

ERIE COUNTY LEGISLATURE
MEETING NO. 4
February 20, 1997

The Legislature was called to order by Chairman SWANICK.

All Members Present.

The Invocation was delivered by Angus Watkins, Pastor of the First Presbyterian Church of Buffalo, New York.

The Pledge of Allegiance was led by Mr. PAULY.

The Minutes of the previous meeting were APPROVED.

MISCELLANEOUS RESOLUTIONS:

ITEM 1 - Mr. SWANICK presented a resolution of congratulations to Michael A. Fitzpatrick on being named "Irishman of the Year". Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 2 - Mr. RANZENHOFER presented a resolution of congratulations to Coach Richard W. Harvey on his 400th Basketball Victory at Kenmore West High School. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 3 - MESDAMES PEOPLES, FISHER, COHEN KENNEDY, MARINELLI & MESSRS. SWANICK, KUWIK, FITZPATRICK, HOLT, OLMA, & DEBENEDETTI presented a resolution of congratulations to Robert D. Lonski for receipt of the New York State Bar Association's Delivery of Defense Services Award. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 4 - Mr. DUSZA presented a resolution of congratulations honoring Carol Jasen, WIVB Anchorwoman. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 5 - Mr. DEBENEDETTI & MS. MARINELLI presented a resolution of congratulations honoring North Buffalo Thundercats Mite Travel Hockey Team for winning the "thunder in the Valley" Hockey Tournament in Geneseo, NY. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 6 - Ms. PEOPLES presented a resolution of congratulations to Star Jones, Guest Speaker, Byron W. Brown, Frank B. Mesiah and Norwood Samuel, Award recipients at the Annual Founders Day Luncheon of the Alpha Kappa Alpha Sorority. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 7 - Mr. KUWIK presented a resolution of congratulations to Chief Joseph V. Deren, Lt. Thomas Sawicki, Lt. Carl Morgan and PTL. Dennis Jackson of the Lackawanna Police Department on their retirement. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 8 - Mr. KUWIK presented a resolution of congratulations to Past Commander Nobert Janusza, Matthew Glab Post #1477. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 9 - Ms. PEOPLES moved to take Local Law Intro. No. 1 (print #1) -1997 from the table for immediate consideration. Mr. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
LOCAL LAW INTRO. NO. 1 (PRINT #1)
1997

A LOCAL LAW amending section 1813 of Erie County Local Law Number 1 of 1959, as amended, constituting the Erie County Charter, with respect to membership of the Audit Committee for the County of Erie.

BE IT ENACTED BY THE LEGISLATURE OF ERIE COUNTY AS FOLLOWS:

Section 1. Subdivision A of Section eighteen hundred thirteen of Erie county local law number one of nineteen hundred fifty-nine, as amended, constituting the Erie county charter, is amended to read as follows:

A. There is hereby created and established an audit committee for the county of Erie consisting of the following five members appointed for the following terms:

- a. One majority member of the county legislature to be appointed annually be the majority members of the legislature.
- b. One minority member of the county legislature to be appointed annually by the minority members of the legislature.

c. The county legislature shall consider at least three qualified candidates which have recommended by the Erie county bar association and shall initially appoint one of those nominees for a one year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

d. The county legislature shall consider at least three qualified candidates which have been recommended by the western New York chapter of the New York state association of certified public accountants and shall initially appoint one of these nominees for a two year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

e. The county legislature shall consider at least three qualified candidates which have been recommended by [the bank administrative institute and shall initially appoint one of these nominees for a three year term] commercial banks located within Erie County, and shall appoint one of such nominees to a three-year term. Should fewer than three such candidates be recommended by commercial banks, the legislature may add a resident of Erie County who has demonstrable expertise in commercial banking industry to the list of nominees. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

With th exception of the legislative members, no [No] appointee may serve for more than two conservative terms. Each appointee may be removed only for cause by the respective appointing authorities. Vacancies shall be filled by members appointed by whomever make the initial appointment. A member appointed to fill a vacancy shall serve for the duration of the [expired] unexpired term.

Section 2. This local law shallbe effective immediately.

CHARLES M. SWANICK

CRYSTAL D. PEOPLES

Deleted material in [brackets]. Underlined material is new.

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

CARRIED UNANIMOUSLY.

