

ERIE COUNTY LEGISLATURE
MEETING NO. 26
December 4, 1997

The Legislature was called to order by Chairman SWANICK.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Ms. Peoples.

The Minutes of the previous meeting were APPROVED.

MISCELLENEOUS RESOLUTIONS:

ITEM 1 - Ms. PEOPLES presented a resolution of congratulations to Beverly Johnson. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 2 - Mr. KUWIK & ET AL presented a resolution of congratulations to the Lackwanna Steelers, Class B New York State Football Champions. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 3 - Mr. MARSHALL & ET AL presented a resolution of congratulations to Al Sager on his retirement. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 4 - Chairman SWANICK directed that the following local laws remain on the tabke:

Local Law Intro. No. 10 (Print #1) - 1997
Local Law Intro. No. 11 (Print #1) - 1997

LEGISLATORS RESOLUTIONS:

ITEM 5 - Ms. MARINELLI presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 448 Re: SUNY Participation in Selection of Erie
Community College Interim President
(Int. 26-1)

WHEREAS, Erie Community College, in light of the recent resignation by President Louis Ricci, has need for an interim president while the Board of Trustees conducts a national search for a person to fill that role on a permanent basis, and

WHEREAS, The interim president must be a qualified individual who should, nevertheless, not be a candidate for the permanent position so as not to gain any unfair advantage in the selection process or display any bias in the management of the college, and

WHEREAS, For that reason, it is logical that an outside agency choose the interim president, as any qualified choices known to the Board of Trustees would be considered candidates for the permanent position, and

WHEREAS, The State University of New York (SUNY) Board of Trustees has conducted several searches in the recent past for college presidents, and would therefore be a good and fair choice to make a recommendation to the College Board of Trustees for an interim president for another public institution of higher learning,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does recognize the importance of a well-qualified, impartial interim president on the immediate future of Erie Community College while the Board of Trustees undertakes a national search for a permanent replacement for Dr. Ricci, and be it further

RESOLVED, That this Honorable Body does hereby, for the aforementioned reasons, strongly urge the Erie Community College Board of Trustees to work with the State University of New York Board of Trustees to place an interim president at ECC, and be it further

RESOLVED, That certified copies of this resolution be forwarded to the Boards of Trustees of Erie Community College and the State University of New York.

Fiscal Impact: None for resolution.

LYNN M. MARINELLI

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

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

CARRIED.

Legislators Chase, Greenan, Larson and Marshall in the negative.

ITEM 6 - Ms. MARINELLI presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 449 Re: Audit of Erie Community College Accounts
by State Education Department (Int. 26-2)

WHEREAS, Recent activities regarding poor usage of accounts at Erie Community College by those responsible for said accounts has brought to light the need for a thorough review of the college's finances, and

WHEREAS, A comprehensive audit of Erie Community College would be useful in reviewing financial practices at the college, as well as a tool for the incoming president of ECC to be able to better understand the financial aspect of ECC, and

WHEREAS, This audit should be conducted by an outside, impartial agency familiar with public post-secondary institutions, such as the State Education Department (SED),

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby call for a comprehensive audit of Erie Community College, and be it further

RESOLVED, That this Honorable Body does hereby strongly urge the Erie Community College Board of Trustees commission SED to perform such an audit in compliance with the Commissioner's Regulations, and be it further

RESOLVED, That certified copies of this resolution be forwarded to the Board of Trustees of Erie Community College, the State University of New York, and the State Education Department.

Fiscal Impact: None for resolution.

LYNN M. MARINELLI

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

Mr. LARSON moved to send to committee. Mr. GREENAN 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.

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Pauly, Ranzenhofer, DeBenedetti, Dusza, Fisher,
Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma,
Peoples, Swanick - 13. Noes - Chase, Greenan, Larson, Marshall -
4.

CARRIED.

ITEM 7 - Mr. DEBENEDETTI presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 450 Re: ECC Presidential Search Committee
(Int. 26-3)

WHEREAS, Erie Community College is about to undertake a national search for a new President, and

WHEREAS, the search committee will consist of members of the Board of Trustees, the Student Body, the professional staff employed by the College, and other persons as dicated by their official positions, and

WHEREAS, the Board of Trustees believes that Erie County governmental officials should be represented as well, and

WHEREAS, there are two options by which members of Erie County governeemt can sit on the College's search committee;

* One appoitnemnt each by the County Executive and the Legislature, or

* One appointment by the County Executive to be confirmed and approved by the Legislature, and

WHEREAS, either of these plans would adequately safeguard erie County's interests during the search.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is comfortable with either approach listed above and will defer to the preference of the Board of Trustees, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie Community College Board of Trustees, and Erie County Executive Dennis Gorski.

