

July 2, 2004

HUMAN SERVICES  
COMMITTEE  
REPORT NO. 9

ALL LEGISLATORS PRESENT, EXCEPT LEGISLATORS DEBENEDETTI & CUSACK.  
CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. Item Page -2004 (Intro. 11-19)  
**SMITH**

WHEREAS, more than two dozen states say they plan to sue Brown & Williamson Tobacco Corp., accusing the company of targeting young people with its Kool cigarette marketing campaign, and

WHEREAS, Brown & Williamson was among the companies that agreed in 1998 to pay \$206 billion to settle smoking-related health care claims brought by states. Under terms of the settlement, tobacco companies are barred from targeting teens through advertising or marketing, and

WHEREAS, the agreement requires the states to give tobacco companies one month's notice before a lawsuit Brown & Williamson spokesman Mark Smith denied the company is marketing Kool cigarettes to kids. "We're going for adults, and adults for us start at 21," Smith said, and

WHEREAS, Brown & Williamson is the nation's third-largest cigarette company, and it is being bought by the second-largest, R.J. Reynolds. When that's complete, B&W's corporate headquarters in Louisville will move to Winston-Salem, N.C., where the merged company will be based, and

WHEREAS, Kool is a key brand for Brown & Williamson to seek black customers, since menthol cigarettes like it have historically been popular among African Americans. Kool used to be the top-selling cigarette among blacks but has fallen to second place behind Newport, and

WHEREAS, African-American teens have been less likely to become regular smokers during adolescence. A 10-year study by the Rand Corp. showed that by age 15 only 7 percent of black teens were regular smokers, compared to 20 percent of white and Hispanic smokers, and

WHEREAS, However, in the 1990s the rate of smoking among black youths began to rise, alarming some anti-smoking groups, and

WHEREAS, Dr. Adewale Troutman, director of the Louisville Metro Health Department, said Kool's hip-hop campaign is an attempt to further break down that resistance, and

WHEREAS, "this is a very, very, extremely slick campaign that I believe is absolutely targeting increasing the number of African-American youths who are smokers," says Dr. Troutman, "[ and] as for age, the hip-hop generation [it] is largely teenaged"

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature affirms its support for any legal action against an aggressive cigarette campaign to marketed towards African-American youth, and be it further

RESOLVED, that this Honorable Body expresses its support for Attorney General Elliot Spitzer Letter of Notice of Intent to Initiate Enforcement Proceedings of the Master Settlement Agreement to Brown & Williamson Cigarette Company, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Mrs. Morrison, Assistant Attorney General, Office of the Attorney General (120 Broadway, 3rd Floor, New York, New York 10271), Kenneth Schoetz, Assistant Attorney General in Charge (Statler Towers, 107 Delaware Avenue, Buffalo, New York 14202)

**Fiscal Impact: None.**

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

2. Item Page -2004 (Comm. 15E-18)

**COUNTY EXECUTIVE**

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

WHEREAS, at the time the appropriations for 2004 contracts were established, the Department did not have sufficient allocation of Temporary Assistance to Needy Families (TANF) dollars to fund all programs, and it was necessary to present a budget recommendation that did not continue funding to some prior period contractors, and

WHEREAS, funding for these contract renewals for the next twelve months is now made available through the use of United Way funds as the local match to State Preventive Services funding, and

WHEREAS, there is no fiscal impact to this change.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive and/or Commissioner of Social Services are authorized to execute contracts with Life Transitions Center, Joan A. Male Family Support Center and WNY United Against Drug and Alcohol Abuse, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 adopted budget:

Department of Social Services, Dept 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
516010	Life Transitions Center	\$61,780
516010	Joan A. Male Family Support Center	197,810
516010	WNY United Against Drug and Alcohol Abuse	<u>85,310</u>
	Total Appropriations	<u>\$344,900</u>