ITEM 10 - Chairman SWANICK directed that the following Local Laws remain on the table:

- Local Law Intro. No. 2 (Print #1) - 1997
- Local Law Intro. No. 2 (Print #2) - 1997

COMMITTEE REPORTS:

ITEM 11 - Mr. FITZPATRICK presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

FEBRUARY 11, 1997

ECONOMIC DEVELOPMENT
REPORT NO. 2
COMMITTEE

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

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

- Item Page -1996 (Comm. 21D-13)
- a. DPW: Highway Maintenance Facility, Angola Vehicle Storage Building.
- (6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3D-5)
b. **DEP:** Copy of Letter to Consolidated Rail Corporation Re: CSX &
Conrail Merger.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3M-13)
c. **ECIDA:** Notice of Meeting to be Held 2/12/97.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3M-15)
d. **SELL-OUT:** Business Package.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3M-17)
e. **BUFFALO COMMON COUNCIL:** Bring SUNY Law School Downtown.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3D-6)
2. **DPW:**
WHEREAS, the 1996 and 1997 capital budget included funding for the
following projects:

1.	1996 ECC Door & Window Replacement	\$ 400,000
2.	1996 ECC Masonry Restoration	\$ 600,000
3.	1996 ECC City Atrium Rehabilitation	\$ 113,000
4.	1997 ECC North Day Care Center	\$ 200,000
5.	1996 Ellicott Park Improvements (includes \$100,000 New York State Grant)	\$ 400,000
6.	1997 Convention Center Renovations	\$ 300,000
7.	1997 Youth Detention Center Renovations	\$1,000,000
8.	1996 Exterior Building & Site Rehabilitation Rath Building	\$ 500,000

and,

WHEREAS, the Department of Public Works Selection Committee is
recommending the following consultants for design services for
various capital projects:

1.	ECC Door & Window Replacement	Cartonia Architects
2.	ECC Masonry Restoration	Flynn Battaglia, Architects
3.	ECC City Atrium Rehabilitation	L.B. O'Donnell, Architect
4.	ECC North Day Care Center	K. Moser, Architect
5.	Ellicott Creek Park Improvements	TVGA Surveying Engineering PC
6.	Convention Center Renovations	Hamilton Houston Lownie, Architects
7.	Youth Detention Center Renovations	Robert Traynham Coles, Architect PC

8. Exterior Building & Site
- Rath Building

EIAssociates Rehabilitation

and,

WHEREAS, it is now desired to start design of these projects so they can be bid in 1997,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Cartonia Architect, 59 Haymarket Square, East Amherst NY 14051 on a percentage of construction basis, not to exceed \$50,000.00 for the ECC Door & Window Replacement (Project No. 1). The fee allocation is charged to ECC Door & Window Replacement, capital project SFG 737, Fund 480, and be it further,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Flynn Battaglia Architects, PC, 213 Theater Place, Buffalo NY 14202 on a percentage of construction basis, not to exceed \$55,000.00 for the ECC Masonry Restoration (Project No. 2). The fee allocation is charged to ECC Masonry Restoration Capital Project SFG 738, Fund 480, and be it further,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Lester B. O'Donnell, Architect, 949 Englewood Avenue, Buffalo, NY on a percentage of construction basis, not to exceed \$12,000.00 for the ECC City Atrium Rehabilitation (Project No. 3). The fee allocation is charged to ECC City Atrium Rehabilitation Capital Project SFG 735, Fund 480, and be it further,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Moser Architect, 72 Academy Road, Buffalo, NY, on a percentage of construction basis not to exceed \$25,000.00 for the ECC North Day Care Center (Project No. 4). The fee allocation is charged to EC College Capital #10-24890-0-00000 Design of Child Care Facility, and be it further,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with TVGA Engineering, Surveying PC, 1000 Maple Road, Elma NY, on a percentage of construction basis, not to exceed \$40,000.00 for the Ellicott Creek Park Improvements (Project No. 5). The fee allocation is charged to Ellicott Creek Park Improvements Capital Project SFG 751, Fund 410, and be it further,

RESOLVED, that the Commissioner of Public Works is hereby authorized to issue a change order to Hamilton, Houston & Lownie, Architects, 172 Allen Street, Buffalo NY 14201 on a percentage of construction basis, not to exceed \$14,000.00 for the Convention Center Renovations (Project No. 6). Hamilton Houston Lownie Architects has contracts for design of previous phases of work for this project. The fee allocation is charged to Convention Center Renovations Capital Project SFG 807, Fund 410, and be it further,

