

ERIE COUNTY LEGISLATURE  
SPECIAL SESSION  
MEETING NO. 15  
July 22, 1997

The Legislature was called to order by Chairman SWANICK.

\_\_\_\_\_

All Members Present except Legislator Marshall.

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A Moment of Silence was held.

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The Pledge of Allegiance was led by Ms. Peoples.

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The Minutes of the previous meeting were TABLED.

COMMUNICATIONS FROM ELECTED OFFICIALS:

ITEM 1 - (Comm. 15E-1) Calling Special Meeting

RECEIVE, FILE & PRINT.

July 18, 1997

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

Dear Madame Clerk:

Pursuant to Rule 2 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on **TUESDAY, JULY 22, 1997 at 10:00 o'clock** in the morning of that day in the Erie County Legislative Chambers, 25 Delaware Avenue, 7th Floor, Buffalo, New York.

The purpose of this meeting will be to consider and act upon the following:

\* A Communication from the Department of Public Works regarding Liberia Road (CR 402), Town of Marilla, Resident Medical Expenses, and

\* A communication from the Department of Public Works regarding Award of Contract, 1997 Culvert Reconstruction, Project Number CULVERTS-97, Rapids Road Culvert BR 42-3, Town of Newstead, East Aurora-Porterville Road Culvert BR 6-2, Town of Marilla.

Thank you.

Sincerely yours,  
CHARLES M. SWANICK  
Chairman  
Erie County Legislature

RECEIVED, FILED & PRINTED.

COMMUNICATIONS FROM THE DEPARTMENTS:

FROM DPW

ITEM 2 - (Comm. 15D-1)

Ms. PEOPLES moved for immediate consideration. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 353 Re: Liberia Road (CR 402) Town of Marilla,  
Resident Medical Expenses

WHEREAS, the New York State Department of Transportation, while reconstructing a bridge over Two Rod Road in the Town of Marilla, desired to use County owned Liberia Road and Four Rod Road, as part of the detour during the State's construction work on Two Rod Road, and

WHEREAS, the State agreed to pave the County's Liberia Road and Four Rod Road in exchange for permission to utilize Liberia Road and Four Rod Road as part of the detour, which paving is a benefit to the County of Erie representing project costs of approximately \$110,000.00 that the State is spending on a County road improvement, and

WHEREAS, the County became aware of a resident of Liberia Road, Barbara Ruel, who had physical conditions of an extreme nature involving allergies and immune system difficulties with such things as fumes from the proposed paving, especially in hot weather, and

WHEREAS, the County put the State of New York on notice to delay the paving of Liberia Road until July 1998 in order to work out an accommodation for Barbara Ruel, and on June 25, 1997, the County offered to make reasonable accommodations for her during the anticipated time of paving, including additional care aide-time and oxygen and assistance with clean-up of her home after the paving with such costs not anticipated to exceed \$5,000.00, and

WHEREAS, despite the requests for delay, the State's contractor did the paving on June 30, 1997 even before a pre-construction meeting was held on this project with resultant consequences to Barbara Ruel, and emergency measures were needed to accommodate her at the time of the unexpected paving, and

WHEREAS, during the emergency, the County provided the accommodations it had offered at the meeting of June 25, 1997, five days prior to the unexpected paving date,

NOW, THEREFORE, BE IT

RESOLVED, that upon receipt of a general release to the County in a form satisfactory to the County Attorney, from Barbara Ruel, the County of Erie, Department of Public Works, is hereby authorized to provide payment for personal attendants additional hours until noon of July 8, 1997 (not to exceed 131 hours for a total cost of \$1,831.38, ceramic mask and tygon tubing for oxygen (not to exceed \$34.00) and 40 hours of clean-up at the home of Barbara Ruel (not to exceed \$559.20) and 4 gallons each of neolife green and red sap, 10 large and 10 small rolls of Reynolds Aluminum Foil, 400 clear plastic 30 gallon bags, 3 VH-300 air purifiers and the filters related thereto (not to exceed \$691.74) for a total expenditure not to exceed \$3,116.32, and be it further

RESOLVED, that the Comptroller is authorized and directed to make payments for the above from the 1995 Bridge Design Fund in the amount not to exceed \$3,200.00, and be it further

RESOLVED, that certified copies of this Resolution be sent to the Department of Public Works, the Department of Law, County Attorney and to the County Comptroller.