418430	Donated Funds	\$111,500
407680	State Aid – Services for Recipients	<u>233,400</u>
	Total Revenues	<u>\$344,900</u>

and be it further

RESOLVED, that because the selection of agencies to provide these special services was determined through a Request for Proposals (RFP) process, the County Administrative Code requirement in Section 19.08 for any further RFP is hereby waived, and be it further

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

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

**AS AMENDED**

3. Item Page -2004 (Comm. 15E-19)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services is seeking approval to provide for a payment to the Department of Probation and Youth Detention Services and also to increase a contract appropriation in the Department of Probation and Youth Detention Services by \$359,374, and

WHEREAS, this funding is to be used to increase a current contract with the Boys and Girls Clubs of Erie County to a total amount of \$559,374, and

WHEREAS, the availability of Community Optional Preventive Services match from New York State to previously appropriated County funding enables this program expansion, and

WHEREAS, Operation Primetime provides for an adult supervised environment for the ten week school summer recess period and is available to 7,300 children, and

WHEREAS, program activities consist of structured recreational activities that prevent delinquency, increase socialization and foster respect for authority, and

WHEREAS, the program will require additional monitoring and reporting in accordance with New York State regulation, and

WHEREAS, there is no fiscal impact to the 2004 Adopted Budget from this proposed resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of the Department of Probation and Youth Detention Services and/or the County Executive are authorized to amend an agreement with the Boys and Girls Clubs of Erie County, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
912630	Interfund – Detention	<u>\$371,649</u>
	Total Expenditures	<u>\$371,649</u>
407650	State Aid – Child Welfare Services	<u>\$371,649</u>
	Total Revenues	<u>\$371,649</u>

Department of Probation and Youth Detention Services, Department 126

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
500000	Personnel	\$ 9,147
502000	Fringe Benefits @ 25%	3,128
516010	Operation Primetime	<u>359,374</u>
	Total Expenditures	<u>\$371,649</u>
912630	Interfund – Social Services	<u>\$371,649</u>
	Total Revenues	<u>\$371,649</u>

and be it further

RESOLVED, that the following personnel changes are implemented: in Department 12620 the title of Clerk Typist J.G. 1 PT is increased by 275 hours and in Department 12630 the title of Youth Services Planning Assistant PT is changed to Youth Services Planning Assistant RPT and increased by 475 hours, and be it further

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

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

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Comm. 15E-34)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining Nutrition Program (III-C-1), the Home Delivered Nutrition Program (III-C-2), the Disease Prevention and Health Promotion (III-D), the Elder Caregiver Support (III-E) and the Elder Abuse Prevention (VII) grants for the period January 1, 2004 to December 31, 2004, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of final federal funding allocations, and

WHEREAS, the Department has reviewed the budgets and actual costs of carrying out the programs through the end of each grant's year, and

WHEREAS, the Department desires to extend the technical support agreement to maintain its client tracking software (PDS) with the sole source vendor, SOFTEK Corporation, through December 31, 2004 for an additional \$8,000; and

WHEREAS, other counties in the PDS Consortium will reimburse the department for part of the cost in return for receiving part of the benefits from the PDS technical support vendor SOFTEK Corporation; and

WHEREAS, the County budgets and the related contracts for these grants are in need of revision, and

WHEREAS, no additional County funds are needed.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend and increase the contracts with Meals on Wheels of Buffalo and Erie County, Inc. and Southtowns Meals on Wheels, Inc. under III-C-2 grant by \$17,563 and \$3,000, respectively; with SOFTEK Corporation under the III-E grant by \$8,000; and with the American Red Cross under the VII grant by \$8,065, and be it further