RESOLVED, that the Commissioner of Public Works is hereby authorized to issue a supplemental agreement to Robert Traynham Coles Architects, P.C., 730 Ellicott Square, Buffalo NY 14203 on a percentage of construction basis, not to exceed \$82,000.00 for the Youth Detention Center Renovations (Project No. 7), and Robert Traynham Coles Architect has a contract for previous phases of work for this project. The fee allocation is charged to Youth Detention Center Renovations Capital Project SFG 806, Fund 410, and be it further,

RESOLVED, that the Commissioner of Public Works is hereby authorized to issue a change order to E.I. Associates, 75 Pineview Drive, Buffalo NY 14228 on a lump sum basis, not to exceed \$33,000.00, for the Exterior Building & Site Rehabilitation - Rath Building (Project No. 8), and EI Associates has a contract for previous phases of work for this project. The fee allocation is charged to Exterior Building & Site Rehabilitation - Rath Building Capital Project SFG 752, Fund 410, and be it further,

RESOLVED, that this authorization is contingent upon the Legislature's authorizing the sale of the 1997 capital bonds wherein said bonds are used to fund design contracts, and be it further,

RESOLVED, that the Comptroller's Office is authorized to make payment from said accounts, and be it further,

RESOLVED, that two copies of this certified resolution be sent to the Department of Public Works, Office of the Commissioner.

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

Item Page -1997 (Comm. 3D-7)
3. DPW:

WHEREAS, Erie County is the recipient of a United States Environmental Protection Agency's (USEPA) Great Lakes National Program Office Grant to identify and select locations along the Buffalo River that would support fish and wildlife habitat enhancement activities, and

WHEREAS, the Department of Public Works received bids on November 21, 1996 to the Buffalo River Fish & Wildlife Habitat Restoration Demonstration Project, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is authorized to enter into a contract with the following for the Buffalo River Fish & Wildlife Habitat Restoration Demonstration Project:

General Construction Work

Buffalo Creek Landscaping, Inc.

Base Bid Items 1, 2, & 4 \$406,464.00

and be it further,

RESOLVED, that the sum of \$128,536.00 be allocated to a construction contingency fund, with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

RESOLVED, that contingent upon the County of Erie receiving additional grant funds from the USEPA in 1997 for the Buffalo River Fish & Wildlife Habitat Restoration Demonstration Project, the construction contingency will be increased to \$193,536.00 with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Comptroller's Office make payments from the Buffalo River Fish & Wildlife Habitat Restoration Demonstration Project Grant, SFG No. 194, Account No. 830, and additional payments from additional grant funds received from USEPA in 1997, all for a total amount not to exceed \$600,000.00, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy to the Department of Environment and Planning, Office of the Commissioner.

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

Item Page -1997 (Comm. 3D-8)
4. DPW:

WHEREAS, the Department of Public Works received bids on January 23, 1997 for the Angola Highway Vehicle Storage Facility, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Angola Highway Vehicle Storage Facility:

GENERAL CONSTRUCTION WORK

Nichter Construction Co.
Base Bid \$321,000.00

ELECTRICAL WORK

HVES Electric
Base Bid \$ 46,277.00

PLUMBING WORK

Sparks Plumbing
Base Bid \$ 49,955.00

HVAC WORK

Allied Mechanical
Base Bid \$ 35,276.00

Total for all contracts: \$452,508.00

and be it further,

RESOLVED, that the sum of \$25,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Angola Vehicle Storage Building Capital Project SFG 542, and the Erie County Highway Garage Renovations Capital Project SFG 697 in the amount of \$477,508.00, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner.
(6-0) Chairman Swanick present as ex-officio member.

MICHAEL A. FITZPATRICK
Chairman

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

FEBRUARY 11, 1997

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 2

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

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

Item Page -1996 (Comm. 13E-43)
a. **COUNTY EXECUTIVE**: Policy Regarding Commercial Antennas on County Property & Sprint Spectrum Plans in Erie County.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (Comm. 24M-10)
b. **SS CANADIANA PRESERVATION SOCIETY**: Letter Asking to Address the Community Enrichment Committee.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3D-1)
c. **ERIE COMMUNITY COLLEGE**: Notice of Meeting 2/5/97 & 2/12/97.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3D-3)
d. **ERIE COMMUNITY COLLEGE:** Notice of Meeting Held 1/29/97 & Minutes
of Meetings From 1/97.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3D-4)
e. **ERIE COMMUNITY COLLEGE:** Minutes of Meeting Held 1/29/97.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3E-14)
2. **COUNTY EXECUTIVE:**
RESOLVED, that the COMMUNITY ENRICHMENT COMMITTEE does hereby
recommend that the full Erie County Legislature confirm the appointment
of **JUDITH K. SUMMER**, 144 Barberry Lane, Williamsville, NY 14221 to the
Buffalo and Erie County Public Library Board of Trustees for a term
expiring 12/31/2001.
(6-0) Chairman Swanick present as ex-officio member.