Ms. PEOPLES moved the adoption. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

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ITEM 3 - (Comm. 15D-2)

Ms. PEOPLES moved for immediate consideration. Mr. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 354 Re: Award of Contract, 1997 Culvert  
Reconstruction, Project Number CULVERTS-97  
Rapids Road Culvert BR 42-3, Town of  
Newstead, East Aurora-Porterville Road  
Culvert BR 6-2 Town of Marilla

WHEREAS, bids were taken for the 1997 Culvert Reconstruction Project, Project CULVERTS-97, which include Rapids Road Culvert BR 42-3, in the Town of Newstead and East Aurora-Porterville Road Culvert BR 6-2, in the Town of Marilla, on July 10, 1997, the low bidder being Holmes and Murphy, Inc. of 75 Bank Street, Orchard Park, at a low bid amount of \$206,329.40.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project CULVERTS-97, which include Rapids Road Culvert BR 42-3, in the Town of Marilla between the County of Erie and the low bidder Holmes and Murphy, Inc. at its low bid of \$206,329.40, and be it further

RESOLVED, that an amount of \$206,329.40 be allocated as follows: \$106,329.40 from the 1996 Rapids Road Bridge Construction Program and \$100,000.00 from the 1993 Bridge Design and Construction Program for this purpose, and be it further

RESOLVED, that an additional amount of \$20,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$20,000.00 from the 1996 Rapids Road Bridge Construction Program, and be it further

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

Ms. PEOPLES moved the adoption. Mr. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

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FROM THE CLERK OF THE LEGISLATURE

ITEM 4 - (Comm. 15D-3) Special Meeting Notice

RECEIVE, FILE & PRINT.

July 18, 1997

TO: ALL ERIE COUNTY LEGISLATORS  
FROM: Laurie A. Manzella, Clerk of the Legislature  
RE: SPECIAL MEETING NOTICE

PLEASE TAKE NOTICE that pursuant to Rule 2 of the Rules of Order of the Erie County Legislature and under the direction of Chairman Charles M. Swanick, there will be a **SPECIAL MEETING** of the Erie County Legislature on TUESDAY, JULY 22, 1997 at 10:00 o'clock in the morning of that day in the Erie County Legislative Chambers, 25 Delaware Avenue, 7th Floor, Buffalo, New York.

The purpose of this meeting will be to consider and act upon the following:

\* A Communication from the Department of Public Works regarding Liberia Road (CR 402), Town of Marilla, Resident Medical Expenses, and

\* A communication from the Department of Public Works regarding Award of Contract, 1997 Culvert Reconstruction, Project Number CULVERTS-97, Rapids Road Culvert BR 42-3, Town of Newstead, East Aurora-Porterville Road Culvert BR 6-2, Town of Marilla.

Thank you.

LAURIE A. MANZELLA  
Clerk  
Erie County Legislature

RECEIVED, FILED & PRINTED.

ADJOURNMENT:

ITEM 5 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

Ms. PEOPLES moved that the Legislature adjourn until 2:00 P.M., Thursday, September 11, 1997. Mr. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, September 11, 1997 at 2:00 P.M., Daylight Savings Time.

LAURIE A. MANZELLA  
Clerk

## NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Erie County Legislature on Thursday, September 11, 1997, at 1:30 p.m. in the afternoon in the Chambers of the Legislature at 25 Delaware Avenue in the City of Buffalo.

The purpose of the public hearing shall be the appropriation of \$1,652,000.00 from the Erie County Road Repair Reserve Fund for the overlay, oiling, chipping and crack-filling of county roads during 1997.

**LIONEL M. NICHOLS, JR.**

P.O. Box 876

Buffalo, New York 14215

Home (716) 832-7163

**SUMMARY**

Sales professional with a successful track record in major account/retail selling in the health and beauty aid, consumer product business. Major strengths in territory management, prospecting, uncovering customer needs, and utilizing data resource and product promotions, to achieve outstanding results. A dependable, thorough, and well organized planner, who communicates effectively.

