. MR. WEINSTEIN seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 15.054 – 1.946)

RESOLUTION NO. 164

Re: Reconstitution of ECMC as a Public Benefit Corporation Home Rule Requests. [8E-24(B)]

WHEREAS, the Erie County Medical Center healthcare network, including the hospital itself, its outpatient clinics, its Skilled Nursing Facility, its several primary care centers and substance abuse treatment centers, and the Erie County Home, is currently owned and operated by the County of Erie as a public hospital, and

WHEREAS, the formal reconstitution of the Erie County Medical Center healthcare network into a public benefit corporation, an independently operated public entity separate and distinct from the County of Erie, would afford such corporation legal, financial and managerial flexibility now lacking, and

WHEREAS, Senate Bill No. S.4409 and Assembly Bill No. A.8039, now pending before the New York State Legislature, would create a state board to be known as the Erie County Medical Center Corporation, a body corporate and politic constituting a public benefit corporation;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.4409, entitled “AN ACT to amend the public authorities law, in relation to the creation of the Erie County Medical Center Corporation and providing for the rights, powers, duties and jurisdiction of such corporation.”

It is hereby declared that a necessity exists for the enactment of such legislation, and that the

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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 in by a majority of the total membership of the local legislative body.

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

MR. RANZENHOFER moved the approval of Resolution B. MR. WEINSTEIN seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED. (WEIGHTED VOTE: 15.054 – 1.946)

Item 66 – MR. RANZENHOFER moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Intro. 8-14. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

Re: Consideration for Public Benefit Funding.

A RESOLUTION SUBMITTED BY  
LEGISLATOR HOLT

WHEREAS, the 2003 adopted Erie County Budget contains 2002 Budget Resolutions (Book C, Pages R-1 & R-2) which authorize the transfer of funds from the 2001 reappropriations and the 2002 appropriations in Account 830-1295 Adelpia Parking to several accounts for use in 2003, and

WHEREAS, Erie County Legislature Intro. 7-5 (2003) authorized public benefit funding applications be forwarded to a number of agencies listed to receive funds as per the 2002 Budget Resolutions in the 2003 adopted Erie County budget, 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

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RESOLVED, that the Erie County Legislature does hereby authorize the County Executive via the Department of Environment & Planning to enter into contract with the Buffalo & Erie County Historical Society – Amistad Project for \$25,000 allocated in DAC: 1109213018301649, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Commissioner of the Department of Environment & Planning Laurence K. Rubin and Assistant County Attorney Greg Dudek.

Fiscal Impact: None.

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

CARRIED UNANIMOUSLY.

Item 67 – MR. HOLT moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 10-10. MR. DALE seconded.

CHAIRMAN SWANICK directed that a roll call be taken.

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

CARRIED. (WEIGHTED VOTE: 9.607 – 7.393)

RESOLUTION NO. 166

Re: Creating an Equitable Countywide  
Infrastructure Improvement Program.

A RESOLUTION SUBMITTED BY LEGISLATORS  
SWANICK, KUWIK, SCHROEDER, HOLT, FISHER,  
DALE, PEOPLES & DUSZA

WHEREAS, a coordinated and well maintained road transportation system impacts economic development, tourism and the overall quality of life in a region, and

WHEREAS, the Erie County Department of Public Works – Highway Division is responsible for approximately 1,200 lane miles of road and 282 bridges across the county, and

WHEREAS, each piece of this extensive infrastructure network is either maintained through county resources or maintained by local municipalities which are then reimbursed for their service to these roads and bridges, and

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WHEREAS, while most towns and villages across Erie County have county owned infrastructure within their boundaries and therefore receive support for this infrastructure maintenance, the Cities of Buffalo, Lackawanna and Tonawanda do not receive a dedicated source of county funding for road and bridge improvement, and

WHEREAS, this circumstance has led to a historic inequity in road services between residents living in urban and those living in suburban areas, and

WHEREAS, in an effort to alleviate the financial burden for maintenance of roads upon the three Cities, from 1996 until 2001 the county provided funding within its annual budget earmarked for snow removal efforts on city infrastructure, and