RESOLVED, that the budget for the III-C-1 grant, 163III-C-12004, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>			
Account	Description		
	411730 Federal Aid-Food & Nutrition	\$1,339,412	\$56,084
	TOTAL CHANGE		<u>\$56,084</u>
<b>APPROPRIATIONS</b>			
	530000 Other Expenses	\$1,185,679	\$56,084
	TOTAL CHANGE		<u>\$56,084</u>

and be it further

RESOLVED, that the budget for the III-C-2 grant, 163III-C-22004, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
411730	Federal Aid-Food & Nutrition	\$803,868	<u>\$20,563</u>	\$824,431
	TOTAL CHANGE		<u><u>\$20,563</u></u>	
APPROPRIATIONS				
516010	NP Purchases- Meals on Wheels	\$1,397,962	\$17,563	\$1,415,525
516010	NP Purchases- Southtowns MOWs	20,005	<u>3,000</u>	23,005
	TOTAL CHANGE		<u><u>\$20,563</u></u>	

and be it further

RESOLVED, that the budget for the III-D grant, 163III-D2004, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
411740	Federal Aid-Programs for Aging	\$105,633	<u>\$8,154</u>	\$113,787
	TOTAL CHANGE		<u><u>\$8,154</u></u>	
APPROPRIATIONS				
530000	Other Expenses	\$8,345	\$4,154	\$12,499
980000	Interdepartmental Services-DISS	2,500	<u>4,000</u>	6,500
	TOTAL CHANGE		<u><u>\$8,154</u></u>	

and be it further

RESOLVED, that the budget for the III-E grant, 163III-E2004, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
411740	Federal Aid-Programs for Aging	\$883,259	<u>\$42,315</u>	\$925,574
	TOTAL CHANGE		<u><u>\$42,315</u></u>	

APPROPRIATIONS

505000 Office Supplies	\$1,500	-\$260	\$1,240
506200 Repairs & Maintenance	0	260	260
510000 Local Mileage	5,000	7,000	12,000
516020 Prof. Services & Fees-PDS Support	0	8,000	8,000
516020 Prof. Services & Fees-Home Care	150,000	22,990	172,990
516020 Prof. Services & Fees-Day Care	200,000	11,325	211,325
561420 Office Furniture & Fixtures	8,400	-7,000	1,400
TOTAL CHANGE		<u>\$42,315</u>	

and be it further

RESOLVED, that the budget for the VII grant, 163VII2004, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
	411740 Federal Aid-Programs for Aging	\$36,683	<u>\$8,065</u>	\$44,748
	TOTAL CHANGE		<u>\$8,065</u>	
APPROPRIATIONS				
	516010 NP Purchases-American Red Cross	\$36,683	<u>\$8,065</u>	\$44,748
	TOTAL CHANGE		<u>\$8,065</u>	

and be it further

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

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

5. Item Page -2004 (Comm. 15E-35)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Administration Division and the Area Agency on Aging (III-B) grant for the period January 1, 2004 to December 31, 2004, and

WHEREAS, the Department of Senior Services (Department) oversees the various senior programs in Erie County and desires to ensure that outreach efforts reach seniors and caregivers throughout Erie County, and

WHEREAS, the Department has identified Living Prime Time, Inc. as the sole provider of multi-media outreach services for all our senior services via radio, television and print media, and

WHEREAS, the Division of Budget, Management and Finance has identified \$30,000 from cost center 140, account 402190 to transfer to the Senior Services Administrative Division, cost center 1631010, Account 559000, and

WHEREAS, the Department desires to enter into a contract with Living Prime Time, Inc. to provide multi-media outreach to seniors and caregivers of Erie County, for the remainder of 2004, and

WHEREAS, the County budget for the cost centers and the III-B grant are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to transfer \$30,000 from the cost center 140, account 402190 to the Senior Services Interfund Transfer account 559000 for cost center 1631010, and be it further

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Living Prime Time, Inc. for \$30,000 for the remainder of 2004, and be it further