Fiscal Impact: None for resolution.

ALBERT DEBENEDETTI

Mr. DEBENEDETTI offered an amendment as follows:

Delete the 4th and 5th WHEREAS clauses in their entirety.

Detete the 1st RESOLVE clause and replace with the following RESOLVE clause to read as follows:

RESOLVED, that the Erie County Legislature does hereby request one appointment each by the Legislature and the Erie County Executive to the Erie Community College presidential search committee, and be it further

Mr. DEBENEDETTI moved the adoption of the amendment. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

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

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

CARRIED UNANIMOUSLY.

ITEM 8 - Mr. DEBENEDETTI presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 451 Re: Erie Community College Presidential Search
(Int. 26-4)

WHEREAS, Erie Community College is a major public educational institution that is dedicated to instructing and training residents of Western New York, and

WHEREAS, the President of Erie Community college has recently resigned, and

WHEREAS, the College will soon commence with a national search to fill the office of the President, and

WHEREAS, an institution as important as Erie Community College should receive the best available leadership for the 21st century, and

WHEREAS, the Erie County Legislature recognizes the importance of the College's search, and

WHEREAS, this Legislature should assist Erie Community College in its search for a new President, and

WHEREAS, such assistance should leverage additional support from those who have a stake in the long-term health of the College.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature will match up to 50% of all costs that Erie Community College expends in its national search for a new President, and be it further

RESOLVED, that this Body urges Erie Community College to use this assistance to access public and private resources and to augment its search capacity, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie Community College Board of Trustees, the Western New York Delegation to the new York State Legislature, County Executive Dennis Gorski, and the President of the State University of New York.

Fiscal Impact: To be determined.

ALBERT DEBENEDETTI

Mr. DEBENEDETTI offered an amendment as follows:

Delete the 1st RESOLVE clause and replace with the following:

RESOLVED, that the Erie County Legislature does hereby voice its willingness to provide assistance in Erie Community Colleg's search for a new president, and be it further

RESOLVED, that this Honorable Body does hereby request that the Erie Community College Board of Trustees provide for our consideration and determination, in writing, suggestions as to ways the Legislature can provide such assistance, and be it further

Mr. DEBENEDETTI moved the adoption of the amendment. Mr. OLMA seconded.

CARRIED UNANIMOUSLY.

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

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

CARRIED UNANIMOUSLY.

ITEM 9 - Ms. PEOPLES presented the following resolution and requested that it be referred to the ENERGY AND ENVIRONMENT COMMITTEE.

GRANTED.

Int. 26-5 From: Legs. Swanick, Marshall & Et Al Re: Approval of Marilla Agricultural District

ITEM 10 - Mr. HOLT presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 452 Re: Support for Amateur Golf at Elma Meadows Golf Course (Int. 26-6)

WHEREAS, For over 70 years the United States Golf Association, also known as the USGA, has been involved in promoting amateur golf throughout the country and Western New York, and

WHEREAS, This golf program is a nationwide effort that helps amateurs develop their golf skills while at the same time learning the rules and regulations of the game, and

WHEREAS, More than 35 public golf courses throughout the country participate in this program with the winners playing in the championship finals in San Diego, California on July 13-18, 1998, and

WHEREAS, In the past, the USGA has been fortunate enough to hold one of its amateur golf tournaments at Elma Meadows Golf Course, and

WHEREAS, All participating courses, including Elma Meadows, have traditionally waived greens fees so as to allow these one day 36-hole tournaments to take place without adding any financial burden to the youngsters participating, and

WHEREAS, After legislative adoption five years ago, the Erie County Commissioner of Parks and Recreation waived these fees, and

WHEREAS, To that end, it is the belief of this legislature that greens fees for the USGA's Qualifying Tournament should be waived this year, as well as allowing golfers to walk the course instead of using golf carts, in order to preserve this fine tradition of amateur golf in this area, and

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby direct the Commissioner of Parks and Recreation, Mr. James J. Jankowiak to waive the greens fees as well as allow participating golfers to walk the course for the 73rd Annual Amateur Public Links qualifying round on Tuesday, June 23, 1998, and be it further

RESOLVED, That certified copies of this resolution be forwarded Erie County Parks Commissioner James J. Jankowiak, Kenneth C. Kruly, Division of Budget Management & Finance and Larry Ubaldini, WNY Representative for the United States Golf Association (330 Gold Street, Buffalo, New York 14206).