WHEREAS, a disparity in road conditions are most evident on major thoroughfares stretching across several municipalities of which the county may own portions of the road and one of the cities may own a portion of the same road, and

WHEREAS, in the City of Buffalo there are thirteen County highways that either border the City of Buffalo or extend into the City, and

WHEREAS, as one crosses municipal boundaries on these roads, jurisdictional control, and therefore maintenance responsibility, reverts to the City of Buffalo within the boundaries of the city, and

WHEREAS, examples of roads owned and maintained in part by the county and in part by the Cities of Buffalo, Lackawanna or Tonawanda include: Kensington Avenue, Eggert Road, Elmwood Avenue, William Street, Seneca Street, Abbott Road, Two Mike Creek Road, Ellicott Creek Road, Colvin Boulevard and Kenmore Avenue, and

WHEREAS, in the past the county has successfully developed intermunicipal cooperative agreements for repair and resurfacing to multi-jurisdictional roads such as Kenmore Avenue and Ridge Road, and

WHEREAS, all residents of Erie County, including those living within the boundaries of the three cities, deserve their fair share in county funded road services,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the importance of having a properly maintained road and bridge system throughout all municipalities in Erie County, and be it further

RESOLVED, it is the goal of this Honorable Body to promote a seamless transition on roads that cross municipal borders, and be it further

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RESOLVED, that this Honorable Body does hereby seek to develop a regional plan that rectifies the historic inequity for maintenance of roads within the Cities of Buffalo, Lackawanna and Tonawanda, including the annual designation of funds from the county's general fund budget for transfer to the cities of Buffalo, Lackawanna and Tonawanda for the purposes of surface repair of city-owned roads of intermunicipal character, and be it further

RESOLVED, that the Commissioner of Public Works, Deputy Commissioner – Highways and the Budget Director are hereby requested to attend a future meeting of the Legislature's Government Affairs Committee to discuss this proposal, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Commissioner of Public Works, the Deputy Commissioner – Highways, and the Budget Director.

Fiscal Impact: Ensures residents in the Cities of Buffalo, Lackawanna and Tonawanda receive a fair share of county funding for road services.

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

CARRIED UNANIMOUSLY.

\*\*\* See Meeting #10 for reconsideration of this item.

Item 68 – MR. HOLT moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Intro. 8-4. MR. SMITH seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Chairman Swanick directed that the meeting enter into recess at 4:20 p.m.

The Chairman declared the meeting reconvened at 4:28 p.m.

**SUSPENSION OF THE RULES**

Item 69 – MS. CUSACK moved for a suspension for the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.



**MEETING NO. 9****May 8, 2003****ERIE COUNTY LEGISLATURE**

CHAIRMAN SWANICK directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

Comm. 9M-21 From THE WESTERN ERIE CANAL HERITAGE CORRIDOR PLANNING COMMISSION Re: Requesting Opportunity to Present the Heritage Corridor Management Plan for Erie, Niagara, Orleans, Monroe & Wayne Counties to the Legislature.

**COMMUNICATIONS FROM ELECTED OFFICIALS****FROM THE COMPTROLLER**

Item 70 – (Comm. 9E-1) EC Tobacco Asset Securitization Transaction.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATORS HOLT & DeBENEDETTI**

Item 71 – (Comm. 9E-2) Letter to Legislator Larson Re: Comm. 7E-11.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 72 – (Comm. 9E-3) Proposal to Consolidate City of Buffalo & County of Erie Comptroller's Offices.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 73 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

Re: Reappointments to Erie County  
Commission on the Status of Women.  
(Comm. 9E-4)

**RESOLVED**, that the Erie County Legislature does hereby confirm the reappointments of the following individuals to the Erie County Commission on the Status of Women for the term stated below:

**NAME & ADDRESS****TERM EXPIRATION**

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Dorcas Colvin June 30, 2006  
 Buffalo State College  
 Human Resources Management  
 1300 Elmwood Avenue  
 Buffalo, New York 14222

Audrey J. Czesak-Kennedy June 30, 2006  
 605 Admirals Walk  
 Buffalo, New York 14202

Susan Martino June 30, 2006  
 800 West Ferry Street, #5  
 Buffalo, New York 14222

Lucy Tretiak-Caruso June 30, 2006  
 110 Oakland Place  
 Buffalo, New York 14202

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

CARRIED UNANIMOUSLY.

