

ERIE COUNTY LEGISLATURE
MEETING NO. 20
October 9, 1997

The Legislature was called to order by Chairman SWANICK.

.....
All Members Present.

.....
A moment of silent was held.

.....
The Pledge of Allegiance was led by Mr. KUWIK

.....
The Minutes of the previous meeting were APPROVED.

MISCELLANEOUS RESOLUTIONS

ITEM 1 - Mr. PAULY presented a resolution of Congratulations to Lynn A. Knezevich. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.
.....

ITEM 2 - Mr. SWANICK, Mrs. FISHER and Et Al presented a resolution of congratulations to Lynn Knezevich on the Occasion of her Retirement from the Buffalo Public Schools. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.
.....

ITEM 3 - Ms. MARTINELLI and Et Al presented a resolution Honoring October 1997 as Domestic Violence Awareness Month. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

✓ ITEM 4 - Ms. CHASE presented a resolution of Congratulations to the Grand Opening of the North Evans Volunteer Fire Company's New Building. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

← ITEM 5 - MESSRS. SWANICK, MARSHALL and ET AL presented a resolution of Congratulations in Recognition of the 90th Anniversary of the Blind Association of Western New York. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

← ITEM 6 - Mr. Pauly and Et Al presented a resolution of Congratulations to Mary Lane on her Retirement. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

← ITEM 7 - Mr. GREENAN presented a resolution of Congratulations in Honor of Frank "Chet" Lewalski's Retirement. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

← ITEM 8 - Mr. RANZENHOFER presented a resolution of Congratulations Honoring Gary M. Betzold as he Retires from Erie County Parks Department. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

← ITEM 9 - Ms. MARINELLI presented a resolution of Congratulations to the National Association of Counties Honorees. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

← ITEM 10 - Chairman SWANICK directed that Local Law Intro. No. 10 (Print #1) - 1997 remain on the table.

← ITEM 11 - Mr. MARSHALL moved to take Intro. Law No. 11 - (Print #1) 1997 from the table for immediate consideration. Mr. GREENAN seconded.

Chairman SWANICK directed that Local Law Intro. No. 11 (Print #1) - 1997 remain on the table.

Mr. GREENAN moved to Challenge the Chair. Mr. MARSHALL seconded.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer - 6.
Noes - DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 11.

DEFEATED.

COMMITTEE REPORTS

ITEM 12 - Mr. KUWIK presented the following and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 399

SEPTEMBER 30, 1997

PUBLIC SAFETY
COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

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

Item Page -1996 (Int. 4-2)
a. LARSON & GREENAN: Funding for County's E-911 System.
(5-0)

Item Page -1997 (Int. 3-16)
b. GREENAN: Unfilled Positions in the Sheriff's Department.
(5-0)

Item Page -1997 (Comm. 9E-5)
c. SHERIFF: Copy of Letter to County Executive Re: Staffing
Situation at the 911 Communications Center.
(5-0)

AS AMENDED
(Int. 18-15)

Item	Page	-1997
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2. CHASE, MARSHALL, SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DEBENEDETTI, DUSZA, MARINELLI, COHEN KENNEDY, GREENAN, PAULY, RANZENHOFER & LARSON:

WHEREAS, over the last several years, there have been several fatal car accidents in the towns of Eden and North Collins. Moreover, during the past year, twelve people have died in four accidents on roads in North Collins, and

WHEREAS, on August 5, 1997, a three vehicle collision at the intersection of Route 249 and Jennings Road left a 21 year old woman dead. A van went through a stop sign, struck another car and sheared the top from the woman's car as it sat at the stop sign, and

WHEREAS, on May 23, 1997, three teenagers were killed, three others were hurt and one youth was left with serious head injuries in a two-car collision on Route 249 and Ketchum Road, and

WHEREAS, on August 31, 1996, seven people were killed in a two-car collision on Genesee Road and Ketchum Road, and

WHEREAS, we believe education and enforcement of vehicle and traffic safety will increase safety awareness, but we also believe roads and intersections must be improved, and

WHEREAS, it is vital that immediate measures be taken to improve safety on these roads to save lives.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the increasing number of accidents in the towns of North Collins and Eden, and believes this issue needs to be addressed immediately, as the safety of our citizens remains at risk, and be it further

RESOLVED, that this Honorable Body requests that the Erie County Highway Department, New York State Department of Transportation, Erie County Sheriff's Department, New York State Police Department, North Collins Highway Department and Eden Highway Department appear before the Erie County Legislature Public Safety Committee to assist in the development of a plan to help prevent anymore of these tragedies from happening, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Regional Director of the New York State Department of Transportation Robert Russell, Erie County Deputy Commissioner of Highways David Comerford, Erie County Sheriffs Department and Erie County Sheriff Traffic Bureau Commander Sargent Gary Horton, New York State Police Department, North Collins' Highway Superintendent Peter Loretto, Eden's Highway Superintendent Ronald Maggs, Supervisor of North Collins Tom O'Boyle, and Supervisor of Eden John Tsakos .

Fiscal impact: To be determined
(5-0)

Item	Page	-1997	(Comm. 19E-10)
3.	COUNTY EXECUTIVE:		

WHEREAS, New York State's Governor's Traffic Safety Committee changed the process by which they award grant monies by establishing a block grant in order to improve identification of traffic safety priorities on a local basis, and

WHEREAS, due to this change in procedure, the time period previously budgeted from January 1, 1997 through December 31, 1997 must be changed to January 1, 1997 through September 30, 1997 as approved by the State, and

WHEREAS, a new grant should be established for the time period October 1, 1997 through September 30, 1998.

NOW, THEREFORE, BE IT

RESOLVED, that the current Office of Traffic Safety grant project #719, originally established to terminate December 31, 1997, shall be amended to expire on September 30, 1997, and be it further

RESOLVED, that the following adjustments are hereby authorized in order that the amended budget will agree with the final State authorization:

OFFICE TRAFFIC SAFETY
Project #719
1/1/97-12/31/97 amended
to 1/1/97-9/30/97

<u>Appropriations</u>	<u>From</u>	<u>Change</u>	<u>To</u>
Acct. 800-Personal Services	\$36,935	\$(9,392)	\$27,543
Acct. 805-Fringe Benefits	9,493	(1,741)	7,752
Acct. 810-Office Supplies	100	168	268
Acct. 824-Travel & Mileage	100	365	465
Acct. 825-Out of Area Travel	850	(60)	790
Acct. 826-Other Expense	973	(810)	163
Acct. 830-Contractual Agencies			
0175 Town of Tonawanda		7,000	7,000
0307 City of Buffalo		7,700	7,700
0367 Mercy Flight		8,000	8,000
0446 Village of E. Aurora		1,500	1,500
0447 Town of Eden		1,500	1,500
0449 Town of Evans		1,500	1,500
0453 Town of Hamburg		1,500	1,500
0456 City of Lackawanna		33,000	33,000
0463 Town of Orchard Park		1,500	1,500
0469 Town of West Seneca		2,000	2,000
0652 Millard Fillmore Hospital		23,000	23,000
0653 Town of Amherst		4,000	4,000
Acct. 880-Interfund			
1100 Dept. of Co. Exec.	3,694	(1,491)	2,203
1109 Co. Executive grants	-0-	1,652	1,652
1500 Sheriff's Dept.	-0-	39,400	39,400
5100 D.I.S.S.	2,006	(496)	1,510
Total	<u>\$54,151</u>	<u>\$119,795</u>	<u>\$173,946</u>

Revenues

Acct. 592 State Aid Dept. of Transportation	<u>\$54,151</u>	<u>\$119,795</u>	<u>\$173,946</u>
Total	<u>\$54,151</u>	<u>\$119,795</u>	<u>\$173,946</u>

and be it further

RESOLVED, that the following transactions are hereby authorized in order to establish an Office of Traffic Safety Grant budget for the period October 1, 1997 through September 30, 1998:

OFFICE OF TRAFFIC SAFETY

Project #764

10/1/97-9/30/98

<u>Appropriations</u>	<u>Amount Requested</u>
Acct. 800-Personal Services	\$ 38,633
Acct. 805-Fringe Benefits	10,590
Acct. 810-Office Supplies	150
Acct. 824-Travel & Mileage	500
Acct. 825-Out of Area Travel	850
Acct. 826-Other Expense	1,000
Acct. 830-Contractual Agencies	65,500
0175 Town of Tonawanda	11,000
0307 City of Buffalo	8,000
0367 Mercy Flight	18,000
0446 Village of E. Aurora	8,000
0447 Town of Eden	8,000
0449 Town of Evans	8,000
0453 Town of Hamburg	8,000
0456 City of Lackawanna	10,000
0463 Town of Orchard Park	4,000
0469 Town of West Seneca	8,000
0652 Millard Fillmore Hospital	30,000
0653 Town of Amherst	4,000
Acct. 880-Interfund	
1100 Dept. of Co. Exec.	1,932
1109 Co. Executive grants	2,000
1500 Sheriff's Dept.	11,110
5100 D.I.S.S.	2,015
Total	<u>\$259,280</u>
 <u>Revenues:</u>	
Acct. 592 State Aid Dept. of Transportation	<u>\$259,280</u>
Total	<u>\$259,280</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the New York State Governor's Traffic Safety Committee to accept funds for the 1997 and 1998 grant periods, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into sub-contracts with the above listed agencies and with other agencies as required for both grant periods, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, Erie County STOP-DWI, the Sheriff's Office and the Office of Traffic Safety.