RANDI COHEN KENNEDY
Chairperson

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

GRANTED.

Ms. COHEN KENNEDY moved the adoption of the balance of the report.
Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Ms. COHEN KENNEDY moved the adoption of Resolve No. 2. Ms. PEOPLES
seconded.

CARRIED UNANIMOUSLY.

ITEM 13 - Mrs. FISHER presented the following and moved for
immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

FEBRUARY 11, 1997

HEALTH COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR PEOPLES. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

Item Page -1996 (Int. 9-13)
a. **RANZENHOFER, LARSON, VILLARINI, GREENAN & MARSHALL:** Failure to Coordinate Services Costing Taxpayers Millions.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (Comm. 20M-12)
b. **ALCOHOL & DRUG DEPENDENCY SERVICES:** Government Agency Reports Drop in Crime After Treatment.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (Comm. 21D-1)
c. **HEALTH:** Copy of Letter to Legislator Fisher Re: MIC Project of Erie County.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (Comm. 21M-10)
d. **ALLIANCE FOR THE MENTALLY ILL OF BUFFALO & ERIE COUNTY:** Copy of Letter to Legislator Fisher Re: Community Blue's Advantage Program.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (Comm. 22E-31)
e. **PEOPLES:** Copy of Letter to Health Department Re: MIC Program.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (Comm. 29M-9)
f. **HEALTH CARE PLAN:** Copy of Letter to Legislator Peoples Re: Resolution 22-8.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (Comm. 29M-11)
g. **UB SCHOOL OF MEDICINE:** Copy of Letter to Van Vorst Re: Prisoners Care at Millard Fillmore.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 2D-5)
h. **HEALTH:** Proposed Amendment to Erie County Sanitary Code & Notice of Public Hearing on 2/11/97.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 2M-3)
i. **ERIE COUNTY EMPLOYEES:** Request for Review of Non-Smoking Law.
(4-0) Legislator DeBenedetti absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3D-2)
j. **HEALTH:** Notice of Meeting to be Held 2/11/97.
(4-0) Legislator DeBenedetti absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3M-2)
k. **TOWN OF AMHERST YOUTH BOARD:** Thank You for Clean Air Act.
(4-0) Legislator DeBenedetti absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3M-18)
l. **WELLNESS INSTITUTE:** Minutes of Meeting Held 1/23/97.
(4-0) Legislator DeBenedetti absent. Chairman Swanick present as ex-officio member.

Item Page -1996 (Int. 22-8)
2. **PEOPLES & DUSZA:**
WHEREAS, in order to maintain health-care inflation costs at a sustainable level, Managed Care costs have been controlled in HMO plans by limiting access to specialists, tests and other services, and

WHEREAS, while cost and efficiency are laudable goals, the ultimate decision about how patient care is to be managed should not compromise the quality of care he or she is receiving, and

WHEREAS, decisions such as the length of maternity stays and restrictive drug prescription plans are routinely made by HMO Planners without consideration of quality of life issues, requiring State and Federal legislation involvement, and

WHEREAS, the New York State Assembly and Senate recently passed legislation which helps to regulate the delivery of managed health care and make available to health care consumers more detailed coverage options, and bans certain limitations imposed by HMO's (A-11329 and S-7553), and

WHEREAS, the office of State Health Commissioner must continue its efforts to monitor managed health care programs to insure that loss of quality care does not occur in the HMO environment of cost cutting efforts.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to quality care under managed health care programs and urge our State Legislature to continue its efforts for the proposal and passage of any legislation concerning the maintenance of quality medical managed care which insures quality care, and be it further

RESOLVED, that certified copies of this resolution be sent to our New York State local delegation and to the State Health Commissioner.
(5-0) Chairman Swanick present as ex-officio member.