RESOLVED, that the budget for the III-B grant 163III-B2004, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>				
Account	Description			
479000	County Share Contribution	\$257,787	\$30,000	\$287,787
	<b>TOTAL CHANGE</b>		<u>\$30,000</u>	
<b>APPROPRIATIONS</b>				
	Prof. Svc. Contract & Fees-Living Prime			
516020	Time, Inc.	\$0	\$30,000	\$30,000
	<b>TOTAL CHANGE</b>		<u>\$30,000</u>	

and be it further

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

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 15E-36)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Expanded In-home Services for the Elderly Program (EISEP), the Community Services for the Elderly (CSE), and the Congregate Services Initiative (CSI) grants for the period April 1, 2003 to March 31, 2004, and for the Elder Caregiver Support Grant (III-E) for the period January 1, 2003 to December 31, 2003, and

WHEREAS, the Department has reviewed the budgets, minimum match requirements and actual costs of carrying out the programs' objectives, and

WHEREAS, the Department desires to allocate unspent funds to benefit the entire case management network by covering all home care and case management costs, and

WHEREAS, the grant budgets are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the EISEP grant budget, Project 163EISEP0304, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
500000	Personal Services	\$373,740	-\$7,688	\$366,052
502000	Fringe Benefits	\$110,622	-2,500	108,122
505000	Office Supplies	\$3,000	-1,406	1,594
510000	Local Mileage	\$4,500	-682	3,818
530000	Other Expenses	\$9,817	-5,787	4,030
516020	Prof. Service Cont.&Fees-H.C. only	\$1,111,780	20,210	1,131,990
980000	Interdepartment Services DISS	\$11,004	-2,147	8,857
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the CSE grant budget, Project 163CSE0304, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
500000	Personal Services	\$118,597	-\$6,000	\$112,597
505000	Office Supplies	\$1,000	\$900	1,900
510000	Local Mileage	\$1,500	-\$900	600
980000	Interdepartment Services DISS	\$10,780	6,000	16,780
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the CSI grant budget, Project 163CSI0304, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
417030 In-Kind Contributions	\$12,166	-\$3,585	\$8581
479000 County Share Contribution	5,080	<u>3,585</u>	8,665
TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

RESOLVED, that the III-E grant budget, Project 163III-E2003, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
479000 County Share Contribution	\$292,717	<u>-\$3,585</u>	\$289,132
TOTAL CHANGE		<u><u>-\$3,585</u></u>	
APPROPRIATIONS			
561410 Lab & Technical Equipment	\$17,380	<u>-\$3,585</u>	\$13,795
TOTAL CHANGE		<u><u>-\$3,585</u></u>	

and be it further

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

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

7. Item Page -2004 (Comm. 15E-37)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Senior Services (Senior Services) currently operates the Going Places van system in Erie County, and

WHEREAS, Senior Services seeks to develop a sponsorship plan for its Going Places vehicles to provide a steady source of funds for maintaining and replacing the vehicles, and

WHEREAS, by sponsoring a vehicle, signage will be placed on the vehicle to advertise the sponsor’s business, and

WHEREAS, Sponsorship Agreements will conform to the Department’s Sponsorship Policy guidelines (attached), and

WHEREAS, Senior Services has determined that it can receive \$3,600 annually per vehicle from the sponsor and \$400.00 per year for any sponsor-initiated modifications (maximum of three changes per year) made to signage during the sponsorship period, and

WHEREAS, Senior Services will enter into a contract with those businesses willing to pay the sponsorship fee for the agreed upon timeframe of the sponsorship, and

WHEREAS, Senior Services will contract with Vinyl Signz during the pilot program timeframe to create and design the necessary sponsorship logos, and

WHEREAS, Vinyl Signz will not charge Senior Services or Erie County for the logo and sponsorship design and implementation as the costs will be borne by the sponsoring business, and

WHEREAS, Senior Services will allow Vinyl Signz to place its own signage on one vehicle for use as a demonstration vehicle in obtaining sponsorships, and

WHEREAS, Senior Services wishes to begin this initiative as a pilot project for the remainder of 2004 and the 2005 calendar year, and

WHEREAS, Senior Services desires the proceeds from sponsorship be maintained in a separate account to be used solely for maintenance and replacement of the Going Places vans in order to ensure continuance of needed transportation services to seniors throughout Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby authorizes the County Executive to initiate the pilot sponsorship program and to establish the sponsorship fees for the Going Places vehicles as follows:

Initial signage	\$3,600 annually, 300 monthly
Signage modification	\$ 400 per year, maximum of three changes per year
and be it further	

RESOLVED, that the County Executive is hereby authorized to enter into a contract with each sponsor, and with Vinyl Signz pursuant to the Department's Sponsorship Policy, and be it further

RESOLVED, that the County Executive is hereby authorized to use one vehicle with Vinyl Signz signage for demonstration in obtaining sponsorships, and

RESOLVED, that the budget for the pilot sponsorship program be established in fund 110, business area 163, as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
466130	Other Unclassified Revenue	\$36,000

TOTAL REVENUE	\$36,000
APPROPRIATIONS	
506200 Maintenance & Repairs	\$10,000
561440 Motor Vehicles	26,000
TOTAL APPROPRIATIONS	\$36,000

and be it further

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

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

8. Item Page -2004 (Comm. 15E-38)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP) and has selected providers for its Employee Education and Training Program pursuant to Section 19.08 of the Erie County Administrative Code, and has responses and the evaluation and selection material available, and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts, and

WHEREAS, these contracts will allow for employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting the operations of the Department, and

WHEREAS, no additional County funds are required since the 2004 Adopted Budget of the Erie County Department of Social Services has an existing appropriation in Account 530000, Other Expenses or Charges, sufficient to cover the Employee Education and Training Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Department of Social Services, is hereby authorized to renew the Employee Education and Training Program contracts as specified below:

<u>Educational Institution</u>	<u>Period</u>	<u>Gross Contract</u>	<u>Institution’s Contribution</u>	<u>Paid by ECDSS</u>
Buffalo State College (CDHS) (Master's/ Bachelor’s Degrees)	9/1/04-8/31/05	\$797,875	\$287,236	\$510,639

Buffalo State College (CDHS) (In-service Training and Organizational Development)	9/1/04- 8/31/05	\$1,468,160	\$528,538	\$939,622
Empire State College (Bachelor's/Associate's Degrees in Business/ Community and Human Services)	9/1/04- 8/31/05	\$390,110	\$140,440	\$249,670
Empire State College (In-Service Training)	9/1/04- 8/31/05	\$632,360	\$202,355	\$430,005
SUNY-Millard Fillmore College (Bachelor's Degrees in Business and Human Services)	8/30/04- 8/29/05	\$159,230	\$55,731	\$103,499
SUNYAB - School of Social Work (Master's of Social Work & Certificate in Trauma Studies)	9/1/04- 8/31/05	\$355,194	\$124,318	\$230,876
SUNYAB Institute for Addictions Studies and Training (In-Service Training)	10/1/04- 9/30/05	\$254,548	\$89,092	\$165,456
Erie Community College (In-Service Training)	10/1/04- 9/30/05	\$265,483	\$95,574	\$169,909

and be it further

RESOLVED, that the source of funds for the above contract renewals is available in an existing appropriation in the 2004 Adopted Budget of the Department of Social Services in Account 530000, Other Expenses or Charges, and be it further

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

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

9. Item Page -2004 (Comm. 15E-39)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature authorized the acceptance of a grant award from the New York State Health Department in the amount of \$1,050,265 on December 11, 2003, Comm. 25E-14, and

WHEREAS, it is necessary to make budgetary adjustments in order to balance the accounts within SAP, and

WHEREAS, sufficient funds are available through a transfer within the accounts of the program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the revised budget as follow:

PUBLIC HEALTH PREP & RESPONSE TO BIOTERRORISM  
08/1/03- 8/31/04  
HS127BT0304

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
405050	STATE AID - HRI	\$1,050,265	\$0	\$1,050,265
416500	PRIOR YEAR ROLL OVER	56,000	0	56,000
418080	BIO - OTHER COUNTIES	<u>221,880</u>	<u>0</u>	<u>221,880</u>
	TOTAL	<u>\$ 1,328,145</u>	<u>\$0</u>	<u>\$1,328,145</u>