(5-0)

Item Page -1997 (Comm. 19E-11)
4. COUNTY EXECUTIVE:

RESOLVED, that authorized is hereby provided to adjust the current Juvenile Intensive Supervision Program budget to comply with the final New York State authorized amounts as follows:

JUVENILE INTENSIVE SUPERVISION PROGRAM
PROJECT 679
7/1/97-6/30/98

<u>Appropriations</u>	<u>Original Budget</u>	<u>Adjustments</u>	<u>Adjusted Budget</u>
800 Personal Services	\$205,017	\$6,816	\$211,833
801 Overtime	5,166		5,166
805 Fringe Benefits	52,876	(6,048)	46,828
810 Office Supplies	200	100	300
821 Dues & Fees	1,000	4,144	5,144
823 Repairs & Maintenance	5,275	(5,175)	100
824 Travel & Mileage	1,500	5,000	6,500
826 Other Expenses	354	546	900
880 Interfund	9,212	(6,316)	2,896
932 Equipment	-0-	933	933
TOTAL	\$280,600	\$ -0-	\$280,600

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Probation Department and the Division of Budget, Management and Finance.

(5-0)

Item Page -1997 (Comm. 19E-24)
5. COUNTY EXECUTIVE:

RESOLVED, that authorization is hereby provided to adjust the current Disproportionate Minority Confinement Planning budget so as to comply with the final New York State authorized amounts as follows:

DISPROPORTIONATE MINORITY CONFINEMENT PLANNING PROGRAM
4/1/96-12/31/97

<u>Appropriations</u>	<u>Original Budget</u>	<u>Adjustments</u>	<u>Adjusted Budget</u>
810 Office Supplies	\$ 800	\$ (800)	\$ -0-
821 Dues & Fees	10,000	(10,000)	-0-
824 Travel & Mileage	700	(700)	-0-
933 Equipment	<u>18,500</u>	<u>11,500</u>	<u>30,000</u>
 TOTAL	 <u>\$30,000</u>	 <u>\$ -0-</u>	 <u>\$30,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Probation Department and the Division of Budget, Management and Finance.

(5-0)

EDWARD J. KUWIK
Chairman

Mr. KUWIK moved the adoption. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

ITEM 13 -- Mr. HOLT presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 400

OCTOBER 1, 1997

SOCIAL SERVICES
COMMITTEE
REPORT NO. 7

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

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

Item Page -1997 (Int. 4-32)
a. GREENAN, LARSON, MARSHALL, CHASE & RANZENHOFFER: Hiring Policies of the Erie County Department of Youth Services.
(5-0)

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|------|------------------|--|----------------|
| Item | Page | -1997 | (Comm. 14M-10) |
| b. | KIMBERLY LESTER: | Copy of Letter to Commissioner Merrifield Re: Social Service Concerns. | |
| | (6-0) | Chairman Swanick present as ex-officio member. | |

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|------|--------|---|--------------|
| Item | Page | -1997 | (Int. 14-17) |
| c. | CHASE: | Filling of Nine Vacant Positions in Child Protection Registry/Child Protection. | |
| | (6-0) | Chairman Swanick present as ex-officio member. | |

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|------|----------------------------|--|---------------|
| Item | Page | -1997 | (Comm. 19M-8) |
| d. | NYS SENATOR MARY LOU RATH: | Letter to Chairman Swanick Re: Welfare Reform Act of 1997. | |
| | (5-0) | | |

- | | | | |
|------|---|--|-------------|
| | | | AS AMENDED |
| Item | Page | -1997 | (Int. 12-4) |
| 2. | GREENAN, LARSON, CHASE, RANZENHOFER & MARSHALL: | | |
| | WHEREAS, | State legislation has been introduced to define a transitional independent living support program as any non-residential program or any residential facility approved by the Division for Youth (DFY), and | |

WHEREAS, Currently, support services through DFY are available for twelve months, and

WHEREAS, To coincide with federal limits, NYS Senate has introduced and approved (S.5136) that extends the maximum stay by a runaway or homeless youth in a transitional independent living support program, from twelve to eighteen months, and

WHEREAS, Extending the maximum length stay enables homeless youth, between the ages of sixteen and twenty-one, to progress from crisis care and transitional care to independent living, and

WHEREAS, By extending the maximum length of stay in the program, children are ensured a safe haven from abuse at home or on the street,

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature does hereby recognize and express concern for runaway and homeless youth that face danger when they have no where to reside, and be it further

RESOLVED, That this honorable Body does hereby memorialize the NYS Legislature to pass and Governor George Pataki sign into law Senate Bill S.5136 as a means to ensure safety to homeless and runaway youths, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Governor George Pataki, Senator Steve Saland, and all members of the Western New York State Delegation.

Fiscal Impact: To be determined.
(5-0)

Item Page -1997 (Comm. 13E-15)
3. COUNTY EXECUTIVE:

WHEREAS, the Erie County Legislature has already appropriated funds for the Health Insurance Information, Counseling and Assistance Program grant for the periods of October 1, 1996 to September 30, 1997, and October 1, 1997 to September 30, 1998, and

WHEREAS, the New York State Office for the Aging has revised the overall 1996 and 1997 Federal allocations for the HIICAP grant, and

WHEREAS, the Department of Senior Services desires to revise the above grant budgets to reflect the actual needs of the grant which service those elderly most at risk,

NOW, THEREFORE, BE IT

RESOLVED, that the budgets for the HIICAP grant be revised as follows:

HIICAP - Project 593, 10/1/96 to 9/30/97

<u>REVENUES</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>Account</u> <u>Description</u>			
664 Federal Aid	\$ 4,380	-\$ 590	\$ 3,790
TOTAL CHANGE TO REVENUES		-\$ 590	
 <u>APPROPRIATIONS</u>			
824 Local Travel	\$ 2,800	+\$ 990	\$ 3,790
825 Out of Area Travel	1,580	-1,580	-0-
TOTAL CHANGE TO APPROPRIATIONS		-\$ 590	

HIICAP - Project 715 10/1/97 to 9/30/98

<u>APPROPRIATIONS</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>Account</u> <u>Description</u>			
824 Local Travel	\$ 2,420	\$+1,370	\$ 3,790
825 Out of Area Travel	1,370	<u>-1,370</u>	-0-
TOTAL CHANGE TO APPROPRIATIONS		<u>\$ -0-</u>	

and be it further

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

(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 13E-28)
4. COUNTY EXECUTIVE:

WHEREAS, New York State Office for the Aging has notified the Department of Senior Services that the County of Erie is entitled to Federal Funding in the amount of \$248,744 for the Senior Community Services Employment Grant for the period July 1, 1997 through June 30, 1998, and

WHEREAS, the National Senior Citizens Education & Research Center has notified the Department of Senior Services that the County of Erie is entitled to Federal funding in the amount of \$717,801 for the Senior AIDES Grant, for the period July 1, 1997 through June 30, 1998, and

WHEREAS, the Department of Senior Services subcontracts with Supportive Services Corporation Inc. to administer the Senior Community Employment Program and the Senior AIDES Program.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the Senior Community Services Employment Grant, Project #711 is amended as follows:

<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>NEW BUDGET</u>
664 Federal Aid	\$ 213,433	.\$+35,311	\$ 248,744
443 In Kind Contr.	-0-	+ 2,178	2,178
326 Int. & Earnings	1,334	- 534	800
TOTAL CHANGE		<u>\$ 36,955</u>	

APPROPRIATIONS:

830-235 Supportive Svcs.	\$239,428	<u>\$+36,955</u>	\$276,383
TOTAL CHANGE		<u>\$+36,953</u>	

and be it further

RESOLVED, that the Budget for the Senior AIDES Grant, Project #712 is amended as follows:

<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>NEW BUDGET</u>
664 Federal Funds	\$ 608,368	\$+109,433	\$ 717,801
326 Int. & Earnings	1,480	+ 1,120	2,600
443 In-Kind Contr.	6,634	+ 18,855	25,489
TOTAL CHANGE		<u>\$+129,408</u>	

APPROPRIATIONS

	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>NEW BUDGET</u>
830 235 Supportive Services	\$679,482	<u>\$+129,408</u>	\$808,890
TOTAL CHANGE		<u>\$+129,408</u>	

and be it further

RESOLVED, that the County Executive be and hereby is authorized to enter into contract with the New York State Office for the Aging to accept additional funds for the operation of the Senior Community Services Employment Grant for the period of July 1, 1997 through June 30, 1998, and be it further

	<u>Decrease</u>
Account 800 - Personal Service	\$ 24,800

HEALTH - DIVISION OF EMERGENCY MEDICAL SERVICES
Department 271

Increase

Account 801 - Overtime \$ 24,800

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Department of Youth Services and the Erie County Health Department.