Fiscal Impact: Minimal.

GEORGE A. HOLT, Jr.

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

CARRIED UNANIMOUSLY.

ITEM 11 - Ms. MARINELLI presented the following resolution and requested that it be referred to the FINANCE AND MANAGEMENT COMMITTEE.

GRANTED.

Int. 26-7 From: Leg. Marinelli Re: Standardized Process for Disbursement of County Aid to Local Governments

ITEM 12 - Ms. PEOPLES presented the following resolution and requested that it be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Int. 26-8 From: Leg. Peoples Re: Linking Culture and Tourism in Western New York

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

ITEM 13 - Mr. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 23E-18. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 453 Re: Correctional Facility - Transfer of Funds

RESOLVED, that authorization is hereby provided to make the following budgetary transactions in the 1997 Budget:

1997 Budget
Operating Fund
Department 151 - Holding Center

<u>Appropriation</u>	<u>Decrease</u>
Acct. 811 - Clothing Supplies	\$10,000
Acct. 812 - Food Supplies	40,000
Acct. 821 - Dues and Fees	5,000
Acct. 826 - Other Expenses	<u>10,000</u>
	\$65,000

Department 660 - Correctional Facility

<u>Appropriation</u>	<u>Increase</u>
Acct. 814 - Medical Supplies	\$52,000
Acct. 816 - Maintenance Supplies	7,000
Acct. 823 - Repairs & Maintenance	2,500
Acct. 932 - Office Equipment	<u>3,500</u>
	\$65,000

and be it further

RESOLVED, that certified copies of this request be forwarded to the Division of Budget, Management and Finance, the Sheriff's Office and the Correctional Facility.

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

CARRIED UNANIMOUSLY.

ITEM 14 - Mr. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 20E-13. Mr. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 454 Re: District Attorney's Asset Forfeiture Appropriations

RESOLVED, that the sum of \$54,838 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the District Attorney's Asset Forfeiture Grant, SFG Project 333, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized to provide funding for investigative, surveillance and prosecutorial purposes to benefit the District Attorney's Office.

DISTRICT ATTORNEY ASSET FORFEITURE GRANT
SFG PROJECT 333, FUND 280

REVENUE

Acct. 502 - DA Asset Forfeitures	\$54,838
Total Revenue	<u>\$54,838</u>

APPROPRIATION

Acct. 825 - Out of Area Travel	\$ 1,700
Acct. 930 - Automotive Equipment	15,000
Acct. 932 - Furniture, Fixtures & Office Equip ^{3,310}	
Acct. 933 - Laboratory & Technical Equipment	<u>34,828</u>
Total Appropriation	<u>\$54,838</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to approve the required transfer of funds associated with this resolution to provide funding to benefit the District Attorney's Office, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the District Attorney's Office and the Director of Budget and Management.

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

CARRIED UNANIMOUSLY.

ITEM 15 - Mr. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 21E-8. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 455 Re: District Attorney Assists Forfeiture Appropriations

RESOLVED, that \$54,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the District Attorney's Asset Forfeiture Grant, SFG Project 333, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized to provide funding for investigative, surveillance and prosecutorial purposes to benefit the District Attorney's Office.

DISTRICT ATTORNEY ASSET FORFEITURE GRANT
SFG PROJECT 333, FUND 280

REVENUE

Acct. 502 - DA Asset Forfeitures	\$54,000
Total Revenue	<u>\$54,000</u>

APPROPRIATION

Acct. 930 - Automotive Equipment	15,000
Acct. 933 - Laboratory & Technical Equipment	<u>39,000</u>
Total Appropriation	<u>\$54,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the District Attorney's Office and the Director of Budget and Management.

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

CARRIED UNANIMOUSLY.