EXPENSES

500000	SALARIES	\$ 353,375	\$-51,380	\$ 301,995
501000	OVERTIME	18,000	10,000	28,000
502000	FRINGE BENEFITS	130,007	-34,521	95,486
505000	OFFICE SUPPLIES	8,000	400	8,400
505200	CLOTHING SUPLIES	40,000	1,504	41,504

505400	FOOD SUPPLIES	4,450	11,550	16,000
505800	MEDICAL SUPPLIES	25,000	14,299	39,299
506200	MAINT & REPAIRS	1,500	879	2,379
510000	LOCAL MILEAGE	5,000	5,000	10,000
510100	OUT OF AREA	68,250	-33,250	35,000
510200	TRAINING & EDUCATION	3,000	15,963	18,963
516010	CONTRACTUAL PAYMTS	312,056	-86,411	225,645
516020	PRO SER CNT & FEES	30,800	15,230	46,030
516030	MAINT CONTRACTS	0	1,500	1,500
530000	OTHER EXPENSES	44,280	5,398	49,678
545000	RENTAL CHARGES	1,500	5,500	7,000
561410	LAB & TECH EQUIP	108,488	93,090	201,578
561420	OFFICE FURN & FIXT	1,093	7,706	8,799
561440	MOTOR VEHICLES	20,000	15,854	35,854
912700	ID HEALTH SERVICES	80,000	0	80,000
912720	ID HEALTH EMS SERV	17,142	0	17,142
912730	ID HEALTH LAB SERV	19,954	0	19,954
	COST CENTER BUILDING			
122 2040	MAINTENANCE	0	20,589	20,589
980000	ID SERVICES - DISS	<u>36,250</u>	<u>-19,400</u>	<u>16,850</u>
	TOTAL	<u>\$ 1,328,145</u>	<u>\$0</u>	<u>\$1,328,145</u>

and be it further

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

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

10. Item Page -2004 (Comm. 15E-41)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Health Department has a contract with the New York State Department of Health to conduct an Enhanced Drinking Water Protection Program, and

WHEREAS, the Erie County Health Department has received a revised grant award in the amount of \$250,000 from the New York State Health Department which authorizes budgetary adjustments and extends the grant year until 3/31/05.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from the New York State Department of Health for providing a Local Enhanced Drinking Water Protection Program Grant to be budgeted as follows:

**Department of Health  
Enhanced Drinking Water Protection Program  
4/1/03 – 3/31/05  
Project #855**

<b>SAP REVENUE</b>	<b>CURRENT BUDGET</b>	<b>CHANGES</b>	<b>REVISED BUDGET</b>
409000 State Aid Revenue	\$ 250,000	\$ 0	\$ 250,000
<b>TOTALS</b>	<b>\$ 250,000</b>	<b>\$ 0</b>	<b>\$ 250,000</b>
<b>EXPENSES</b>			
500000 Personal Services	\$ 168,790	\$ -2,712	\$ 166,078
502000 Fringe Benefits	50,149	-16,460	33,689
516020 Dues & Fees	0	129	129
510100 Out Of Area Travel	4,000	-2,621	1,379
516020 Contractual	12,144	0	12,144
561410 Lab & Tech Equipment	14,917	21,664	36,581
<b>TOTALS</b>	<b>\$ 250,000</b>	<b>\$0</b>	<b>\$ 250,000</b>

and be it further

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

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

11. Item Page -2004 (Comm. 15E-42)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health provides medical services at the Youth Detention Center under an agreement with the Department of Probation and Youth Detention Services, and

WHEREAS, in order to comply with New York State staffing mandates for 24 hour per day, seven days per week coverage, it is necessary to increase the nursing staff at the Youth Detention Center, and

WHEREAS, it is necessary to create six part-time positions of Registered Nurse, JG N1, and

WHEREAS, the cost of medical services is reimbursed by the Department of Probation & Youth Detention Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the following transactions within the accounts of the Departments of Health and Probation & Youth Detention Services:

Department of Health

Increase Account 500000 Salary	\$53,826
Increase Account 502000 Fringe Benefits	\$ 6,093
Increase Account 912700 Interfund	\$-59,919

Department of Probation & Youth Detention Services

Increase Account 912700 Interfund	\$59,919
Increase Account 407610 State Aid	\$29,960
Decrease Account 516020 Contract Services	\$-29,959

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of six Part-Time Registered Nurse, JG N 1, positions.