FROM LEGISLATORS RANZENHOFER & CHASE

Item 74 – (Comm. 9E-5) Notice of Joint Informational Meeting Re: Central Police Public Safety Campus Project.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 75 – (Comm. 9E-6) Appointment to Equal Employment Opportunity Advisory Committee.

RECEIVED, FILED & PRINTED.

April 21,2003

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Appointment to Equal Employment Opportunity Advisory Committee

**MEETING NO. 9****May 8, 2003****ERIE COUNTY LEGISLATURE**

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to the Equal Employment Opportunity Act of 1972, do hereby appoint the following individual to the Equal Employment Opportunity Advisory Committee for the term stated.

NAME AND ADDRESSTERM EXPIRATION

Lorraine Clemente  
57 Ketchum Place  
Buffalo, New York 14213

December 31, 2004

Respectfully submitted,

JOEL A. GIAMBRA  
ERIE COUNTY EXECUTIVE

JAG/kme

cc: Appointee

Charles E. Aughtry, Director, Division of Equal Employment Opportunity  
Adrian Rodriguez, Coordinator, Minority Business Enterprise

FROM LEGISLATOR DeBENEDETTI

Item 76 – (Comm. 9E-7) Copy of Letter to Budget Director Re: Tobacco Asset Securitization.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 77 – (Comm. 9E-8) Letter to Director of Fleet Operations Re: 1<sup>st</sup> Quarter Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 78 – (Comm. 9E-9) Apportionment & Distribution of 4% Sales Tax – 4/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIRMAN SWANICK

Item 79 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

**MEETING NO. 9****May 8, 2003****ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

Re: Appointment to Erie County Community  
Coordinating Council on Children & Families.  
(Comm. 9E-10)

**RESOLVED**, that the Erie County Legislature does hereby confirm the appointment of Kathleen M. DiGaudio of 19 Russell Street, Buffalo, New York 14214 to the Erie County Community Coordinating Council on Children and Families for a term to begin May 8, 2003 and expire December 31, 2004.

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

CARRIED UNANIMOUSLY.

Item 80 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

Re: Appointment to Erie County Community  
Coordinating Council on Children & Families.  
(Comm. 9E-11)

**RESOLVED**, that the Erie County Legislature does hereby confirm the appointment of Eugene Meeks of 517 Bauman Road, Williamsville, New York 14221 to the Erie County Community Coordinating Council on Children and Families for a term to begin May 8, 2003 and expire December 31, 2005.

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

CARRIED UNANIMOUSLY.

Item 81 – (Comm. 9E-12) Appointment to Erie County Capital Projects Committee.

RECEIVED, FILED &amp; PRINTED.

May 1, 2003

Hon. Laurie A. Manzella  
Clerk, Erie County Legislature  
25 Delaware Avenue, 7<sup>th</sup> Floor  
Buffalo, NY 14202

**MEETING NO. 9****May 8, 2003****ERIE COUNTY LEGISLATURE**

Re: Appointment of Hon. Dale W. Larson to the Erie County Capital Projects Committee.

Dear Madam Clerk:

Pursuant to the provisions of Article 18, Section 18.03(b) of the Erie County Administrative Code, I hereby appoint Hon. Dale W. Larson as the Erie County Legislature's liaison to the Erie County Capital Projects Committee.

Mr. Larson will be replacing Hon. Lynn M. Marinelli whose term has expired.