ITEM 16 - Mr. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 22E-7. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 456 Re: District Attorney's Office - Authorization to Amend Victim/Witness Assistance Grant and the Child Victim Advocacy Project

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant budgets in Book B for 1997, and

WHEREAS, the fully executed contract received from the Crime Victims Board in regard to the Victim/Witness Assistance Grant and the Child Victim Advocacy Project does not align with the budget book in regard to the amount of the grants nor number of full time positions,

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the District Attorney's Victim/Witness Assistance grant be revised as follows:

Victim/Witness Assistance Program Grant - Project #655
July 1, 1997 - June 30, 1998

<u>Revenue</u>	<u>Orig</u>	<u>Change</u>	<u>Final</u>
Acct. 627 State Aid	\$160,000	\$ 41,813	\$201,813
Acct. 686 Interfund	<u>58,700</u>	<u>(24,366)</u>	<u>34,334</u>
Total Revenue	<u>\$218,700</u>	<u>\$17,447</u>	<u>\$236,147</u>
 <u>Appropriations</u>			
Acct. 800 Personnel	\$174,975	\$ 13,446	\$188,423
Acct. 801 Overtime	2,682	-	2,682
Acct. 805 Fringe Benefits	45,658	2,759	48,417
Acct. 810 Office Supplies	150	-	150
Acct. 821 Dues-Witness Fees	960	-	960
Acct. 825 Out of Area Travel	5,000	1,240	6,240
Acct. 826 Other Expenses	150	-	150
Acct. 883-1109 Interdept. - Co. Ex. Grants	<u>(10,875)</u>	<u>-</u>	<u>(10,875)</u>
Total Appropriations	<u>\$218,700</u>	<u>\$17,447</u>	<u>\$236,147</u>

and be it further

RESOLVED, that one part-time Victim/Witness Case Aide position (Grade IV) in the Victim/Witness Assistance Grant be replaced with a full-time Victim/Witness Case aide position (Grade IV), and be it further

RESOLVED, that the budget for the District Attorney's Child Victim Advocacy Project be revised as follows:

Child Victim Advocacy Project - Project #652
July 1, 1997 - June 30, 1998

<u>Revenue</u>	<u>Orig</u>	<u>Change</u>	<u>Final</u>
Acct. 627 State Aid	\$ 30,000	\$ 13,187	\$ 43,187
Acct. 686 Interfund	<u>20,617</u>	<u>(12,996)</u>	<u>7,621</u>
Total Revenue	<u>\$ 50,617</u>	<u>\$ 191</u>	<u>\$50,808</u>

Appropriations

Acct. 800 Personnel	\$ 40,268	152	\$ 40,420
Acct. 805 Fringe Benefits	<u>10,349</u>	<u>39</u>	<u>10,388</u>
Total Appropriations	<u>\$ 50,617</u>	<u>\$ 191</u>	<u>\$ 50,808</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance and the District Attorney's Office.

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

CARRIED UNANIMOUSLY.

ITEM 17 - Mr. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 23E-15. Ms. PEOPLES seconded,

CARRIED UNANIMOUSLY.

RESOLUTION NO. 457 Re: Central Police Services - Appropriation of E-911 Fund

RESOLVED, that the following budgetary transactions are hereby authorized in order to fund equipment upgrade expenses for the Countywide E-911 system:

DEPARTMENT OF CENTRAL POLICE SERVICES
1997 E-911 FUND 230 - Department 650

<u>Revenue</u>	<u>Increase</u>
Acct. 698 - Appropriated Fund Balance	\$ <u>148,000</u>
Total Available	\$ <u>148,000</u>
<u>Appropriation</u>	<u>Increase</u>
Acct. 933 - Lab and Technical Equipment	\$ <u>148,000</u>
Total Appropriated	\$ <u>148,000</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 Central Police Services.

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

CARRIED UNANIMOUSLY.

ITEM 18 - Mr. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 23E-17. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 458 Re: Emergency Medical Services - Replacement Vehicles

RESOLVED, that the following budgetary transactions are hereby authorized in order to purchase two replacement vehicles for the Health Department's Division of Emergency Medical Services.

1997 Operating Fund
Erie County Health Department

<u>Appropriation</u>	<u>Decrease</u>
Department 270 - Health	
Account 800 - Personal Services	\$48,500
Total Appropriation	<u>\$48,500</u>

<u>Appropriation</u>	<u>Increase</u>
Department 271 - Health, Emergency Medical Services	
Account 930 - Automotive Equipment	\$48,500
Total Appropriation	<u>\$48,500</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance and the Health Department's Division of Emergency Medical Services.