The following personnel detail is hereby submitted:

TITLE: Registered Nurse – Part Time	FUNDING: Dept. of Prob/Youth Det.
JG: N 1	CIVIL SERVICE: Yes Non-Competitive
STEP: 1	CIVIL SERVICE LIST: No
HOURLY RATE: \$16.312	

and be it further

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

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

12. Item Page -2004 (Comm. 15E-46)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning administers Housing Programs for low/moderate income homeowners on behalf of the Erie County Community Development Block Grant Consortium and HOME Investment Partnership Consortium; and

WHEREAS, the federal Department of Housing and Urban Development has issued regulations pertaining to lead-based paint hazards in housing units assisted with federal funds; and

WHEREAS, said regulations were effective September 15, 2000 and require a variety of lead-based paint hazard assessments and clearance tests by federally certified inspectors on all housing units participating in the Erie County Housing Programs,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a lead-based paint hazard inspection agreement for an amount not to exceed \$104,000, with Stohl Environmental, LLC, funds being available in the Federal Community Development Block Grant and the HOME Investment Partnership Programs; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Health; and the County Comptroller.  
(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

13. Item Page -2004 (Comm. 15E-52)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Division of Veterans' Affairs has made available a \$10,240.00 grant to the Erie County Division of Veterans' Services for the period of April 1, 2003 through March 31, 2004 from State Fiscal Year 2003 – 2004 Funds; and

WHEREAS, the Erie County Division of Veterans' Services desires to use said grant for veterans' counseling services; and

WHEREAS, said grant shall be disbursed following the submission of a standard New York State voucher by the Erie County Office of Veterans' Services to the New York State Comptroller.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Office of Veterans Services, be and hereby is authorized to accept the grant from the New York State Division of Veterans' Affairs for the provision of veterans' counseling services; and be it further

RESOLVED, that the following budgetary transactions are authorized in order to establish said grant:

**Office of Veterans Services**  
**New York State Division of Veterans' Affairs Grant**

Revenue

SAP 407740 – State Aid	\$10,240
TOTAL	\$10,240

Appropriations

SAP 500000 – Personal Services	\$ 9,070
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SAP 502000 – Fringe Benefits	<u>1,170</u>
TOTAL	\$10,240

and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller’s Office, the Department of Law, and the Office of Veterans’ Services.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

14. Item Page -2004 (Intro. 15-11)

**SMITH**

WHEREAS, on March 1, 2004, Assembly Speaker Sheldon Silver announced the Assembly passed legislation aimed at lifting the minimum wage during the coming years to \$7.10 per hour by 2006, and

WHEREAS, this legislation would raise New York’s minimum hourly wage incrementally from \$5.15 to \$7.10 as of January 1, 2006. The initial raise to \$6.00 per hour would be effective October 1, 2004. The next increase would be to 6.75 per hour, effective July 1, 2005, and

WHEREAS, the Assembly Speaker stated: “There are tens of thousands of New Yorkers who toil and struggle everyday to make ends meet, despite being employed. The state’s failure to institute a minimum wage that lifts families out of poverty has only moved those ends further apart. Continued failure to address this issue will only exacerbate the challenges New York already faces in areas such as education, health care and unemployment.”, and

WHEREAS, a 1997 amendment to the Fair Labor Standards Act of 1938 increased the federal minimum wage to \$5.15 per hour. Prior to this increase, the minimum wage had been \$4.75 per hour, effective October 1, 1996, and \$4.25 per hour, effective April 1, 1991, and