AS AMENDED

Item Page -1996 (Int. 27-4)
3. MARSHALL, GREENAN, LARSON, RANZENHOFER, VILLARINI, FISHER, DEBENEDETTI, KUWIK, PAULY & SWANICK:

WHEREAS, New York State has submitted to the Clinton Administration for approval, a managed care program request more than eighteen months ago, and

WHEREAS, the proposed managed care program would provide health care benefits to more than three million poor New Yorkers, and

WHEREAS, managed care provides a more personal level of health care to our state's poor by assigning them a primary care physician, rather than this population continuing to rely on hospital emergency rooms for their immediate health care needs, and

WHEREAS, the delay in approving New York's managed care proposal could cost state taxpayers at least \$50 million in lost budget savings this year and up to \$1.5 billion over the next 5 years, and

WHEREAS, President Clinton promised to "end welfare as we know it" and signed into law major welfare reform legislation, and

WHEREAS, United States Senators Daniel Patrick Moynihan and Alfonse D'Amato, in a bi-partisan effort, have stated that "enough is enough," urging President Clinton to approve New York's proposal, and

WHEREAS, the State of Maryland has received approval of a managed care program similar to New York's proposal.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable Body requests that President Clinton approve New York's managed care proposal so that Governor Pataki and state legislative leaders can design and implement a high quality primary and preventative health care system for New York's poor, and be it further

RESOLVED, that a copy of this resolution be forwarded to President William Clinton, U.S. Secretary of Health and Human Services Donna Shalala, U.S. Senators Moynihan and D'Amato, New York State's Congressional Delegation, and Governor George Pataki.

(5-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (Comm. 29E-27)
4. COUNTY EXECUTIVE:

WHEREAS, the Erie County Health Department administers programs for immunizations, and

WHEREAS, polio, diphtheria, tetanus, measles, mumps, rubella, Haemophilus influenzae type B and hepatitis B all can cause significant morbidity among children, however, they are all preventable with appropriate vaccination, and

WHEREAS, one full-time position of Clerk Typist, JG I, must be created to comply with the mandates of the revised grant award.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a continuing grant award, funded 100% from the New York State Health Department which creates one full time position of Clerk Typist, JG I and includes budgetary adjustments as follows:

IMMUNIZATION ACTION PLAN
11/1/96-10/31/97
PROJECT #560

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
584	STATE AID	\$101,287	61,953	\$163,240
	TOTAL	101,287	61,953	163,240

EXPENSES

800	PERS. SERVICES	66,420	46,245	112,665
805	FRINGES	16,459	12,496	28,955
810	OFFICE SUPPLIES	1,000	-1,000	0
824	TRAVEL-LOCAL	2,500	283	2,783
825	TRAVEL-CONF.	1,000	737	1,737
826	OTHER EXPENSES	0	1,500	1,500
830	CONTRACTUAL	0	14,600	14,600
880-2700	DEPT. OF HEALTH	10,772	-10,772	0
880-5100	DISS	2,150	-1,150	1,000
890	CONTINGENCIES	<u>986</u>	<u>-986</u>	<u>0</u>
	TOTAL	<u>\$101,287</u>	<u>\$ 61,953</u>	<u>\$163,240</u>

The following personnel detail is hereby submitted:

TITLE: Clerk Typist
JG: I
STEP: 0
ANNUAL SALARY: \$17,439
ANNUAL BENEFITS: \$ 4,360
CIVIL SERVICES: YES
FUNDING: 100% State Reimbursement
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3E-12)
5. **COUNTY EXECUTIVE:**
WHEREAS, the Erie County Medical Center (ECMC) must provide safe and effective intravenous fluid therapy for its patients, and

WHEREAS, the current IV pump technology available at ECMC is 10 yrs. old and is two - three generations behind the community standard, and

WHEREAS, implementation of current technology will enhance productivity and reduce risk by providing automatic piggybacking, dose rate calculation, IV site monitoring and free flow protection in the set, and

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

WHEREAS, a Bid (#967198-3) was issued by the ECMC for the selection of a vendor for IV pumps, sets, maintenance and support, and

WHEREAS, pursuant to said BID, ECMC requested that the responses contain detailed specifications for operational and safety features for fluid and medication delivery and requirements to maintain the pumps plus necessary staff inservice and training support, and

WHEREAS, pursuant to said Bid, ECMC requested the responses contain specific options for purchase, rental 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 \$516,464.16 exclusive of the cost of financing, and

WHEREAS, the proposed capital improvement may be financed with indebtedness issued under the Local Finance Law, and

WHEREAS, if the capital improvement is financed with indebtedness pursuant to the Local Finance Law the estimated total cost of the capital, inclusive of the cost of financing will be \$565,475, and

WHEREAS, the capital improvement may be financed pursuant to an installment purchase contract (capital lease agreement), 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 \$565,475, and