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

CARRIED UNANIMOUSLY.

ITEM 19 - Mr. FITZPATRICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 19E-22. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 459 Re: Contract with American Images Publishing for Production of an Erie County Marketing & Promotional Booklet for Economic Development and Tourism Purposes

WHEREAS, the County of Erie, desires to produce a marketing booklet for economic development, area business promotion and tourism, and

WHEREAS, such a piece has not been available to Erie County for several years, and

WHEREAS, American Images Publishing is in the business of preparing books or magazines which are used by local and regional governments for promotional purposes,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with American Images for the production of a booklet for the promotion of Erie County, and be it further

RESOLVED, that there shall be no cost to Erie County, other than the providing of County stationery, and be it further

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

Mr. FITZPATRICK moved the adoption. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

ITEM 20 - Mr. DUSZA moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 23D-16. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 460 Re: Board of Elections

WHEREAS, the Erie County Board of Elections is charged with the responsibility and oversight of the electoral process, providing services to the public on a daily basis, and

WHEREAS, the board is currently undergoing an upgrading of its information technology to improve services to the voters of Erie County, and

WHEREAS, it is necessary for the board to purchase additional computer related equipment to facilitate its services to the voters, and

WHEREAS, adequate monies for the purchase of this equipment is available in account 810 Office Supplies, and

WHEREAS, for the purchase of computer equipment money must be used from account 932, office equipment,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes that the sum of \$8000.00 be transferred from account number 810 office supplies to account number 932 office equipment for the purchase of computer related equipment for the Erie County Board of Elections, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and the Commissioners of the Erie County Board of Elections.

Fiscal Impact: None. Money already exists within the 1997 budget

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

CARRIED UNANIMOUSLY.

ITEM 21 - Ms. PEOPLES moved to discharge the FINANCE AND MANAGEMENT COMMITTEE from further consideration of Comm. 22D-14. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 461 Re: Erie County In Rem 154 Tax Foreclosure

WHEREAS, the Acting Erie County Deputy Commissioner of Finance has transmitted to this Legislature transcripts of tax delinquencies and tax delinquent real properties for foreclosure pursuant to the In Rem provisions of the Erie County Tax Act, and has furnished this Legislature with the necessary abstracts from the Finance Department records of such delinquencies,

NOW, THEREFORE, BE IT

RESOLVED, that the In Rem provisions of the Erie County Tax Act be applied to all such real property and the delinquent taxes set forth in said transcripts, which transcripts include all properties upon which the County of Erie owns a tax sale certificate which has been due and unpaid for a period of at least two years, and be it further

RESOLVED, that this Legislature directs the inclusion of any other tax delinquency and tax delinquent real property subject to such In Rem tax foreclosure, and be it further

RESOLVED, that the County Attorney conduct and consummate such foreclosure proceedings as directed by this Legislature, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Division of Budget, Management and Finance and the County Attorney.

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

CARRIED UNANIMOUSLY.

ITEM 22 - Ms. PEOPLES moved to discharge the FINANCE AND MANAGEMENT COMMITTEE from further consideration of Comm. 21E-10. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 462 Re: Flexible Benefits

WHEREAS, the Erie County Legislature authorized the County Executive to enter into agreements with Health Economics Group, Inc. to implement and administer a Flexible Benefits Plan for Erie County for the years 1990 through 1997, and

WHEREAS, the Erie County Flexible Benefits Committee has approved the renewal of the Agreement with the Health Economics Group, Inc. to administer the 1998 Plan for bargaining unit employees, and

WHEREAS, the Committee has also approved AFLAC to administer the 1998 Flexible Benefits Plan for Managerial/Confidential employees;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Executive to enter into a one (1) year agreement with both Health Economics Group, Inc. and AFLAC to administer the Erie County Flexible Benefits Plan for the period from January 1, 1998 to December 31, 1998, and be it further

RESOLVED, that the source of funding for the employer paid \$2.25 monthly fee per spending account participants shall be from existing departmental fringe benefits appropriations, and be it further

RESOLVED, that the source of funds for the \$1,000 Management Fee shall come from prior year's FICA savings, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County's Flexible Benefits Committee, and the Division of Budget and Management and Finance.