(5-0)

Item Page -1997 (Comm. 18E-25)
6. COUNTY EXECUTIVE:

WHEREAS, Erie County has been the leader in the implementation of managed care programs for the Medicaid population, and

WHEREAS, the Department of Social Services has been notified of a grant award in the amount of \$220,000 for the Medicaid managed care program for the 1997-1998 State fiscal year, and

WHEREAS, the grant is used to fund salary and fringe benefits for the staff who process managed care enrollments as well as related equipment, supply and travel costs, and

WHEREAS, these grant resources are critical for implementation of mandated managed care enrollments authorized by recent Federal approval of the New York State managed care waiver.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to accept funds from New York State in the amount of \$220,000 and to enter into or extend any necessary contracts for the Medicaid Managed Care Grant, and be it further

RESOLVED, that the following budget is hereby established in the Grant Fund, Fund 280, Department 200 for the Medicaid Managed Care Grant for the period April 1, 1997 through March 31, 1998:

Account	Description	Amount
596	State Revenue	\$110,000
649	Federal Revenue	<u>110,000</u>
	Total Revenue	<u>\$220,000</u>

800	Personal Services	46,000
801	Overtime	26,000
805	Fringe Benefits	19,000
810	Office Supplies	23,000
825	Out of Area Travel	15,000
830-886	Managed Care Coalition	5,000
830-551	ECMC - Dept. Of Family Medicine	50,000
880-2006	Indirect Charges	21,000
932	Office Equipment	8,000
933	Laboratory and Technical Equipment	7,000
Total Appropriation		<u>\$220,000</u>

and be it further

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

(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 18E-33)
7. COUNTY EXECUTIVE:

WHEREAS, the Erie County Legislature has already appropriated funds for the Protective Services Grant (PSA) for the period January 1, 1997 to December 31, 1997, and the Community Services for the Elderly program (CSE) for the period April 1, 1997 through March 31, 1998, and

WHEREAS, the Department of Senior Services desires to revise the above grant budgets to reflect the actual needs of the grants which service those elderly most at risk,

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the PSA grant project #699 for the period January 1, 1997 through December 31, 1997 be amended as follows:

PSA - Project #699

APPROPRIATIONS		CURRENT		AMENDED
Account	Description	BUDGET	CHANGES	BUDGET
800	Personal Services	\$669,367	\$-14,750	\$654,617
820	Office Supplies	2,000	+2,000	4,000
824	Travel & Mileage	10,000	+12,000	22,000
826	Other Expenses-ER&B	1,000	+750	1,750
TOTAL CHANGE TO APPROPRIATIONS			<u>-0-</u>	

RESOLVED, that the budget for the CSE grant project #707 for the period April 1, 1997 through March 31, 1998 be amended as follows:

CSE - Project #707

APPROPRIATIONS		CURRENT		AMENDED
Account	Description	BUDGET	CHANGES	BUDGET
824	Travel & Mileage	\$650	+7,500	\$8,150
826	Other Expenses	0	+27,000	27,000
830	Contractual Service	124,137	-7,500	116,637
880	Interfund - DISS	27,000	-27,000	
TOTAL CHANGE TO APPROPRIATIONS			<u>-0-</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management Finance, the Department of Information & Support Services and the Department of Senior Services.

(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 18E-39)
8. COUNTY EXECUTIVE:

RESOLVED, that the County Executive is hereby authorized to execute a \$9,500 contract with Michael William R. Stott EdD., Licensed Psychologist, to provide a comprehensive review of procedures, policies and practices at the Detention Facility related to children requiring mental health services. In addition, direct clinical services will be rendered, and training for staff in identifying mental health situations and improving supervision will be provided, the source of said funds being \$9,500 available in Account 821 Dues and Fees, in the same administrative unit, and be it further

RESOLVED, that the provisions of Section 19.08 of the administrative code requiring requests for proposal do not apply to the award of this contract which is for an aggregate amount of less than \$10,000, and be it further

RESOLVED, that said authorization be approved based on the existing formula by which the State of New York will provide revenues of at least \$4,750 based on a reimbursement schedule of 50% for a local youth and 100% for an out-of-state youth receiving secure detention services, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance and the Erie County Department of Youth Services.

(5-0)

- Item Page -1997 (Comm. 19E-17)
9. COUNTY EXECUTIVE:
RESOLVED, that the Erie County Legislature does hereby confirm the following individuals to the Erie County Council of the Disabled:

Re-appointments	Term Expires
Robert M. McPartland	6/30/99
Michael Scruggs	6/30/99
Sherlyn A. Kolke	6/30/99
Donald Van Auken	6/30/99

Appointments	Term Expires
Kathy S. Hoffman	6/30/99
Dr. John B. Palau	6/30/99
Elizabeth Wagner	6/30/99
Miriam R. Callahan	6/30/99
Jacquelyn M. Bukholt	6/30/99
Kris A. Piazza	6/30/99
L. Blakely Ingram	6/30/99
Christine Hannottee Eagan, CRC	6/30/99

(5-0)

- Item Page -1997 (Comm. 19E-23)
10. COUNTY EXECUTIVE:
WHEREAS, the Erie County Department of Youth Services, in conjunction with the Erie County Departments of Social Services, Probation, and Mental Health, the Council on Children & Families and Family Court has established a Juvenile Justice Advisory Committee and is in need of special consultant services detailed in Attachment A, and

WHEREAS, the Department of Youth Services has \$7,500 in the PINS/JD Savings funds in Grant Project 280, Contractual Services - 830 to cover the cost of hiring a consultant, and

WHEREAS, Robert James has the necessary experience and qualifications to provide the services outlined in Attachment A,

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Youth Services is authorized to enter into a \$7,500 contractual agreement with Mr. Robert James, for the time period April 1, 1997 to March 31, 1998 to provide consultant services to the newly established Juvenile Justice Advisory Committee and that the source of said funds is Fund 280, Department 250, Account 830-Contractual Services, and be it further

RESOLVED, that the provisions of section 19.08 of the Erie County Administrative Code requiring requests for proposal do not apply to the award of this contract which is an aggregate amount of less than \$10,000, and it is recommended the contract be awarded to Mr. Robert James, who has performed exceptionally well under previous contracts with the Department of Youth Services and has voluntarily provided consultant services to the Juvenile Justice Advisory Committee for the past six (6) months free of charge, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into and execute a consultant service agreement between Robert James and the Erie County Department of Youth Services, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, and the Department of Youth Services.

(5-0)

GEORGE A. HOLT, Jr.
Chairman

Mr. HOLT requested that Resolve No. 2 be separated.

GRANTED.

Mr. HOLT moved the balance of the report. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that Et al be added to the sponsorship of Resolve No. 2.

Mr. HOLT moved the adoption of Resolve No. 2 as amended. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 14 - Mr. OLMA presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 401

OCTOBER 1, 1997

ENERGY AND ENVIRONMENT
COMMITTEE
REPORT NO. 11

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

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

Item Page -1997 (Comm. 19E-16)
a. COUNTY EXECUTIVE: Engineering Service Agreements Legislative
Comm. 20E-13 - Work Project: SW-3, ECSD No. 6 - Power Conditioning
System.

(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 19E-13)
2. COUNTY EXECUTIVE:
WHEREAS, the Erie County Legislature approved a contract for
up to \$115,000 for operation of the Rural Van Transportation
Service Program with Rural Transit Service, Inc., a not-for-profit
corporation, and the County of Erie in Meeting Number 6, held on
3/20/97, Communication Number 5E-17, and

WHEREAS, the actual contract amount totaled \$108,150 when
executed by both parties, and

WHEREAS, the project selection committee of the Community
Development Block Grant Consortium has approved the 1996-97 project
to replace the Rural Transit Service vans for the Towns of Boston,
Colden and Eden, and the Towns of Collins, North Collins, and
Villages of North Collins and Gowanda using \$40,000 in federal
Community Development funds available in the 1996-97 Erie County
Community Development Grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to
increase the maximum contract amount with Rural Transit Service
from \$115,000 to \$148,000 for the purchase of replacement vans for
the Rural Van Transportation Service Program with the additional
funds being allocated from the 1996-97 Erie County Urban Consortium
Development Block Grant Program, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Budget Director and the Commissioner of Environment and Planning.

(3-0) Legislators Dusza and Greenan absent.