Very truly yours,  
Charles M. Swanick  
Chairman, Erie County Legislature

Cc: Hon. Dale W. Larson  
Hon. Lynn M. Marinelli  
Hon. Joel Giambra  
Joseph Passafiume, Budget Director  
Spencer Schofield, Environment & Planning

FROM LEGISLATOR HOLT

Item 82 – (Comm. 9E-13) Copy of Letter to Mayor of City of Buffalo Re: Snowplowing.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR KUWIK

Item 83 – (Comm. 9E-14) Copy of Letter to Mayor of Lackawanna Re: Snowplowing.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR HOLT

Item 84 – (Comm. 9E-15) Copy of Letter to Budget Director Re: Budget Monitoring Reports.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS MARINELLI & DeBENEDETTI

Item 85 – (Comm. 9E-16) Copy of Letter to Comptroller Re: 7E-11.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RANZENHOFER

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Item 86 – (Comm. 9E-17) Waterfront Development Projects Update – Economic Development Committee Meeting.

Received & filed.

FROM LEGISLATOR HOLT

Item 87 – (Comm. 9E-18) Copy of Letter to Comptroller Re: Erie County's Bonded Indebtedness.

Item 88 – (Comm. 9E-19) Copy of Letter to Comptroller Re: Erie County's Constitutional Debt Limit.

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

Item 89 – (Comm. 9E-20) Copy of Letter to Sheriff Re: Status of Merger of Erie County Holding Center with Buffalo Police Department Cellblock & Booking Operation.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 90 – (Comm. 9E-21) Copy of Letter to Budget Director Re: Tobacco Settlement Proceeds.

Item 91 – (Comm. 9E-22) Copy of Letter to Budget Director Re: Sale of Tax Liens to NYS.

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

FROM THE COUNTY EXECUTIVE

Item 92 – (Comm. 9E-23) Erie County ERP Project.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 93 – (Comm. 9E-24) Social Services – Hispanics United of Buffalo Contract.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 94 – (Comm. 9E-25) ECSD No. 1 – Contract No. 23 – Hyland Avenue Interceptor Sewer Bid Opening.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**MEETING NO. 9****May 8, 2003****ERIE COUNTY LEGISLATURE**

Item 95 – (Comm. 9E-26) Botanical Gardens – Implementation of Master Plan – A\|E Agreement.

Item 96 – (Comm. 9E-27) Addition of 6 RPT Laborers to Settle Various Grievances.

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

Item 97 – (Comm. 9E-28) District Attorney – Comprehensive Assault, Abuse & Rape Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 98 – (Comm. 9E-29) ECSD No. 6 – Transfer of Funds.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 99 – (Comm. 9E-30) CPS Forensic Lab – No Suspect Casework DNA Backlog Reduction Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 100 – (Comm. 9E-31) Probation & Youth Detention Services – Purchase of Contract.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 101 – (Comm. 9E-32) Health – Lease Renewal Agreement – 499 Franklin Street.

Item 102 – (Comm. 9E-33) Health – Supplemental Aid to Localities Grant – Medical Examiner's Toxicology Lab – 4/1/01 – 8/31/03 – Project No. 572.

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

**FROM LEGISLATOR LARSON**

Item 103 – (Comm. 9E-34) Consolidated Sales Tax Items.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 104 – (Comm. 9E-35) Health – Bathing Beach Water Quality Monitoring & Notification Program – 5/1/03 – 9/15/03.

Received and referred to the HUMAN SERVICES COMMITTEE.

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Item 105 – (Comm. 9E-36) Office of Traffic Safety – Child Passenger Seat Instructors.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 106 – (Comm. 9E-37) 2003 STOP-DWI Grant – Revisions for Governor’s Traffic Safety Committee Police Lifesaver Patrols Contract.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 107 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

Re: Ralph Wilson Stadium – 2003  
Improvements – Suite Renovations.  
(Comm. 9E-38)

WHEREAS, the Department of Public Works received bids on April 21, 2003, for the Ralph Wilson Stadium – 2003 Improvements – Suite Renovations, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Ralph Wilson Stadium – 2003 Improvements – Suite Renovations, and

WHEREAS, the County of Erie is required to provide Capital Lease Improvements to the stadium facilities pursuant to the new Lease Agreement, and