**PROFESSIONAL EXPERIENCE**

**WARNER LAMBERT**, Buffalo, New York

**1985-1997**

CONSUMER HEALTH PRODUCTS DIVISION

*Manufacturer of health products, which include over-the-counter products, with \$30 million sales, and employs 40,000.*

**Territory Manager**, 1986-1997

*Key account manager of health and beauty aid and over-the-counter products. Increased sales volume of category leading brands such as Listerine, Efferdent, Zantac, Benadryl, and Sudafed. Major customers: Tops Friendly Markets, Scrivner, Carl's Drug, Cardinal Health, and Vix Deep Discount Drugs.*

- Designed and developed promotional book to coordinate with advertising schedule to assist buyer implementation, which resulted in a 10% increase in sales volume over previous year.
- Utilized market share data to uncover gaps in product distribution in major accounts, which resulted in a 25% increase in sales.
- Organized and created promotions for key wholesale drive for drug chains. Included a sales contest for their salespeople for prepack, floor displays, and new items, to maximize sales potential.
- Sold seasonal cough/cold endcaps for major accounts, that increased volume and share by 10%.
- Increased sales volume at major food chains by 15% through merchandising and marketing.
- Exceeded sales volume goals from previous year for all major corporate accounts by 15%.
- Coached and trained 20 new field sales representatives to improve skills, increase knowledge, and impact productivity.

**Retail Representative**, 1985-1986

*Called on drug, grocery, and mass merchandising stores at the retail level. Utilized selling skills and sales presentations, to obtain display space, additional shelf space, and new distribution. Remedied out-of-stocks and sold orders for promotional events.*

- Exceeded display goals by 20%.

M & T BANK, Buffalo, New York  
*Financial Services Provider.*

1983-1985

**Personal Bank Advisor**

- Sold bank products and opened customer accounts with emphasis on customer service.

**Credit Counselor**

- Provided financial advice to delinquent loan customers.
- Worked to reinstate credit, which minimized bank losses.
- Accurate reporting of financial data, charge-offs, and recoveries.
- Provided on-going support and maintenance of these accounts.

**EDUCATION**

**BA, Communication**, State University of New York, Fredonia, New York  
**AAS, Journalism**, Western Texas Jr. College, Snyder, Texas

**SPECIAL AWARDS**

- 1997 winner of the "Operation Smile" contest.
- 1995 winner of the national "Great Outdoors" sales contest.
- Achiever Club - Territory Representative of the year - 1994. Winner based on sales volume and display goals.
- 1993 winner of the American Express Regional Performance contest based on creativity and originality in display work.
- Toshiba Corporation - 1992. Winner based on display building among 40 contest participants.
- America's Outstanding Names and Faces, 1978-1979 for outstanding achievements in athletics; MVP, all conference and Player-of-the-Week in varsity basketball.

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ERIE COUNTY LEGISLATURE  
SPECIAL SESSION  
MEETING NO. 15  
July 22, 1997

The Legislature was called to order by Chairman SWANICK.

\_\_\_\_\_  
All Members Present except Legislator Marshall.

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A Moment of Silence was held.

\_\_\_\_\_  
The Pledge of Allegiance was led by Ms. Peoples.

\_\_\_\_\_  
The Minutes of the previous meeting were TABLED.

COMMUNICATIONS FROM ELECTED OFFICIALS:

ITEM 1 - (Comm. 15E-1) Calling Special Meeting

RECEIVE, FILE & PRINT.

July 18, 1997

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

Dear Madame Clerk:

Pursuant to Rule 2 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on **TUESDAY, JULY 22, 1997 at 10:00 o'clock** in the morning of that day in the Erie County Legislative Chambers, 25 Delaware Avenue, 7th Floor, Buffalo, New York.

The purpose of this meeting will be to consider and act upon the following:

\* A Communication from the Department of Public Works regarding Liberia Road (CR 402), Town of Marilla, Resident Medical Expenses, and

\* A communication from the Department of Public Works regarding Award of Contract, 1997 Culvert Reconstruction, Project Number CULVERTS-97, Rapids Road Culvert BR 42-3, Town of Newstead, East Aurora-Porterville Road Culvert BR 6-2, Town of Marilla.

Thank you.

Sincerely yours,  
CHARLES M. SWANICK  
Chairman  
Erie County Legislature

RECEIVED, FILED & PRINTED.