WHEREAS, a comparison of the estimated total cost by financing pursuant to Local Finance Law and the result of financing through an installment purchase contract (capital lease agreement) results in the savings of \$602,290 minus \$565,475 for a total savings of \$36,815 to the County of Erie by purchasing through an installment purchase contract (capital lease agreement), 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 with Med One Marketing Inc. (6995 Union Park Center, Suite 180, Salt Lake City, Utah 84047) for the IV pumps, maintenance and support at the 462 Grider St., Buffalo, NY Hospital, in accordance with the provisions set forth in the ECMC Bid (#967198-3), and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the aforementioned installment purchase contract (capital lease agreement) in the amount of \$113,095/yr. over a term of 5 yrs. at an interest rate of 4.75% which results in aggregate cost of \$565,475 inclusive of financing cost, and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Comptroller, Erie County Director of Budget & Management, Erie County Medical Center and Med One Marketing Inc.

(5-0) Chairman Swanick present as ex-officio member.

JUDITH P. FISHER
Chairperson

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

FEBRUARY 13, 1997

SOCIAL SERVICES
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR VILLARINI. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

Item Page -1997 (Comm. 3E-11)
1. COUNTY EXECUTIVE:

WHEREAS, the New York State Division for Youth has \$4,000 in additional state aid eligibility that requires no additional county matching funds, and

WHEREAS, the New York State Division for Youth has specifically designated \$4,000 for the Compass House Emergency Shelter Program.

NOW, THEREFORE, BE IT

RESOLVED, that \$4,000 is hereby appropriated to account 830, Contractual Agencies in the Department of Youth Services-Youth Division, 1996 regular operating budget, to cover the cost of increasing the 1996 contract with the Compass House Emergency Shelter Program, and be it further

RESOLVED, that the source of funds is \$4,000 in state aid from the New York State Division for Youth, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into and execute any applications, contracts included therein, and amendments with the State of New York and the above listed agency, and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the standard RFP procedure, and hereby waives the procedures outlined in section 19.08 of the Erie County Administrative Code, since these special services must be provided specifically by Compass House and this contract has been approved by the Erie County Youth Services Board, 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.

(4-0)

GEORGE A. HOLT, Jr.
Chairman

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

CARRIED UNANIMOUSLY.

ITEM 15 - Mr. OLMA presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

FEBRUARY 13, 1997

ENERGY AND ENVIRONMENT
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT.

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

Item Page -1997 (Comm. 3E-8)
a. **OLMA**: Copy of Letter to Belmont Shelter Re: Invitation to Energy & Environment Meeting.
(4-0) Legislator Marshall absent.

Item Page -1997 (Comm. 3E-9)
b. **COUNTY EXECUTIVE**: ECSD No. 4 - Contract 25L - Change Order No. 1.
(5-0)

Item Page -1997 (Comm. 3E-16)
c. **COUNTY EXECUTIVE**: ECSD No. 4 - URS Consultants, Inc. - Change Order No. 1.
(5-0)

Item Page -1997 (Comm. 3E-17)
d. **COUNTY EXECUTIVE**: ECSD No. 1 - Kenaidan Construction Corporation Inc. Change Order No. 1.
(5-0)

Item Page -1997 (Comm. 3E-18)
e. **COUNTY EXECUTIVE**: ECSD NO. 6 - Tunney Electric, Inc. Contract E Change Order.
(5-0)

Item Page -1997 (Comm. 3E-20)
f. **COUNTY EXECUTIVE**: ECSD NO. 4 - Kenaidan Construction Contact A Dispensation of Hours.
(5-0)

Item Page -1997 (Comm. 3E-22)
g. **COUNTY EXECUTIVE**: ECSD No. 6 - Buffalo Sheet Metals, Inc. Contract H Change Order No. 1.
(5-0)

Item Page -1997 (Comm. 3E-23)
h. COUNTY EXECUTIVE: ECSD NO. 6 - Malcolm Pirnie, Inc. Change
Order No. 2.
(5-0)

Item Page -1997 (Comm. 3E-24)
i. COUNTY EXECUTIVE: ECSD No. 4 - URS Consultants, Inc. Change
Order No. 1.
(5-0)

Item Page -1997 (Comm. 3E-26)
j. COUNTY EXECUTIVE: ECSD No. 6 - Aquatech Association,
Corporation Contract G Change Order No. 1.
(5-0)

Item Page -1997 (Comm. 3M-11)
k. NYSDEC: Fact Sheet Mr. C's Dry Cleaners Site.
(4-0) Legislator Marshall absent.