WHEREAS, additional bids for mechanical and electrical work for this project will be received on May 1, 2003,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2003 Improvements – Suite Renovations, as follows:

**GENERAL CONSTRUCTION WORK**

Trason Development Corporation	
Base Bid	\$490,465.00

and be it further,

RESOLVED, that the sum of \$50,000 be allocated for 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,



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RESOLVED, that after the Department of Public Works receives bids for the mechanical and electrical work for this project on May 1, 2003 that the County Executive be authorized to enter into a contract with the lowest responsible bidders in and amount not to exceed \$250,000 with an additional allocation of \$25,000 for construction contingency, and be it further,

RESOLVED, that the Commissioner of Public Works inform the Erie County Legislature “for information only” which contractor was awarded a contract, 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 payment for all of the above from the 2003 Stadium Renovations Capital Budget, Fund 410, Project 406, in the total amount not to exceed \$815,465, and be it further,

RESOLVED, that if the 2003 bond resolution for renovations to Ralph Wilson Stadium is not authorized, the Buffalo Bills will incur the costs for all of the above, (see attached letter from the Buffalo Bills), 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.

MR. RANZENHFOFER moved the approval of the resolution. MR. WEISNTEIN seconded. MR. DeBENEDETTI voted in the negative.

CARRIED. (WEIGHTED VOTE: 16.041 – 0.959)

Item 108 – (Comm. 9E-39) Agreement with NYSDOT – Ridge Road & Seneca Street.

Item 109 – (Comm. 9E-40) Erie County Fuel Management System, Phase II.

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

Item 110 – (Comm. 9E-41) Emergency Services – Acceptance of 5 Trailers & Accompanying Equipment from NYS Emergency Management Office.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 111 – (Comm. 9E-42) Agreement with NYSDOT – East Church Street Bridge.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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Item 112 – (Comm. 9E-43) Erie County Southtowns Sewage Treatment Agency – Engineering Services Agreements.

Item 113 – (Comm. 9E-44) ECSD No.1 – Contract No. 17 – Losson Subtrunk Sanitary Sewer Bid Opening.

Item 114 – (Comm. 9E-45) Erie County Southtowns Sewage Treatment Agency – Sand Filter Process & Secondary Clarifier Modifications – Bid Opening.

Item 115 – (Comm. 9E-46) ECSD No. 2 – Route 5 (Derby) – Lakecrest Gardens – Rehabilitation Sanitary Services.

Item 116 – (Comm. 9E-47) ECSSTA & ECSD Nos. 1, 3, 4 & 5 – Energy Performance Contract Design Services.

Item 117 – (Comm. 9E-48) ECSD No. 2 – Disinfection Upgrade – Big Sister Creek Wastewater Treatment Plant.

Item 118 – (Comm. 9E-49) ECSD No. 2 – Stearns & Wheler – Engineering Agreement Close-Out – A\E Agreement Dated 11/5/98.

Item 119 – (Comm. 9E-50) ECSD No. 5 – Pratt & Huth Associates – Agreement Dated 9/24/98 – Contract Close-Out.

Item 120 – (Comm. 9E-51) EC/ECSSTA – NYS Water Pollution Control Revolving Loan Program.

Item 121 – (Comm. 9E-52) EC/ECSSTA – Southtowns Advanced Wastewater Treatment Facility Energy Performance Program.

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

Item 122 – (Comm. 9E-53) Episcopal Community Housing Development Organization.

Item 123 – (Comm. 9E-54) 2003 Federal Emergency Shelter Grant Program Contract for Flare.