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

CARRIED UNANIMOUSLY.

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ITEM 23 - Ms. PEOPLES moved to discharge the FINANCE AND MANAGEMENT COMMITTEE from further consideration of Int. 1-6 (1996). Mr. KUWIK seconded.

Chairman SWANICK directed that a Roll Call be taken.

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

CARRIED.

RESOLUTION NO. 463 Re: Making the 8% Sales Tax Permanent
(Int. 1-6)

WHEREAS, each year, the Erie County Legislature must consider and approve an extension of the extra one-percent of the county's sales tax in order to meet its budgetary obligations of satisfying a balanced budget, and

WHEREAS, county residents have been subjected to veritable crisis situations in past years where the sales tax approval vote has been held hostage by members of the Legislature for political gain, and

WHEREAS, by making the 8% sales tax permanent, the Legislature would effectively guarantee additional revenues to the county in excess of \$90 million annually, and

WHEREAS, knowledge of that tax revenue reflects positively upon Erie County relative to bond rating agencies, investment banking houses, and other financial institutions, and

WHEREAS, in addition, making the 8% sales tax permanent would serve to stabilize real property taxes by ensuring the continuation of the aforementioned sales tax revenue, and

WHEREAS, as Erie County continues to struggle under the crush of increased state and federal mandates, now more than ever the county must consider making permanent the 8% sales tax,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby request that the local delegation to the New York State Assembly and Senate draft and file the appropriate legislation to make permanent the extra 1% of the Erie County sales tax, thereby making the Erie County sales tax 8% on a permanent basis, and be it further

RESOLVED, that this 8% sales tax, when made permanent, be distributed in a manner consistent with the current distribution formula, that being 4% to the State of New York, 3% divided between the County and the various cities, towns, villages, and school districts located within Erie County, and 1% to the County's general fund, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, all members of the Western New York Delegation to the New York State Assembly and Senate, Erie County Executive Dennis Gorski, and to Erie County Budget Director Sheila Kee.

Fiscal Impact: to be Determined.

ALBERT DEBENEDETTI

GREGORY B. OLMA

CRYSTAL D. PEOPLES

Ms. PEOPLES offered an amendment as follows:

Delete the original resolution in its entirety and replace with the following resolution to read as follows:

WHEREAS, the authorization for Erie County to levy the additional 1% sales tax expires on February 28, 1998, and

WHEREAS, the additional 1% sales and use tax is estimated to generate approximately \$100,000,000 in the 1998 County budget, and

WHEREAS, without the additional 1% sales and use tax, Erie County would be required to increase property taxes by approximately 44.3% and/or drastically cut county services, and

WHEREAS, since paying off more than \$108 million, incurred during the county's fiscal crisis of the mid-eighties, the revenues from the additional 1% sales tax have been helpful to Erie County in meeting its state mandated obligations, maintaining quality service delivery and regional assets, and in developing a three year property tax stabilization plan, and

WHEREAS, unlike with the property tax, residents and non-residents alike pay sales and use taxes in Erie County, and

WHEREAS, as Erie County is situated on an international border, Canadian shoppers represent a significant percentage of Erie County's consumer base, thereby contributing to a large portion of the sales tax revenues generated annually, and

WHEREAS, making permanent the additional 1% sales tax in Erie County would reflect positively on the county's credit rating and long term financial stability, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby memorialize the New York State Legislature to draft, introduce and approve legislation making the additional 1% Erie County sales tax permanent, to be retained exclusively by Erie County, and be it further

RESOLVED, that this Honorable Body does hereby request that the New York State Legislature make the aforementioned permanent sales tax legislation effective March 1, 1998, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, all members of the Western New York State Legislative delegation, County Executive Gorski and County Budget Director Kenneth Kruly.

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

CARRIED.

Legislators Chase, Greenan, Larson, Marshall, Pauly and Ranzenhofer in the negative.

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

Mr. LARSON moved to send to committee. Mr. GREENAN 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.

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

Chairman SWANICK directed that a Roll Call be taken.

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

CARRIED.

SUSPENSION OF THE RULES:

ITEM 24 - Ms. CHASE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Int. 26-9 From: Leg. Chase Re: Sturgeon Point Marina

Chairman SWANICK directed that Int. 26-9 be referred to the ENERGY AND ENVIRONMENT COMMITTEE.