COMMUNICATIONS FROM THE DEPARTMENTS:

FROM DPW

ITEM 2 - (Comm. 15D-1)

Ms. PEOPLES moved for immediate consideration. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 353 Re: Liberia Road (CR 402) Town of Marilla,  
Resident Medical Expenses

WHEREAS, the New York State Department of Transportation, while reconstructing a bridge over Two Rod Road in the Town of Marilla, desired to use County owned Liberia Road and Four Rod Road, as part of the detour during the State's construction work on Two Rod Road, and

WHEREAS, the State agreed to pave the County's Liberia Road and Four Rod Road in exchange for permission to utilize Liberia Road and Four Rod Road as part of the detour, which paving is a benefit to the County of Erie representing project costs of approximately \$110,000.00 that the State is spending on a County road improvement, and

WHEREAS, the County became aware of a resident of Liberia Road, Barbara Ruel, who had physical conditions of an extreme nature involving allergies and immune system difficulties with such things as fumes from the proposed paving, especially in hot weather, and

WHEREAS, the County put the State of New York on notice to delay the paving of Liberia Road until July 1998 in order to work out an accommodation for Barbara Ruel, and on June 25, 1997, the County offered to make reasonable accommodations for her during the anticipated time of paving, including additional care aide-time and oxygen and assistance with clean-up of her home after the paving with such costs not anticipated to exceed \$5,000.00, and

WHEREAS, despite the requests for delay, the State's contractor did the paving on June 30, 1997 even before a pre-construction meeting was held on this project with resultant consequences to Barbara Ruel, and emergency measures were needed to accommodate her at the time of the unexpected paving, and

WHEREAS, during the emergency, the County provided the accommodations it had offered at the meeting of June 25, 1997, five days prior to the unexpected paving date,

NOW, THEREFORE, BE IT

RESOLVED, that upon receipt of a general release to the County in a form satisfactory to the County Attorney, from Barbara Ruel, the County of Erie, Department of Public Works, is hereby authorized to provide payment for personal attendants additional hours until noon of July 8, 1997 (not to exceed 131 hours for a total cost of \$1,831.38, ceramic mask and tygon tubing for oxygen (not to exceed \$34.00) and 40 hours of clean-up at the home of Barbara Ruel (not to exceed \$559.20) and 4 gallons each of neolife green and red sap, 10 large and 10 small rolls of Reynolds Aluminum Foil, 400 clear plastic 30 gallon bags, 3 VH-300 air purifiers and the filters related thereto (not to exceed \$691.74) for a total expenditure not to exceed \$3,116.32, and be it further

RESOLVED, that the Comptroller is authorized and directed to make payments for the above from the 1995 Bridge Design Fund in the amount not to exceed \$3,200.00, and be it further

RESOLVED, that certified copies of this Resolution be sent to the Department of Public Works, the Department of Law, County Attorney and to the County Comptroller.

Ms. PEOPLES moved the adoption. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

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ITEM 3 - (Comm. 15D-2)

Ms. PEOPLES moved for immediate consideration. Mr. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 354 Re: Award of Contract, 1997 Culvert  
Reconstruction, Project Number CULVERTS-97  
Rapids Road Culvert BR 42-3, Town of  
Newstead, East Aurora-Porterville Road  
Culvert BR 6-2 Town of Marilla

WHEREAS, bids were taken for the 1997 Culvert Reconstruction Project, Project CULVERTS-97, which include Rapids Road Culvert BR 42-3, in the Town of Newstead and East Aurora-Porterville Road Culvert BR 6-2, in the Town of Marilla, on July 10, 1997, the low bidder being Holmes and Murphy, Inc. of 75 Bank Street, Orchard Park, at a low bid amount of \$206,329.40.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project CULVERTS-97, which include Rapids Road Culvert BR 42-3, in the Town of Marilla between the County of Erie and the low bidder Holmes and Murphy, Inc. at its low bid of \$206,329.40, and be it further

RESOLVED, that an amount of \$206,329.40 be allocated as follows: \$106,329.40 from the 1996 Rapids Road Bridge Construction Program and \$100,000.00 from the 1993 Bridge Design and Construction Program for this purpose, and be it further

RESOLVED, that an additional amount of \$20,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$20,000.00 from the 1996 Rapids Road Bridge Construction Program, and be it further

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

Ms. PEOPLES moved the adoption. Mr. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

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FROM THE CLERK OF THE LEGISLATURE

ITEM 4 - (Comm. 15D-3) Special Meeting Notice

RECEIVE, FILE & PRINT.