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

Item 124 – (Comm. 9E-55) Erie County Parks System Master Plan – Consultant Contract Amendment \ Planning Services.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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Item 125 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

Re: Erie County Regional Public Safety Campus  
– Demolition & Site Preparations – Bid Package  
No. 1. (Comm. 9E-56)

WHEREAS, the Department of Public Works received bids on April 17, 2003 for the EC Regional Public Safety Campus, Demolition & Site Preparation Work, Bid Package #1, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for EC Regional Public Safety Campus, Demolition & Site Preparations, Bid Package #1 as follows:

**DEMOLITION WORK**

Ontario Specialty Corp. (OSC)

Base Bid	\$413,012.00
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and be it further,

RESOLVED, that the sum of \$50,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Watts Engineering's General Architectural/Engineering Agreement for providing asbestos and environmental engineering services for an amount not to exceed \$45,000, including reimbursables, and be it further,

RESOLVED, that the sum of \$4,000 be allocated for testing, inspection, and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from Project 341, Fund 410 in the amount of \$512,012, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 126 – (Comm. 9E-57) Agreement with NYSDOT – Youngs Road & Aero Drive Intersection.

Item 127 – (Comm. 9E-58) Agreement with NYSDOT – Abbott Road Overlay.

Item 128 – (Comm. 9E-59) Agreement with NYSDOT – Intersection Reconstruction at Maple Road at Flint Road & North Forest Road & Hopkins Road.

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

Item 129 – (Comm. 9E-60) Emergency Services – Revision of All-Hazard Mitigation Plan Grant Legislation from NYS Emergency Management Office.

Item 130 – (Comm. 9E-61) Emergency Services – Acceptance of Award to Establish Grant from NYSEMO to Upgrade EC Comprehensive Emergency Management Plan.

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 131 – (Comm. 9E-62) Senior Services – Authorization to Contract with Nutrition Site New Owner.

Item 132 – (Comm. 9E-63) Senior Services – Authorization to Amend RSVP Grant Budget.

Item 133 – (Comm. 9E-64) Social Services – West Side Delinquency Prevention Program.

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

Item 134 – (Comm. 9E-65) Parks, Recreation & Forestry – State Aid for Snowmobile Development, 2002 – 2003.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 135 – (Comm. 9E-66) Erie County Parks System Master Plan Capital Improvements.

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Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 136 – (Comm. 9E-67) District Attorney – Multi-Jurisdictional Program Grant.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 137 – (Comm. 9E-68) Erie County Community Coordinating Council on Children & Families – Authorization to Enter Into Contract with Act for Youth Project.

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM THE COMPTROLLER**

Item 138 – (Comm. 9E-69) Bond Resolution – Amending Bond Resolution Adopted 4/5/01 to Amend Project Description.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE SHERIFF**

Item 139 – (Comm. 9E-71) Personnel Adjustments.

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM DEP**

Item 140 – (Comm. 9D-1) Memo Re: ECSD No. 3 Bond Resolution - \$500,000.

Item 141 – (Comm. 9D-2) SEQOR – Negative Declaration Re: Bethlehem Park Rehab\Replacement.

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

**FROM DPW**

Item 142 – (Comm. 9D-3) Status of Troy & Banks Contract.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM ECMC**

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Item 143 – (Comm. 9D-4) Notice of Rescheduled Finance Committee Meeting.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 144 – (Comm. 9D-5) Agenda & Minutes of Board of Trustees Meeting.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 145 – (Comm. 9D-6) Transmittal of New Claim Against Erie County.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECMC

Item 146 – (Comm. 9D-7) Agenda & Minutes of Board Meeting.

FROM DEP

Item 147 – (Comm. 9D-8) Calling a Public Hearing for Considering an Increase & Improvement of ECSD No. 3.

Item 148 – (Comm. 9D-9) Calling a Public Hearing for Considering an Increase & Improvement of Erie County Southtowns Sewage Treatment Agency.

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

FROM ECMC

Item 149 – (Comm. 9D-10) Financial Statements for March 2003.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 150 – (Comm. 9D-11) Budget Monitoring Report for Period Ending 3/31/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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FROM DPW

Item 151 – (Comm. 9D-12) SEQR – Negative Declaration – Improvements to NY Route 325, Sheridan Drive at Kenmore Avenue.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECC

Item 152 – (Comm. 9D-13) Board Meeting Agenda & Minutes.

Item 153 – (Comm. 9D-14) Meeting Notice.

The above two items were received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM SENATOR RATH

Item 154 – (Comm. 9M-1) Receipt of Resolution.