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|------|------|-------|----------------|
| Item | Page | -1997 | (Comm. 19E-15) |
|------|------|-------|----------------|
3. COUNTY EXECUTIVE:
- RESOLVED, that Dennis T. Gorski, as County Executive of the County of Erie, be and hereby is, authorized to file an application on forms prescribed by the New York State Office of Parks, Recreation and Historic Preservation for financial assistance in accordance with the provisions of Title 3 of the Clean Water/Clean Air Bond Act in an amount not to exceed \$375,000 for improvements to Bennett Beach Park in the Town of Evans with said improvements having a total project cost not to exceed \$750,000, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Budget Director, Commissioner of the Department of Environment and Planning, and Commissioner of the Department of Parks, Recreation and Forestry.

(6-0) Chairman Swanick present as ex-officio member.

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|------|------|-------|----------------|
| Item | Page | -1997 | (Comm. 19E-18) |
|------|------|-------|----------------|
4. COUNTY EXECUTIVE:
- WHEREAS, The County of Erie/Erie County Southtowns Sewage Treatment Agency herein called the "Municipal Applicant" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Southtowns Sewage Treatment Plant/ORF Modifications, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately, and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith, and

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for State assistance in the form required by the State of New York in conformity with the Clean Water/Clean Air Bond Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver the State Assistance Contract and any other documents necessary to receive financial assistance from the State for the Project described, to act in connection with the Project and to provide such additional information and documentation as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)
The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the the Clean Water/Clean Air Bond Act.
4. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
5. That one (1) certified copy of this resolution be prepared and sent to the Albany Office of the New York State Department of Environmental Conservation together with the Application for State Assistance Payments; and that five (5) certified copies of this resolution be prepared and sent to Charles J. Alessi, P.E., Department of Environment and Planning, Division of Sewerage Management.
6. This Resolution shall take effect immediately.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 19E-19)

5. COUNTY EXECUTIVE:

WHEREAS, The County of Erie/Erie County Sewer District No. 6 herein called the "Municipal Applicant" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Overflow Retention Facility Modifications, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately, and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith, and

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for State assistance in the form required by the State of New York in conformity with the Clean Water/Clean Air Bond Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver the State Assistance Contract and any other documents necessary to receive financial assistance from the State for the Project described, to act in connection with the Project and to provide such additional information and documentation as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the the Clean Water/Clean Air Bond Act.
4. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
5. That one (1) certified copy of this resolution be prepared and sent to the Albany Office of the New York State Department of Environmental Conservation together with the Application for State Assistance Payments; and that five (5) certified copies of this resolution be prepared and sent to Charles J. Alessi, P.E., Department of Environment and Planning, Division of Sewerage Management..

6. This Resolution shall take effect immediately.
(6-0) Chairman Swanick present as ex-officio member.

Item	Page	-1997	(Comm. 19E-20)
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6. COUNTY EXECUTIVE:
RESOLVED, that Dennis T. Gorski, as County Executive of the County of Erie, is authorized to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 3 of the Clean Water/Clean Air Bond Act of 1996, for an amount not to exceed \$500,000 to address the urgent superstructure rehabilitation needs at the historic Buffalo and Erie County Botanical Gardens, and upon approval of such request is authorized to enter into and execute a project agreement with the State for this financial assistance to Erie County for the Botanical Gardens Superstructure Rehabilitation Project, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Public Works, the Commissioner of Parks, Recreation and Forestry, the Commissioner of Environment and Planning, and the Director of the Erie County Division of Budget, Management and Finance.

(6-0) Chairman Swanick present as ex-officio member.

Item	Page	-1997	(Comm. 19E-21)
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7. COUNTY EXECUTIVE:
RESOLVED, that Dennis T. Gorski, as County Executive of the County of Erie, is authorized to file an application for funds from the New York State Department of Agriculture and Markets in accordance with the State Environmental Protection Fund, for an amount not to exceed \$75,000 to implement the farmland protection plan "Erie County Farms for the Future" that had been approved by the Erie County Legislature in July 1996, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Budget Director, Commissioner of the Department of Environment and Planning, and Chairman of the Agricultural and Farmland Protection Board.

(3-0) Legislators Dusza and Greenan absent.

GREGORY B. OLMA
Chairman

Mr. OLMA moved to separate Resolve No. 2.

GRANTED.

Mr. OLMA moved the adoption of the balance of the report. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Mr. OLMA offered the following amendment to Resolve No. 2:

Change the Vote from: (3-0) to (5-0)

Mr. OLMA moved the adoption of the amendment. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Mr. OLMA moved adoption of Resolve No. 2 as amended. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS:

ITEM 15 - Mr. RANZENHOFER presented the following resolution and requested it be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Int. 20-1 From: Leg. Ranzenhofer Re: Banning Foreign Business Travel for ECC's Presidents and Faculty.

ITEM 16 - Mr. FITZPATRICK presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 402: RE: Neighborhood Preservation Funding
(Int. 20-2)

WHEREAS, the Legislature set aside funds in the 1997 County Budget for community based organizations invilved in youth services, senior services, nutritional programs and community preservation efforts, and

WHEREAS, in order to become eligible for county funding, organizations must demonstrate their not-for-profit status and their intent to use these funds for uses consistent with their organizational mission, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,300 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

NAME	Line	Amount
Iron Island Preservation Society of Lovejoy, Inc.	n/a	\$2,300
TOTAL		\$2,300

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a new contract with the aforementioned agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Kenneth Kruly, and to First Assistant County Attorney Alan Gerstman and to Marge Thielman Hastreiter, Vice President, Iron Island Preservation Society of Lovejoy, 230 Longnecker Street, Buffalo, New York 14206.

Fiscal Impact: Appropriation of 1997 budgeted funds.

MICHAEL A. FITZPATRICK

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

CARRIED UNANIMOUSLY.

ITEM 17 - Mr. DEBENEDETTI presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 403 RE: Department of Motor Vehicles
(Int. 20-3)

WHEREAS, New York State recently changed motor vehicle regulations pertaining to customer refunds, and

WHEREAS, in the past, New York residents who had registered a vehicle for two years, but subsequently removed that vehicle from the road, were refunded a set percentage of their registration fee, and

WHEREAS, during the recent budget negotiations, New York State decided that, starting September 1, 1997, residents were allowed only a credit for another vehicle, and could not receive a cash refund, and

WHEREAS, many people choose not to register new vehicles, and are thereby placed at a disadvantaged, and

WHEREAS, New York certainly realizes that they are service providers, and that the money actually belongs to the customer, and

WHEREAS, to refund that money should not be unusually burdensome task for the State of New York, especially since the various Counties of New York administer motor vehicles registrations for the State,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds New York State's motor vehicle refund policy onerous to residents of New York, and be it further

RESOLVED, that this Body encourages the New York State Legislature to quickly rescind its late decision and revert to the policy that had existed until September 1, 1997, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Peptic, Assembly Speaker Silver, Senate Majority Leader Bruno, the Western New York Delegation to the New York State Legislature, and County Clerk David Swarts.

Fiscal Impact: None for resolution.

ALBERT DEBENEDETTI

✓ Chairman Swanick directed that Et Al be added to the sponsorship.

Mr. DEBENEDETTI moved the adoption of the resolution as amended.
Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

ITEM 18 - Mr. DEBENEDETTI presented the following resolution and requested it be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Int. 20-4. From: Leg. DeBenedetti Re: No Property Tax Increase and No New Taxes.

ITEM 19 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 404 Re: Compliance with 1997
Budget Resolution.
(Int. 20- 5)

WHEREAS, The Erie County Legislature approved a 1997 Budget resolution which stated in Section 16 that ..."RESOLVED, that the Division of Budget, Management and Finance is hereby authorized to implement technical accounting adjustments in the enterprise fund of the Erie County Medical Center and the Erie County Home, as well as the Highway Division - County Road Fund. A listing of all adjustments along with justifications for such adjustment shall be submitted to the Legislature within ten (10) days subsequent to the implementation of such adjustments.", and

WHEREAS, Section 17 of the Budget resolution states ..."RESOLVED, that all 1997 interdepartmental and interfund accounts, including associated revenues, shall be adjusted as required by the Division of Budget and management. A listing of all adjustments along with justification for such adjustments shall be submitted to the Legislature within ten (10) days subsequent to the implementation to such adjustments.", and

WHEREAS, Minority Leader Frederick J. Marshall wrote to Budget and Management Director Kenneth Kruly requesting information on budget transfers made and specific reasons for such transfers , and

WHEREAS, Budget transfers have been made by the Budget Director in 1997

WHEREAS, To date, no justification for such transfers has been provided to the Legislature by the Director of Budget and Management as per the requirement of the 1997 Budget Resolution, and

NOW, THEREFORE, BE IT

RESOLVED, That Budget and Management Director Kenneth Kruly is hereby requested to immediately provide to each member of the Erie County Legislature a list of all budget transfers made during fiscal year 1997 and the justification for such transfers, and be it further

RESOLVED, That Budget and Management Kenneth Kruly is requested to appear before the next meeting of the Finance and Management Committee in order to discuss the budget transfers made to date, the reasons for such transfers and any other questions the Committee members or other legislators have regarding the transfers, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Budget and Management Director Kenneth Kruly and County Executive Dennis T. Gorski.