Item Page -1997 (Comm. 2E-12)
2. COUNTY EXECUTIVE:
WHEREAS, the Erie County Sewer District No. 1 Board of
Managers has authorized the construction of the Felber Lane
sanitary sewer in the Town of Cheektowaga; and

WHEREAS, it has been determined that it may be necessary to
commence Eminent Domain Proceedings to acquire the necessary
easements and/or fee interests.

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be authorized and is hereby
directed to commence Eminent Domain Proceedings pursuant to Chapter
839 of the Laws of 1977 to acquire easement and/or fee interests
for sewer purposes in connection with the lands listed below:

<u>ECSD NO.</u>	<u>PARCEL NO.</u>	<u>TOWNSHIP</u>
1	114.08-1-25	Cheektowaga
1	Ely Road R.O.W. (Paper Street)	Cheektowaga
1	114.08-9-2	Cheektowaga

and be it further

RESOLVED, that certified copies of this resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, and Richard J. Schechter, Assistant County Attorney.

(5-0)

Item Page -1997 (Comm. 3E-15)
3. COUNTY EXECUTIVE:
WHEREAS, the Erie County Department of Environment and Planning has requested electrical service to the Bowmansville Pumping Station in Erie County Sewer District No. 4, (Liber 10898, Page 9771) for which New York State Electric and Gas Corporation requires a twenty (20) feet wide easement; and

WHEREAS, the granting of this easement will have no negative effect on the ability of Erie County Sewer District No. 4 personnel to operate and maintain the Pump Station; and

WHEREAS, the twenty (20) feet wide easement will be at no cost to the County; and

WHEREAS, the Erie County Advisory Review Committee has reviewed this matter and recommends the granting of this easement.

NOW, THEREFORE, BE IT

RESOLVED, that a twenty (20) feet wide easement be granted to the New York State Electric & Gas Corporation for the purpose of providing electric service to the Bowmansville Pumping Station, in Erie County Sewer District No. 4 and the Bowmansville Fire Company's picnic shelter; and be it further

RESOLVED, that the County Executive be authorized to sign said easement subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one (1) certified copy to Richard J. Schechter, Assistant County Attorney.

(5-0)

AS AMENDED
(Comm. 3E-19)

Item Page -1997
4. COUNTY EXECUTIVE:

WHEREAS, Contract No. 1A for the General/Mechanical Construction of the Overflow Retention Facility (ORF) Project in Erie County Sewer District No. 1 requires the construction of a roadway for maintenance of the ORF, and

WHEREAS, laboratory testing has indicated that the existing on-site soils are unsuitable for use in the elevated embankment areas under the proposed roadways, and

WHEREAS, Change Order No. 2 identifies the cost associated with furnishing and installing select backfill under the roadways around the Overflow Retention Facility and pumping station, and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends the approval of Change Order No. 2 to Contract No. 1A dated February 12, 1996 between the County of Erie/Erie County Sewer District No. 1 and Kenaidan Construction Corp.,

NOW, THEREFORE, BE IT

RESOLVED, that the Change Order No. 2 to Contract 1A Agreement dated February 12, 1996 be approved in the amount not to exceed \$85,000, and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process the necessary Change Order, subject to certification of availability of funds from the project fund balance by the Comptrollers Office, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate \$85,000 from Sewer Capital, ECSD No. 1, Fund No. 430, Project No. 694, Department No. 810 Object 891 unallocated to Object No. 973, Sewer Construction Expenditures, Subobject No. 200 General Construction Contract for payment of this Change Order, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles j. Alessi, P.E. , Department of Environment and Planning and one certified copy to the Erie County Comptroller Office and Richard J. Schechter, Assistant County Attorney.