Received and filed.

FROM THE NIAGARA COUNTY LEGISLATURE

Item 155 – (Comm. 9M-2) Resolution Re: Equitable & Dedicated Share of NYS Wireless Surcharge.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM JOAN GOODRICH

Item 156 – (Comm. 9M-3) Copy of Letter to County Executive Re: ECC.

Received and filed.

FROM THE COUNTY OF LEWIS BOARD OF LEGISLATORS

Item 157 – (Comm. 9M-4) Resolution Re: NYS Assembly Bill No. A04901 – Operation of Snowmobiles.

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Item 158 – (Comm. 9M-5) Resolution Re: NYS Assembly Bill No. A06291 – Boating While Intoxicated.

Item 159 – (Comm. 9M-6) Resolution Re: NYS Assembly Bill No. A03905 – Recreational Vehicle Usage.

Item 160 – (Comm. 9M-7) Resolution Re: NYS Assembly Bill No. A01084 – Maximum Speed Limit for Snowmobiles.

The above four items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM ECIDA

Item 161 – (Comm. 9M-8) Minutes of Board Meeting Held 4/16/03.

Received and filed.

FROM BETTY CARR MORROW

Item 162 – (Comm. 9M-9) NYS Smoking Law Effective 7/1/03.

Received and filed.

FROM SENATOR RATH

Item 163 – (Comm. 9M-10) Receipt of Resolutions.

Received and filed.

FROM SENATOR CLINTON

Item 164 – (Comm. 9M-11) Bethlehem Steel's Retiree Health Benefits.

Received and filed.

FROM ASSEMBLYMAN SMITH

Item 165 – (Comm. 9M-12) NYS Wireless Surcharge.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM AFSCME LOCAL 650

Item 166 – (Comm. 9M-13) Merger of County & City Comptroller's Offices.



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Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM SENATOR RATH

Item 167 – (Comm. 9M-14) Receipt of Resolution.

Received and filed.

FROM REGION 9 FOREST PRACTICE BOARD

Item 168 – (Comm. 9M-15) Minutes of Meeting Held 4/10/03.

Received and filed.

FROM THE CENTER FOR DISEASE CONTROL & PREVENTION

Item 169 – (Comm. 9M-16) Information Re: Smallpox & Smallpox Vaccine.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE CITY OF BUFFALO

Item 170 – (Comm. 9M-17) Sharing of the 8<sup>th</sup> Penny of Sales Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ECIDA

Item 171 – (Comm. 9M-18) Notice of Meeting to be Held 5/14/03.

Received and filed.

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 172 – (Comm. 9M-19) Agenda & Minutes.

Received and filed.

FROM NYSDEC

Item 173 – (Comm. 9M-20) 1996 Clean Water – Clean Air Bond Act Project Bulletin – Trinidad Park.

Received and filed.

**MEMORIAL RESOLUTIONS**

Item 174 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Charles L. Zizzi.

Item 175 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of Fallen Marine PFC Tomario Burkett.

Item 176 – Legislator Dale requested that when the Legislature adjourns, it do so in memory of John S. Zulawski.

Item 177 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Henry Andrzejewski.

Item 178 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Edward Bartnicki.

Item 179 – Legislator Fisher requested that when the Legislature adjourns, it do so in memory of Claude D. Clapp.

Item 180 – Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Supreme Court Justice Edward A. Rath, Jr.

Item 181 – Legislator McCarville requested that when the Legislature adjourns, it do so in memory of Vicent Lisacchi.

Item 182 – Legislator Chase requested that when the Legislature adjourns, it do so in memory of JoAn Palma.

Item 183 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Margurite Lapp, Trustee for the Williamsville School Board.

Item 184 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Richard Wilcox.

Item 185 – Legislator Schroeder requested that when the Legislature adjourns, it do so in memory of Pat Marrin.

**ADJOURNMENT**

Item 99 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

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**May 8, 2003**

**ERIE COUNTY LEGISLATURE**

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MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, May 22, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, May 22, 2003 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA  
CLERK**