ITEM 25 - Mr. OLMA moved for a suspension of the rules to include an item not on the agenda. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 464 Re: Support For Designation of Buffalo River
Under the Federal American River
Heritage Initiative (Int. 26-10)

WHEREAS, The Buffalo River and its basin play an integral role in the history and development of the Western New York region, and

WHEREAS, From the early settlements of Buffalo through the booming industrial age to the environmental and economic revitalization of our area, the Buffalo River has consistently been the focus of our economic and social needs, and

WHEREAS, Preservation and improvement of the River is especially important for historical, economic, environmental and cultural reasons, and

WHEREAS, To that end Erie County, in partnership with many private and public entities, have undertaken projects along the Buffalo River such as fish and wildlife restoration, construction of parkland, creation of wetland, pollution prevention, and watershed management, and

WHEREAS, Efforts are focused on promoting sustainable economic development along the Buffalo River to benefit local communities; strengthening community linkages with the River through habitat restoration projects, a unified greenway/heritage trail system, and further development of recreational boating and fishing opportunities; and developing an integrated pollution control and education program to improve and protect the water quality of the Buffalo River, and

WHEREAS, To facilitate the aforementioned goals, an action plan has been formed to develop funding strategies for expanding existing greenways, industrial heritage trails and riverwalks in the Buffalo River area into a unified Waterfront Greenway System; strengthen community ownership and stewardship in revitalizing the environment and economy through public workshops, educational forums and school-based initiatives; begin implementation of the current South Buffalo Redevelopment Plan to develop former industrial brownfields and to enhance habitat restoration efforts; develop funding strategies for additional habitat restoration areas along the Buffalo River and begin to expand habitat planning to the watershed scale; and create remedial strategies for sewer inputs and contaminated sediments in the river, and implement a long-term water quality monitoring program for the Buffalo River watershed, and

WHEREAS, The federal government has a program entitled the "American Rivers Heritage Initiative" which could help to advance the aforementioned efforts for the Buffalo River,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby strongly and wholeheartedly endorse the Buffalo River being included in the American Rivers Heritage Initiative, and that this Honorable Body does hereby agree that Erie County will act as a responsible party for program implementation should the Buffalo River be included in this initiative, and be it further

RESOLVED, That certified copies (3) of this resolution be forwarded to Mary Sonntag in the Erie County Department of Environment and Planning.

Fiscal Impact: None for resolution.

GREGORY B. OLMA

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS:

FROM THE COMPTROLLER

ITEM 26 - (Comm. 26E-1) Baker Victory Services, Increase Contract Compliance with Erie County DSS for the 12 Month Period Ended 12/31/96

ITEM 27 - (Comm. 26E-2) The Buffalo Bills Lease - Funding Alternatives

ITEM 28 - (Comm. 26E-3) County of Erie Tentative Budget - 1998

ITEM 29 - (Comm. 26E-4) Sales Tax Receipts for the Six Month Period Ended June 30, 1997.

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

FROM LEGISLATOR MARSHALL

ITEM 30 - (Comm. 26E-5) Republicans 1998 Budget amendments
(Duplicate of 25E-1)

Received and referred to the BUDGET COMMITTEE.

FROM THE COMPTROLLER

ITEM 31 - (Comm. 26E-6) Quarterly Investment Report 7/1/97
Through 9/30/97.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 32 - (Comm. 26E-7) ECSD Nos. 1-6 User Charges - 1998.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ITEM 33 - (Comm. 26E-8) Youth Services - Authorization to Contract
- Delinquency Prevention Programs.

Received & referred to the SOCIAL SERVICES COMMITTEE.

ITEM 34 - (Comm. 26E-9) Health - Youth Tobacco Enforcement &
Prevention Program 10/1/97 - 9/30/98

Received & referred to the HEALTH COMMITTEE.

ITEM 35 - (Comm. 26E-10) Senior Services - Authorization to Amend
Grant budgets (AAA, HOPE, CSC, WRAP).

ITEM 36 - (Comm. 26E-11) Seniors - Authorizations to Amend Grant
Budgets (RSVP SSI, Restore Trust).

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

ITEM 37 - (Comm. 26E-12) Copyright License Agreement - Erie County Digital Base Maps.

ITEM 38 - (Comm. 26E-13) Third Amendatory Agreement to the Erie County Sport Fishing Promotion - Northeast Outdoors, Inc.