July 18, 1997

TO: ALL ERIE COUNTY LEGISLATORS  
FROM: Laurie A. Manzella, Clerk of the Legislature  
RE: SPECIAL MEETING NOTICE

PLEASE TAKE NOTICE that pursuant to Rule 2 of the Rules of Order of the Erie County Legislature and under the direction of Chairman Charles M. Swanick, there will be a **SPECIAL MEETING** of the Erie County Legislature on TUESDAY, JULY 22, 1997 at 10:00 o'clock in the morning of that day in the Erie County Legislative Chambers, 25 Delaware Avenue, 7th Floor, Buffalo, New York.

The purpose of this meeting will be to consider and act upon the following:

\* A Communication from the Department of Public Works regarding Liberia Road (CR 402), Town of Marilla, Resident Medical Expenses, and

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Thank you.

LAURIE A. MANZELLA  
Clerk  
Erie County Legislature

RECEIVED, FILED & PRINTED.

ADJOURNMENT:

ITEM 5 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

Ms. PEOPLES moved that the Legislature adjourn until 2:00 P.M., Thursday, September 11, 1997. Mr. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, September 11, 1997 at 2:00 P.M., Daylight Savings Time.

LAURIE A. MANZELLA  
Clerk

MINUTES  
PUBLIC HEARING  
ERIE COUNTY SEWER DISTRICT NO. 5  
INCREASE & IMPROVEMENT OF FACILITIES  
APRIL 10, 1997

PRESENT: Ms. Jackie Rushton, Legislature Office; Messrs. Alessi, Mallory and Ms. Susan Senker of the Erie County Department of Environment and Planning

Ms. Rushton called the April 10th public hearing to order at 1:30 p.m.

She proceeded to read the Legal Notice of the Public Hearing as published in the local and official County newspapers. Ms. Rushton then opened the public hearing and asked if anyone was present to speak in favor of the project.

Mr. Alessi spoke stating he was present as a representative of the Department of Environment and Planning, Erie County Sewer District No. 5 and the Erie County Sewer Agency.

Mr. Alessi said Erie County Sewer District No. 5 is looking for ways to reduce long term costs. The Town of Amherst receives and treats most of the flow from Erie County Sewer District No. 5. A change in the routing can be accomplished while reducing Erie County Sewer District No.5's operating costs. The sewage flow to the Swormsville Station can be redirected to the Amherst sewer system by crossing Transit Road. This would eliminate the station.

By the elimination of the two existing pumping stations that service Bridlewood and Hidden Oaks and designing a new gravity sewer for Stahley Road, a costs savings for \$50,000 per year in operating costs could be seen. By diverting sewer flows from Main and Transit, Eastern Hill Pump Station and Klein Road a better utilization of the existing capacity can be realized by Erie County Sewer District No. 5 and the Town of Amherst.

The total cost of the improvements is estimated at about \$2.8 million. \$2.1 million is for the installation of the gravity sewers on Bridlewood and Hidden Oaks Drive; \$247,000 for the elimination of the Swormsville pumping station and \$300,000 for the three road crossings. The operation and maintenance costs associated with the project results in a net savings of \$69,411 due to the elimination of three pumping stations. With the elimination of the three pumping stations it will also save the District \$1.5 million in future capital costs.

There are no construction grants available to assist in the construction of the project. However, low interest loans are available through the New York State Revolving Loan Program.

There will be no connection costs associated with the project because the project will be serving existing sewer properties.

The Erie County Sewer District No. 5 Board of Mangers has approved this increase and improvement of facilities at their previous meeting.

The recommendation of the Erie County Sewer Agency Report are that the Legislature:

1. Accept and adopt the Sewer Agency Report;
2. Call and Hold a Public Hearing;
3. Approve the project and authorize an application to the NYS Department of Audit and Control; and
4. An approval by Audit and Control, approve a \$2.8 million bond authorization.

Ms. Rushton then asked if anyone else wished to speak at the hearing. There being none, the public hearing was closed at 1:40 p.m.

Respectfully Submitted,



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Laurie Manzella, CLERK  
ERIE COUNTY LEGISLATURE

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Charles J. Alessi, P.E.  
ERIE COUNTY SEWER AGENCY

CJA:ss