Fiscal Impact: To be determined.

FREDERICK J. MARSHAL	DALE W. LARSON	JOHN W. GREENAN
JEANNE Z. CHASE	MICHAEL H. RANZENHOFER	

Ms. PEOPLES offered the following amendment:

ADD the following FISCAL IMPACT statement:

Fiscal Impact: To be determined.

Ms. PEOPLES moved the adoption of the amendment. Ms. COHEN KENNEDY seconded.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeBenedetti, Dusza, Marinelli and Cohen Kennedy be added as co-sponsors.

Mr. MARSHALL moved the adoption of the resolution as amended. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 20 - Mr. KUWIK presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 405

Re: Assisting Senior
Citizens Youth and Municipal
Projects in Erie County.
(Int. 20-6)

WHEREAS, the Legislature set aside funds in the 1997 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community based organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect this transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$16,300 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Lackawanna Youth Board/Youth Bureau	n/a	\$6,500
Village of Blasdell - Welcome Signs Program	n/a	\$ 4,800
Town of Hamburg Senior Services	n/a	\$ 2,500
Lackawanna Senior Citizen Program (Senior Citizen Advisory Board)	n/a	\$ 2,500
TOTAL		\$16,300

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Michael Szymanski, Executive Director, Lackawanna Youth Board and Youth Bureau, Lackawanna City Hall, 714 Ridge Rd., Room 216, Lackawanna, NY 14218; Barbara Cesar, Village Administrator, Village of Blasdell, 121 Miriam Ave., Blasdell, NY 14219; John Farrell, Director, Town of Hamburg Senior Services, 4150 Sowles Rd., Building H, Hamburg, NY 14075; and to Charles Gelyon, Coordinator, Lackawanna Senior Citizen Program, 230 Martin Rd., Lackawanna, NY 14218.

Fiscal Impact: Appropriation of 1997-budgeted funds.

EDWARD J. KUWIK

Mr. KUWIK moved the adoption. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

ITEM 21 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 406

Re: Continued Neighborhood
Beautification Efforts Within the City of
Buffalo.
(Int. 20-7)

WHEREAS, that Buffalo Green Fund has assisted in neighborhood beautification efforts throughout the West and Central portions of the City of Buffalo by planting trees, shrubs, and other greenery, and

WHEREAS, the county has assisted in the Green Fund's efforts through a small grant of county funds, and

WHEREAS, in order to complete its mission for 1997, the Green Fund is in need of an additional, small transfer of funds, and

WHEREAS, the Legislature set aside funds in the 1997 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community based organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect this transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,915 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies as follows:

<u>NAME</u>	<u>PREVIOUS AMOUNT</u>	<u>=/-</u>	<u>NEW AMOUNT</u>
Buffalo Green Fund	\$ 7,500	\$ 3,915	\$ 11,415
TOTAL		\$ 3,915	

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to the Buffalo Green Fund, 11 Mayfair Lane, Buffalo, NY 14201.

Fiscal Impact: Appropriation of 1997-budgeted funds.

JUDITH P. FISHER

Mrs. FISHER moved the adoption. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 22 - Mr. DUSZA presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 407

Re: Assisting the Buffalo
Fire Historical Society.
(Int. 20-8)

WHEREAS, it is commonly known that the fire service is one of most noble and honorable professions, in that those who participate in this particular vocation risk their own lives in service to others, and

WHEREAS, in recognition of that fact, the Buffalo Fire Historical Society was established in 1982 and has operated ever since as an organization that seeks to display firefighting artifacts and memorabilia, in an effort to educate those who wish to learn more about fire service, and

WHEREAS, in 1992, the Society undertook a substantial mortgage to purchase a building to serve as a museum to display this memorabilia, including items from the volunteer days of the Buffalo Fire Department which date back to pre-1850, and

WHEREAS, the museum, which is located at 1850 William Street in Buffalo, is open to the public each Saturday from 10 AM to 4 PM, and is available to groups anytime by appointment, and

WHEREAS, the Society is in need of a small grant of county funds to assist in its overall operation, and

WHEREAS, the Legislature set aside funds in the 1997 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community based organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect this transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Buffalo Fire Historical Society	n/a	\$ 2,000
TOTAL		\$ 2,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to James R. Shields, President, Buffalo Fire Historical Society, 1850 William Street, Buffalo, NY 14206.

Fiscal Impact: Appropriation of 1997-budgeted funds.

RAYMOND K. DUSZA

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

CARRIED UNANIMOUSLY.

ITEM 23 - Ms. COHEN KENNEDY presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 408	Re: Increase in Co-pay of Independent Health and Health Care Plan for Self-Injectable Medications. (Int. 20-9)
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WHEREAS, currently, there has been some concern regarding an increase in co-pay for self-injectable medications from health care providers, parents of children and adults who depend on self-injectable medications (insulin excluded), and

WHEREAS, two managed care companies, Independent Health and Health Care Plan have stated that as of January 1, 1998 there will be 20% or 50% co-pay for all self-injectables, and

WHEREAS, this will have a dramatic impact on people's health because families will be unable to meet this exorbitant co-pay and people will go without the treatment they need, and

WHEREAS, the affected children will be those with cancers, dwarfism, hemophilia, kidney failure, and neurologic diseases, and

WHEREAS, the affected adults will be those with diseases such as multiple sclerosis, and

WHEREAS, it is vital that these children's parents and adults are able to afford their medicine.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and express concern that such an increase in co-pay will have an adverse impact on children's health care as well as that of adults in Western New York, and be it further

RESOLVED, that this Honorable Body requests that Independent Health and Health Representatives from Independent Health and Health Care Plan be invited to the Health Committee meeting to discuss the increase in co-pay for self-injectable medications, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Commissioner of Health Arnold Lubin, Independent Health, Health Care Plan, and New York State Assemblymember Paul Tokasz.

Fiscal Impact: To be determined.

Ms. COHEN KENNEDY offered an amendment as follows:

✓ ADD, following the fifth ~~Whereas~~ clause, the following WHEREAS clause:

WHEREAS, Multiple Sclerosis patients are another group who use self-injectable medication in the treatment of their condition, and who stand to suffer greatly if that medication were to be made unaffordable, and

WHEREAS, New York State Assemblymember Paul Tokasz in taking action on the state level, announcing his intention to file a bill to prohibit health insurers from charging a co-payment of more than 20 percent for self-injectable multiple sclerosis drugs,

DELETE, in its entirety, the second and third RESOLVE clause, and REPLACE with the following:

RESOLVED, that This Honorable Body does request that representatives from Independent Health and Health Care Plan appear at a future meeting of the Legislature's Health/Mental Health Committee to discuss the increase in co-pay for self-injectable medications, and does request Erie County Department of Health Commissioner Arnold Lubin to appear at the same meeting to discuss what effect this increase may have on the county's health care facilities and programs, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Commissioner of Health Arnold Lubin, Independent Health, Health Care Plan, and New York State Assemblymember Paul Tokasz.

Ms. COHEN KENNEDY moved the adoption of the amendment. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Mr. LARSON offered an amendment as follows:

DELETE the following from the first WHEREAS clause:
...and parents of children...

and REPLACE, with the following:
...,parents of children and adults...

DELETE the following from the third WHEREAS clause:
...child...children...

and REPLACE, with the following:
...people's...,...people...

ADD after the fourth WHEREAS clause:
WHEREAS, the affected adults will be those with diseases such as multiple sclerosis, and

DELETE the following from the fifth WHEREAS clause:
...children's parents...

and REPLACE, with the following"
...children's parents and adults...

DELETE the following from the first RESOLVE clause:
...all others...

and REPLACE with the following":
...adults...

Mr. LARSON moved the adoption of the amendment. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeBenedetti, Dusza, Marzinielli and Cohen Kennedy be added as co-sponsors.

Ms. PEOPLES moved the adoption of the resolution as amended.
Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 24 - Mr. HOLT presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 409 Re: Erie County Welfare
Reform. (Int. 20-10)

WHEREAS, the Erie County Legislature has instituted programs to implement the dictums of the Federal Welfare Reform Bill, and

WHEREAS, the Federal Welfare Reform Bill is designed to provide job training, child support and other necessary subsidies to enable welfare recipients to move from the welfare rolls into gainful employment opportunities, and

WHEREAS, Erie County Officials have publicly stated the goal set for October 1, 1997 under the Federal Welfare Reform Bill has been exceeded for persons receiving home relief, and

WHEREAS, Erie County Officials have also publicly stated that the goal set for single parents with children will be realized by the end of this calendar year; and

WHEREAS, the Erie County Officials have further stated that since December 30, 1996, the number of persons receiving welfare benefits has dropped from 27,632 to 24,977.