WHEREAS, the most recent amendment to the New York State Minimum Wage Act, effective March 31, 2000 provides that all employees in the State, including domestic workers with certain exceptions, must be paid at least \$5.15 per hour, and

WHEREAS, New York State generally adhered to the federal minimum wage standard. However, the two rates have varied in the past. The State minimum exceeds that federal standard from 1967 to 1968 and again from 1970 to 1974. Most recently, the State minimum fell short of the Federal standard when the state failed to match the federal increases in 1996 and 1997. As a result, the State minimum was below the federal rate until 2000. At this time, New York also linked its minimum wage to the federal minimum wage so that any future increases in the federal rate would automatically result in an increase in the State rate, and

WHEREAS, one in seven, or 14.5 percent of New York State families and approximately three in ten families, or 29.2 percent, with a female head of household are in poverty, and

WHEREAS, the annual income gap between full-time minimum wage in New York State and the federal poverty threshold has steadily risen, and

WHEREAS, if the 1968 New York State minimum wage of \$1.50 had been indexed to inflation, it would have climbed to \$8.72 in 2003. This would have provided \$7,425 in additional income for a full-time worker, and

WHEREAS, states with higher minimum wages on average have lower employment and several studies conclude that raising the minimum wages does not significantly affect employment levels, and

WHEREAS, A.9710 passed the State Assembly on March 1, 2004 by a vote of 129-19,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the Fair Minimum Wage Act (A.9710) and urges the New York State Senate to pass companion legislation and the Governor to sign said legislation into law, and be it further

RESOLVED, that this Honorable Body expresses its support for all New Yorkers to have a livable wage and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, Assembly Speaker, Majority Leader of the Senate, and the local state delegation.

**Fiscal Impact:** Not known at this time.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

15. Item Page -2004 (Intro. 15-12)

**SMITH**

WHEREAS, since 1986, several new state laws have been enacted to improve the formula used to compute school year service for Tier 2, 3, and 4 members who work in schools, community colleges, and institutions, and

WHEREAS, Tier 2, 3, and 4 members who work full-time for the entire school year now receive a full year of service credit, with full-time defined as working at least six hours per day, with the employer determining how many hours constitutes a full day, and with the number of days that constitute a full year varying, and

WHEREAS, employees who work in schools, BOCES educational facilities and certain New York State institutions are granted a full year service credit for working the entire school year. A full school year is 180 days. If an individual works less than a full year, his/her service credit is prorated by dividing the total days worked by 180, and

WHEREAS, 24 Registered Professional Nurses that work in the Buffalo School District as school nurses but who are paid by and considered employees of the County of Erie are ten month employees that are active members of the New York State Retirement System, but who, under the current law, receive only .85 per year of service credit towards their retirement, and

WHEREAS, all other school district employees who work a ten month school year can receive full credit, and

WHEREAS, Chapter 730 of the Laws of 1989 authorize the New York State and Local Employees Retirement System to calculate retirement service credit for non-instructional employees of school districts using an 180 credit day base and

WHEREAS, however, that legislation does not apply to the calculation of retirement services of credit for County Employees who work in schools, and

WHEREAS, there is no provision under current law which would authorize the crediting of a full year of service for county employees who work at schools during a ten-month school year,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for Assembly Bill A9209 which would amend the current law providing these county employees who work in the schools credit for service on a school year basis, entitling them to a full year of credit per school year worked, and be it further

RESOLVED, that this Honorable Body requests that the State Assembly approve A9209 and that the State Senate adopt companion legislation and the Governor sign said legislation into law, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Speaker of the New York State Assembly, President of the New York State Senate, the Governor, the local delegation of the State Legislature, and New York State Nurses Association (Lola M. Fehr, 4560 Bailey Avenue, Amherst NY 14226).

Fiscal Impact: Not known at this time.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

**DEMONE A. SMITH**  
**CHAIRMAN**