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

ITEM 39-- (Comm. 26E-14) Youth Services - Authorization to Contract - Delinquency Prevention Programs.

Received & referred to the SOCIAL SERVICES COMMITTEE.

ITEM 40 - (Comm. 26E-15) Health - Division of Health - Transfer of Funds.

ITEM 41 - (Comm. 26E-16) Health - Health Heart Grant.

The above two items were received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS:

FROM ERIE COMMUNITY COLLEGE

Item 42 - (Comm. 26D-1) Notice of Meeting Held 11/19/97.

Received & referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DEP

ITEM 43-- (Comm. 26D-2) SEQOR - Solicitation for Lead Agency Status Unlisted Action Child Care Center - ECC North Campus.

Received & referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM BUFFALO & ERIE COUNTY PUBLIC LIBRARY

ITEM 44 - (Comm. 26D-3) Progress Report on Strategic Planning for the Buffalo & Erie Public Library.

Received & referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE LAW

ITEM 45-- (Comm. 26D-4) Notices of Claim.

Received & referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 46 - (Comm. 26D-5) Notice of Meeting Held 12/3/97.

RECEIVED & FILED.

FROM ERIE COUNTY MEDICAL CENTER

ITEM 47 - (Comm. 26D-6) Finance Committee 12/5/97 Financial Statements for 10/31/97.

ITEM 48 - (Comm. 26D-7) Notice of Meeting to be Held 12/11/97.

ITEM 49 - (Comm. 26D-8) Notice of Meeting to be Held 12/5/97.

The above three items were received & referred to the HEALTH COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 50 - (Comm. 26D-9) Duplicate of 26D-5.

RECEIVED & FILED.

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 51 - (Comm. 26D-10) Resolution to Levy & Apportion the Real Property Tax as Adopted for the Year 1998.

Received & referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DPW

ITEM 52 -- (Comm. 26D-11) Supplemental Agreement to General A/E Contract, Erie County Sheriff's Department Secure Storage Facility for Chestnut Ridge Park, EOC.

ITEM 53 -- (Comm. 26D-12) Extension of Agreement for Snow & Ice Control on State Highways.

ITEM 54 -- (Comm. 26D-13) Supplemental Agreement to A/E Contract, new Helipad - ECMC.

ITEM 55 -- (Comm. 26D-14) Niagara International Transportation Technology Coalition (NITTC).

The above four items were received & referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

FROM ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

ITEM 56 -- (Comm. 26M-1) Minutes of Meeting Held 10/21/97.

Received & referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NFTA

ITEM 57 -- (Comm. 26M-2) Minutes of Meeting Held 10/20/97.

Received & referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM NYSDEC

ITEM 58 - (Comm. 26M-3) Fact Sheet RE: Wegmans Food Market, Inc. Voluntary Cleanup Completed.

Received & referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ERIE COUNTY NETWORK INC.

ITEM 59 - (Comm. 26M-4) Letter in opposition of Independent Health's Decision to Reduce Provider Fees.

Received & referred to the HEALTH COMMITTEE.

FROM NYSDEC

ITEM 60 - (Comm. 26M-5) Fact Sheet Re: GM-Saginaw Site.

Received & referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECIDA

ITEM 61 - (Comm. 26M-6) Notice of meeting to be Held 12/10/97.

Received & referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM NYSDEC

ITEM 62 - (Comm. 26M-7) Fact Sheet Re: Allied Signal - Buffalo Research Facility.

FROM MELINDA HOLLAND CLEAN SITES

ITEM 63- (Comm. 26M-8) Summary of 11/18/97 Meeting & Notice of Meeting Held 12/3/97.

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

FROM WEST SENECA POLICE DEPARTMENT

ITEM 64 - (Comm. 26M-9) Letter to Chairman Swanick Re: Sale of Stolen Property.

Received & referred to the PUBLIC SAFETY COMMITTEE.

FROM ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

ITEM 65 - (Comm. 26M-10) Notice of Meeting Held 11/18/97.

Received & referred to the ENERGY & ENVIRONMENT COMMITTEE.

ADJOURNMENT:

ITEM 66 - 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, December 18, 1997. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, December 18, 1997 at 2:00 P.M., Eastern Standard Time.

Laurie A. Manzella
Clerk