NOW, THEREFORE, BE IT

RESOLVED, that in recognition of the successful implementation of the County's response to the Federal Welfare Reform Bill that more definitive information be provided regarding the population actually benefitting from these programs, and be it further

RESOLVED, that a listing of these persons identified as to their residential areas, ethnic groups, job placements and the earnings to support the officials' statements, and be it further

RESOLVED, that the Commissioner for the DSS or a representative come before the Legislature to discuss in detail, how job training opportunities are being publicized among welfare recipients, and be it further

GEORGE A. HOLT, Jr.

Mr. HOLT offered and amendment as follows:

ADD, following the third resolve clause, the following RESOLVE clause:

RESOLVED, that certified copies of this resolution be forwarded to Erie County Department of Social Services Commissioner Deborah Merrifield and Erie County Executive Dennis Gorski.

ADD the following FISCAL IMPACT statement:

Fiscal Impact: To be determined.

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

CARRIED UNANIMOUSLY.

Chairman Swanick directed that Et (A) be added to the sponsorship.

Mr. HOLT moved the adoption of the resolution as amended. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 25 -- Ms. MARINELLI presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 410

Re: Draft Erie County
Employee Assistance Program
Domestic Violence Policy.
(Int. 20-11)

WHEREAS, Domestic violence remains a serious problem in our society, a point being stressed in the recognition of October as Domestic Violence Awareness Month, and

WHEREAS, Victims of domestic violence should be afforded every assistance and protection possible in order to escape the cycle of abuse in which they find themselves, and

WHEREAS, Domestic violence issues permeate into the victims' workplaces, including those working for Erie County, and

WHEREAS, It is therefore imperative that Erie County and this Honorable Body continue to lead by example in the fight against domestic violence by implementing a comprehensive policy to aid county employees who are victims of domestic violence, and

WHEREAS, This Honorable Body has undertaken a sustained effort to keep domestic violence issues in the forefront of county policy through such projects as this year's Domestic Violence Summit, the result of which was a report sent to the county executive and budget director to highlight departmental budgetary needs as they relate to domestic violence programs, and

WHEREAS, Employee Resources, Inc. has, working with Erie County Department of Personnel Commissioner Leonard Lenihan, presented a draft domestic violence policy for county employees, to be administered through the county's employee assistance program,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its unwavering commitment to aiding victims of domestic violence in order to empower them to break their cycle of abuse, and does restate its intention to remain in the forefront of the fight against domestic violence, and be it further

RESOLVED, That this Honorable Body does hereby request that Employee Resources, Inc. Director Jayne Kiel and Erie County Department of Personnel Commissioner Leonard Lenihan appear at a future meeting of the Legislature's Government Affairs Committee to discuss their draft employee assistance program policy on domestic violence, with the goal of finalizing and implementing said policy as soon as possible, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Employee Resources, Inc. Director Jayne Kiel (467 Virginia Street, Buffalo, NY 14202), Erie County Department of Personnel Commissioner Leonard Lenihan, and Erie County Commission on the Status of Women Director Susan Curran Hoyt.

Fiscal Impact: To be determined.

LYNN M. MARINELLI

Chairman Swanick directed that Et ~~Al~~ be added to the sponsorship.

Ms. MARINELLI moved the adoption of the resolution as amended.
Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

ITEM 26 - Ms. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 19E-9. Mr. HOLT seconded

CARRIED UNANIMOUSLY.

RESOLUTION NO. 411 Re: Office of the Comptroller
Transfer of Funds.

WHEREAS, the Division of Information and Support services (DISS) has completed a review of all the Comptroller's computer operations, and

WHEREAS, the Director of Information and Support Services has recommended that the Comptroller, in coordination with DISS install a local network, and

WHEREAS, an upgrade of the Comptroller's computer capabilities will benefit all departments using the new SFG integrated system, and

WHEREAS, the Comptroller has the necessary appropriations available in her current budget to fund this computer network,

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature hereby authorizes the transfer of \$25,000 from the Comptroller's Dues and Fees account 110-914 120 821 to Laboratory and Technical Equipment SFG account 110-914 120 933, and be it further

RESOLVED, that certified copies of this resolution be provided the Comptroller, the Budget Director and the Director of DISS.

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

CARRIED UNANIMOUSLY.

ITEM 27 - Mrs. FISHER moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 19E-12. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 412 RE: ECMC Capital Lease with General
Electric Medical Systems

WHEREAS, the Erie County Medical Center Healthcare Network (ECMC) must provide comprehensive diagnostic imaging services to support the clinical needs of out patients, referring physicians and community, and

WHEREAS, acquiring a "spiral" computerized tomography (CT) unit will improve patient care, enhance outpatient revenues and upgrade technology to the accepted standard of care at ECMC. And

WHEREAS, ECMC, has assessed its patient care needs and available technologies, and

WHEREAS, a bid (#967215-3, Part A) was issued by the ECMC for the selection of a vendor for a "spiral" computerized tomography (CT) equipment with construction, and

WHEREAS, pursuant to said bid, ECMC requested the responses contain detailed proposals for the "Spiral" computerized tomography (CT) equipment with construction, and

WHEREAS, pursuant to said bid, ECMC requested the responses contain specific options for purchase, and lease purchase (capital lease agreement) as alternative means to finance the cost of the capital improvement, and

WHEREAS, the estimated cost of the capital improvement to be financed is \$806,206 exclusive of the \$250,000 down payment and the cost of financing, and

WHEREAS, if the capital improvement is financed pursuant to an installment purchase contract (capital lease agreement), the cost of the proposed capital improvement inclusive of the cost of financing over a 60-month installment period will be \$907,319, plus the \$250,000 down payment, and

WHEREAS, the execution of the installment purchase contract (capital lease agreement) will not cause the political subdivision (Erie County), to exceed the limits prescribed by paragraph c of subdivision 6 of Section 109-6 of the General Municipal Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the (capital lease agreement) for the County of Erie on behalf of the Erie County Medical Center Healthcare Network with General Electric Medical Systems for the purchase with construction required of a "Spiral" computerized tomography (CT) unit, in accordance with the provisions set forth in the ECMC bid #967215-w3, Part A, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the aforementioned installment purchase contract (capital lease agreement) in the amount of \$15,122 per month over a term of 60 months at an interest rate of 4.75%, which results in an aggregate cost of \$907,319, inclusive of financing cost, plus the \$250,000 down payment for a total cost of \$1,157,319, and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Comptroller, Erie County Director of Budget and Management, Erie County Medical Center Healthcare Network and General Electric Medical Systems.

Mrs. FISHER moved the adoption. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

ITEM 28 - Mr. MARSHALL moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Int. 18-20. Mr. GREENAN seconded.

Int. 18-20. From: Legislators Marshall, Greenan, Chase, Larson and Ranzenhofer. Re: Support for Buffalo Bills and Opposition to New Or Higher Taxes to pay for Proposed Bills Lease.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer, Olma, DeBenedetti - 8. Noes - Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Peoples & Swanick - 9

DEFEATED.

SUSPENSION OF THE RULES

ITEM 29 - Mr. DEBENEDETTI moved for a suspension of the rules to include and item not on the agenda. Ms. PEOPLES seconded.

Int. 20-12. From Legs. DEBENEDETTI & OLMA. Re: New York State Constitutional Convention.

Chairman SWANICK directed that Int. 20-12 be referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

✓ ITEM 30 - (Comm. 20E-1) Unfilled Vacant Positions 9/13/97.

✓ ITEM 31 - (Comm. 20E-2) County of Erie Annual Financial Report Update Document for Year Ended 12/31/96.

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

FROM LEGISLATOR DEBENEDETTI

ITEM 32 - (Comm. 20E-3) Vote Change on Item 18E-22.

RECEIVE, FILE & PRINT.

Dear Ms. Manzella:

At the last Session of the Erie County Legislature (September 25, 1997), item 18E-22 was discharged from the Social Services Committee. At that time, I voted in the affirmative. After further reflection, I wish to change my vote. I request to be recorded as voting in the negative.

If you have any questions, please do not hesitate to contact my office.

Sincerely,
AL DEBENEDETTI
6TH District

RECEIVED, FILED & PRINTED.

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

The filing of an application for the State assistance in the form of required by the State of New York in conformity with the Clean Water/Clean Air Bond Act is hereby authorized, including all under-standings and assurances contained in said application.

The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver the State Assistance Contract and any other documents necessary to receive financial assistance from the State for the Project described, to act in connection with the Project and to provide such to provide such additional information and documentation as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

The official(s) designated above is/are authorized to make Clean Water/Clean Air Bond Act.

That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environment Conservation;

That one (1) certified copy of this Resolution be prepared and sent to the Albany Office of the New York State Department of Environmental Conservation together with the Application for State Assistance Payments; and that five (5) certified copies of this resolution be prepared and sent to Charles J. Alessi, P.E., Department of Environment and Planning, Division of Sewerage Management.

6. This Resolution shall take effect immediately.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

ITEM 37 - (Comm. 20E-8) Health - Women, Infants & Children's Supplemental Nutrition (WIC) Program 10/1/97 - 9/30/98.

Received and referred to the HEALTH COMMITTEE.

ITEM 38 - (Comm. 20E-9) Budget, Management & Finance - Transfer of Funds.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ITEM 39 - (Comm. 20E-10) Youth Services - Detention Authorization to Contract.

ITEM 40 - (Comm. 20E-11) Youth Services - Equipment Purchase of Security Camera System for East Ferry Detention Center.

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

ITEM 41 - (Comm. 20E-12) Consultant on Expanding Jail Capacity.

ITEM 42 - (Comm. 20E-13) District Attorney Asset Forfeiture Appropriations.

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

ITEM 43 - (Comm. 20E-14) Early Intervention Program Authorization to Contract.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 44 - (Comm. 20E-15) Early Retirement Incentive 1998.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ITEM 45 - (Comm. 20E-16) Senior Services - Authorization to Amend the WRAP-SOFA Grant Budget.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 46 - (Comm. 20E-17) Request for Leg. Action to Increase Approp to Native American Community Services of Erie & Niagara Co. Inc. by \$22,744 in 100% New York State Alcoholism & Sub Abuse.

Received and referred to the HEALTH COMMITTEE.

ITEM 47 - (Comm. 20E-18) ECSD No. 1 & 4 - Fox and Company - Buffalo Accounting Agreement Close-Out.

ITEM 48 - (Comm. 20E-19) ECSD No. 5 - Clarence Town District No. 2 Amended Service Agreement.

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

ITEM 49 - (Comm. 20E-20) Request for Leg. Action to Increase 1997 Approp. to Mental Health by \$4,350 in 100% State Aid Dollars for Laboratory and Technical Equipment.

Received and referred to the HEALTH COMMITTEE.

ITEM 50 - (Comm. 20E-21) Deferred Compensation Plan.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 51 - (Comm. 20E-22) ECSD No. 1 Overflow Retention Facility and Pumping Station Project Contract "D" - Electrical Change Order No. 1 Frey Electrical Construction.

ITEM 52 - (Comm. 20E-23) ECSD No. 5 Increase of Maximum to be Expended (1997) EC Sewer Agency Report.

ITEM 53 - (Comm. 20E-24) ECSD No. 1 Overflow Retention Facility & Pumping Station Project Contract 'C' - Plumbing Change Order No. 1 MKS Plumbing, Inc.

ITEM 54 - (Comm. 20E-25) Contract with Town of West Seneca for Sale of Madison Wire Works Property.

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

ITEM 55 - (Comm. 20E-26)

Mr. OLMA presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 414 Re: ECSD No. 5 Increase in Maximum
to be Expended (1997)

A RESOLUTION DIRECTING THE DEPARTMENT OF ENVIRONMENT AND PLANNING TO PREPARE AN APPLICATION TO THE STATE COMPTROLLER FOR CONSENT TO PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED FOR FACILITIES IN THE MEADOW LAKES EXTENSION TO THE ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) October 9, 1997

(Adopted) October 9, 1997

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5-A of the County Law and more particularly an order of the State Comptroller dated September 16, 1992, and an order of this County Legislature dated October 22, 1992, Meadow Lakes Extension to Erie County Sewer District No. 5 has been established with an authorization for the improvements therein at an estimated maximum cost of \$1,200,000, and

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly caused to be prepared a report and estimate of cost, by the County Engineers (Erie County Department of Environment and Planning) relating to a \$135,000 proposed increase of maximum amount to be expended for such facilities of said District No. 5 which report and estimate of cost have been approved by the Board of Managers of said District on October 15, 1997 and filed with the County Legislature pursuant to Sections 254 and 269 of the County Law; and

WHEREAS, the maximum estimated cost of such facilities of said Sewer District, including the proposed increase of maximum amount to be expended, is \$1,335,000; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase of maximum amount to be expended if the cost of such facilities including such expenditure is to be financed by the issuance of bonds or notes of the County therefor, in accordance with the provisions of Section 269 of the County Law;

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

Section 1. The Department of Environment and Planning is hereby directed to prepare an application to the State Comptroller for his consent to the proposed increase of maximum amount to be expended, for consideration by said County Legislature prior to the submission of said application to the State Comptroller.

Section 2. Certified copies of this resolution shall be sent to the County Attorney's office and Department of Environment and Planning.

Section 3. This resolution shall take effect immediately.

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

CARRIED UNANIMOUSLY.

ITEM 56 -- (Comm. 20E-27)

Mr. OLMA presented the following resolution and moved for immediate consideration. Ms. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 415 Re: ECSD No. 3/Southtowns Sewage
Treatment Agency Increase
Improvement of Facilities
(1997)

A RESOLUTION RATIFYING PREVIOUS APPROVAL OF (1) AN INCREASE AND IMPROVEMENT OF FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK AND (2) AN APPLICATION TO THE STATE COMPTROLLER FOR CONSENT FOR EXPENDITURES OF FUNDS FOR SAID INCREASE AND IMPROVEMENT OF FACILITIES.

(Introduced) October 9, 1997

(Adopted) October 9, 1997

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5-A of the County Law, including an approving order of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established, and

WHEREAS, the Erie County Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (The "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer Districts Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg, and

WHEREAS, pursuant to the amendment to the Southtowns Agreement dated June 26, 1997, the County, acting for and on behalf of Erie County Sewer District No. 3, will be responsible for financing the total project costs for proposed improvements to the Southtowns Treatment Facility, and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has on April 24, 1997 duly directed that there be prepared a map, plan, report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the Southtowns Treatment Facility, which map, plan, report and estimate of cost have been approved by the Board of Managers of said District and the Administrative Board of the Erie County Southtowns Sewage Treatment Agency and filed with the County Legislature pursuant to Section 268 of the County Law, and

WHEREAS, said map, plan, report and estimate of cost describe a proposed increase and improvement of the Southtowns Treatment Facility, consisting of replacement of various equipment, machinery and apparatus, related improvements to such Facility, and improvements to Southtowns Agency sewage transmission lines and pumping stations, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to, and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the Southtowns Treatment Facility is \$10,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8 and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg, and (iii) the Village of Blasdell as a contracting entity with the Southtowns Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement, and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$21.90, is above the Average Estimated Cost of \$10.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law, and

WHEREAS, said County Legislature duly adopted Resolution No. 234 on the 5th day of June, 1997, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid increase and improvement of facilities in accordance with the aforesaid map, plan, report and estimate of cost, and

WHEREAS, such Resolution authorized and directed the preparation by the Department of Environment and Planning of an Application to the State Comptroller for his consent to the total expenditure for such increase and improvement, such Application to be executed and verified by and on behalf of the County by the County Executive, and

WHEREAS, said public hearing was duly held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 17th day of July, 1997, at 1:30 o'clock P.M., Prevailing Time, and

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

WHEREAS, said County Legislature after duly considering the evidence given at such public hearing and reviewing said Application, as prepared by the Department of Environment and Planning, duly adopted Resolution No. 312 on the 17th day of July, 1997 authorizing such increase and improvement of facilities and directing that said Application be forwarded by the County Executive to the State Comptroller to obtain his consent to the total expenditures authorized by said resolution, and

WHEREAS, in anticipation of receiving said Application the State Comptroller's staff has requested that a new public hearing be held after publication of notice calling such hearing which specifies the cost of hook-up fees, if any, to, and the cost of such proposed increase and improvement to the Typical Property (as defined in the County Law), in accordance with recent amendments to the County Law, and

WHEREAS, said County Legislature duly adopted Resolution No. 373 on the 11th day of September, 1997, calling a meeting of the County Legislature for the purpose of holding a second public hearing on the aforesaid increase and improvement of facilities after publication of revised notice specifying such costs and in accordance with the aforesaid map, plan, report and estimate of cost, and

WHEREAS, said public hearing was duly held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 25th day of September, 1997, at 1:30 o'clock P.M., Prevailing Time, and

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

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

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to rarify (i) the authorization for said increase and improvement of the facilities of said Southtowns Agency in the County of Erie, New York at a maximum estimated cost of \$10,000,000, (ii) the determination that said Application to the State Comptroller was prepared at the direction of said County Legislature and that said County Legislature believes the contents of the Application to be accurate, and (iii) the determination that the expenditure for which consent is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof, pursuant to Resolution No. 312 duly adopted by said County Legislature on the 17th day of July, 1997.

Section 2. This resolution shall take effect immediately.

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

CARRIED UNANIMOUSLY.

ITEM 57 - (Comm. 20E-28)

Mr. OLMA presented the following resolution and moved for immediate consideration. Ms. HOLT seconded.

CARRIED UNANIMOUSLY.

✓ RESOLUTION NO. 416 Re: ECSD No. 5 Increase & Improvement
of Facilities (1996)

A RESOLUTION RATIFYING PREVIOUS APPROVAL OF (1) AN INCREASE AND IMPROVEMENT OF FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK AND (2) AN APPLICATION TO THE STATE COMPTROLLER FOR CONSENT FOR EXPENDITURE OF FUNDS FOR SAID INCREASE AND IMPROVEMENT OF FACILITIES.

(Introduced) October 9, 1997

(Adopted) October 9, 1997

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law, including an approving order of the State Comptroller, County Sewer District No. 5 of the County of Erie, New York, has heretofore been established, and

WHEREAS, the County Legislature of the County of Erie, New York has duly directed that there be prepared a map, plan, report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of said District No. 5, which map, plan, report and estimate of cost have been approved by the Board of Managers of said District on February 11, 1997 and filed with the County Legislature pursuant to Section 268 of the County Law, and

WHEREAS, said map, plan, report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 5 in said County, consisting of construction of a new gravity sewer and related improvements to provide a connection to the Amherst Pumping Station, construction of a new gravity sewer on Bridlewood Drive and Hidden Oaks Drive, construction of new sewer connections for Transit Road crossings, and related facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to, and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement is \$2,800,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 5, and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$27.60, is above the Average Estimated Cost of \$10.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law, and

WHEREAS, said County Legislature duly adopted Resolution No. 122 on the 6th day of March, 1997, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid increase and improvement of facilities in accordance with the aforesaid map, plan, report and estimate of cost, and

WHEREAS, such Resolution authorized and directed the preparation by the Department of Environment and Planning of an Application to the State Comptroller for his consent to the total expenditure for such increase and improvement, such Application to be executed and verified by and on behalf of the County by the County Executive, and

WHEREAS, said public hearing was duly held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 10th day of April, 1997, at 1:30 o'clock P.M., Prevailing Time, and

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

WHEREAS, said County Legislature after duly considering the evidence given at such public hearing and reviewing said Application, as prepared by the Department of Environment and Planning, duly adopted Resolution No. 149 on the 10th day of April, 1997 authorizing such increase and improvement of facilities and directing that said Application be forwarded by the County Executive to the State Comptroller to obtain his consent to the total expenditure authorized by said resolution, and

WHEREAS, said Application has been received by the State Comptroller and after review of said Application the State Comptroller's staff has requested that a new public hearing be held after publication of notice calling such hearing which did not specify the cost of hook-up fees, if any, to, and the cost of such proposed increase and improvement to the Typical Property (as defined in the County Law), in accordance with recent amendments to the County Law, and

WHEREAS, said County Legislature duly adopted Resolution No. 372 on the 11th day of September, 1997, calling a meeting of the County Legislature for the purpose of holding a second public hearing on the aforesaid increase and improvement of facilities after publication of revised notice specifying such costs and in accordance with the aforesaid map, plan, report and estimate of cost, and

WHEREAS, said public hearing was duly held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 25th day of September, 1997, at 1:30 o'clock P.M., Prevailing Time, and

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

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

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to rarify (i) the authorization for said increase and improvement of the facilities of said District No. 5 in the County of Erie, New York at a maximum estimated cost of \$2,800,000, (ii) the determination that said Application to the State Comptroller was prepared at the direction of said County Legislature and that said County Legislature believes the contents of the Application to be accurate, and (iii) the determination that the expenditure for which consent is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof, pursuant to Resolution No. 149 duly adopted by said County Legislature on the 10th day of April, 1997.

Section 2. This resolution shall take effect immediately.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

ITEM 58 - (Comm. 20E-29) Appointment to the Erie County Youth Services Board.

RECEIVE, FILE & PRINT.

Honorable Members:

Pursuant to the power vested in me by Section 11-F-03 of the Erie County Charter, I, Dennis T. Gorski, Erie County Executive,
✓ ~~X~~ am pleased to inform you that I am appointing the following person to the Erie County Youth Services Board:

APPOINTMENT

TERM EXPIRES

Mr. Mack Bienko
385 Richmond Avenue, Apt. #3
Buffalo, New York 14222

12/31/98

Very truly yours,
DENNIS T. GORSKI
ERIE COUNTY EXECUTIVE

RECEIVED, FILED & PRINTED.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSION ON THE STATUS OF WOMEN

ITEM 59 - (Comm. 20D-1) Minutes of Meeting Held 9/10/97 & Notice of Change of October Meeting to 10/09/97.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECMC

ITEM 60 - (Comm. 20D-2) Financial Statements for 8/31/97.

Received and referred to the HEALTH COMMITTEE.

FROM ECC

ITEM 61 - (Comm. 20D-3) Notice of Meeting to be Held 10/29/97.

ITEM 62 - (Comm. 20D-4) Notice of Committee Meetings to be Held 10/14/97 & 10/20/97.

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 63 - (Comm. 20D-5) Response to County Comptroller's Report Re: Unfilled Vacant Positions.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ERIE COUNTY MORGUE

ITEM 64 - (Comm. 20D-6) Monies and Other Property Found on Deceased Persons.

Received and referred to the HEALTH COMMITTEE.

FROM DPW

ITEM 65 - (Comm. 20D-7) Asbestos Abatement Contractor's License.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE HEALTH DEPARTMENT

ITEM 66 - (Comm. 20D-8) Notice of Meeting to be Held 10/21/97 and Minutes of Meeting Held 5/6/97.

Received and referred to the HEALTH COMMITTEE.

FROM ECC

ITEM 67 - (Comm. 20D-9) Notice of Committee Meetings 10/8/97, 10/9/97 & 10/16/97.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 68 - (Comm. 20D-10) Sale of County Owned Inventory SBL #88.330-2-13, 212 East Street, City of Buffalo.

FROM DPW

ITEM 69 - (Comm. 20D-11) OPEN ITEM: Acquisition of Various Parcels of Property for Right-of-Way.

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

ITEM 70 - (Comm. 20D-12) Rich Stadium - Re-Roof Ticket Booths & Gate Houses.

✓ ITEM 71 - (Comm. 20D-13) Ellicott Creek Park - Drainage Improvements Project.

ITEM 72 - (Comm. 20D-14) Change Order to Architect/Engineer Supplemental Agreement, Youth Detention Center Renovations.

ITEM 73 - (Comm. 20D-15) Funding Change Phillips Road CR 535 Project No. CHIPS 535-97, Towns of Colden, Holland & Sardinia.

ITEM 74 - (Comm. 20D-16) Increase to Consultant Contract Winspear Road Bridge (328-2), Town of Elma.

ITEM 75 - (Comm. 20D-17) Rich Stadium - Administration Building - Cooling Tower Replacement.

ITEM 76 - (Comm. 20D-18) Erie County Correctional Facility "T" Building Stair Addition.

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM JOHN WHITNEY

ITEM 77 - (Comm. 20M-1) Buffalo Urban Resources Partnership-Organization Briefing Minutes.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ALAN W. TIPTON

ITEM 78 - (Comm. 20M-2) Letter to Chairman Swanick Re: Police Body Armor.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE REGION 9 FOREST PRACTICE BOARD

ITEM 79 - (Comm. 20M-3) Minutes of Meeting Held 9/18/97.

FROM NYSDEC

ITEM 80 - (Comm. 20M-4) Fact Sheet - 208 Bristol Street, City of Buffalo.

FROM MELINDA HOLLAND, CLEAN SITES

✓✓ ITEM 81 - (Comm. 20M-5) Summary of Meeting Held 9/16/97 & Notice of Meeting Held 10/1/97.

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

FROM OTB

✓ ITEM 82 - (Comm. 20M-6) Minutes of Meeting Held 8/28/97.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM NYSDEC

ITEM 83 - (Comm. 20M-7) Fact Sheet - 1 Howell Street, City of Buffalo.

FROM NYS FISH AND WILDLIFE MANAGEMENT BOARD

ITEM 84 - (Comm. 20M-8) Minutes of Meeting Held 9/4/97.

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

FROM ECIDA

ITEM 85 - (Comm. 20M-9) Notice of Meeting Held 10/15/97.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM PHILIP LIPPA

ITEM 86 - (Comm. 20M-10) Notice of Claim.

Received and referred to the COUNTY ATTORNEY.

FROM THE RESTORATION SOCIETY, INC.

ITEM 87 - (Comm. 20M-11) Letter to Legislator Fisher Re: Harbor House Drop-In Center.

Received and referred to the HEALTH COMMITTEE.

MEMORIAL RESOLUTIONS:

ITEM 88 - Mr. HOLT moved that when this Legislature adjourns, it do so out of respect to the memory of DR. CARL GRANT, deceased. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

✓ ITEM 89 - Ms. MARINELLI~~X~~ moved that when this Legislature adjourns, it do so out of respect to the memory of LOUIS MANG deceased. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ADJOURNMENT:

ITEM 90 - 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, October 23, 1997. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, October 23, 1997 at 2:00 P.M., Daylight Savings Time.

LAURIE A. MANZELLA
Clerk