(5-0)

GREGORY B. OLMA
Chairman

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS:

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

Int. 4-1 From: Leg. Marshall Re: Gasoline Prices in Western New York

Ms. PEOPLES offered an amendment as follows:

Add the following WHEREAS clause after the 2nd WHEREAS clause to read as follows:

WHEREAS, even when prices drop in other areas of the state, gasoliner prices in Western NEW York do not seem to correspondingly drop as well, and

Add the following to the text of the 2nd RESOLVE clause:

Gasoline Retailers...the Erie County Consumer Protection Board,...and Western

Add the following in the text of the 3rd RESOLVE clause:

14225...the Erie County Consumer Protection Board, 95 Franklin Street, Buffalo, NY 14202,...and the Automobile

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

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that Int. 4-1 be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71 Re: Reinstating Welfare Benefits for Disabled Youth (Int. 4-2)

WHEREAS, The Supplemental Social Security Income disabled children's program provides much-needed federal cash assistance to help families meet the cost of caring for a disabled youth, and

WHEREAS, There are many different classifications for 'disabled', yet any disability which adversely affects a child must be treated for the good of the child, and

WHEREAS, New federal guidelines under welfare law passed in 1996 will remove at least 135,000 disabled children from eligibility for benefits, and

WHEREAS, Children with - among others - disabilities which affect learning, children with disabilities which restrict movement, and children with disabilities which limit social interaction stand to lose assistance under these new federal laws, and

WHEREAS, Losing assistance will make treatment of these disabilities difficult, if not impossible, for families of these children,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to providing every opportunity for all our youth to build a foundation for a successful life, and be it further

RESOLVED, That this Honorable Body does hereby memorialize federal officials to stay the new welfare guidelines which would deny disabled children assistance, and be it further

RESOLVED, That this Honorable Body does hereby memorialize federal officials to conduct a thorough examination of the effects of these new guidelines to ensure all disabled children who depend upon federal assistance be provided for, and be it further

RESOLVED, That this Honorable Body does hereby memorialize federal officials to enact no programs which would adversely affect the opportunity for disabled children to gain the assistance necessary for a healthy, successful future, and be it further

RESOLVED, That this Honorable Body does hereby request Erie County Department of Social Services Commissioner Deborah Merrifield attend a future meeting of the County Legislature's Social Services Committee to assess the number of youth affected in Erie County, and outline a plan to ensure those youth have access to whatever aid is required to meet their needs, and be it further

RESOLVED, That certified copies of this resolution be forwarded to President Bill Clinton, United States Senators Alfonse D'Amato and Daniel Patrick Moynihan, United States Representatives John LaFalce, Bill Paxon and Jack Quinn, Social Security Commissioner Shirley Chater, and Erie County Social Services Commissioner Deborah Merrifield.

Fiscal Impact: None for resolution.

Chairman SWANICK directed that Et al be added to the sponsorship.

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

CARRIED UNANIMOUSLY.

ITEM 18 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

Int. 4-3 From: Leg. Fisher Re: Direcring social Services Officials to Inform Landlords When Rental Assistance Clients Change the Status of Their Rent Checks

Chairman SWANICK directed that Et al be added to the sponsorship.

Chairman SWANICK directed that Int. 4-3 be referred to the SOCIAL SERVICES COMMITTEE.

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

Int. 4-4 From: Leg. Marinelli Re: Local Application of State Domestic Violence Fatality Hearings

Chairman SWANICK directed that Et al be added to the sponsorship.

Chairman SWANICK directed that Int. 4-4 be referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 20 - Mr. RANZENHOFER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72 Re: Enhancing Library Services in the Town of Clarence (Int. 4-5)

WHEREAS, the Legislature sets 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 community-based organizations and governmental agencies for the purposes of assisting the citizenry and improving the quality of life in our cities, town and villages, and

WHEREAS, the Town of Clarence's public library system handles an enormous demands for books, periodicals and related services, and

WHEREAS, additional funds from the County of Erie would assist the Clarence Library in its ability to provide services to its patrons, and

WHEREAS, additional funding in the amount of \$7,500 would allow for the purchase pf additional reading and research materials, technological upgrade and other improvements, and

WHEREAS, funds to cover this initiative may be transferred to appropriate agencies through an authorization resolution,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,500 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
Clarence Public Library	n/a	\$7,500

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Marie Robillard, 9655 Main Street, Clarence, N.Y., 14031.

Fiscal Impact: Appropriation of 1997 budgeted funds.

MICHAEL H. RANZENHOFER

Mr. RANZENHOFER offered an amendment as follows:

Delete the 5th WHEREAS clause in its entirety and replace with the following:

WHEREAS, additional funding in the amount of \$7,500 would allow for the purchase of computers and software in the amount of \$4,000, and the provision of Adult and Young Children's programming in the amount of \$3,500, and

Mr. RANZENHOFER moved the adoption of the amendment. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73 Re: Supporting President Clinton's Call to Action to Action for American Education (Int. 4-6)

WHEREAS, Education provides our youth with the foundation necessary for a productive and successful future, and

WHEREAS, Making a commitment to education is one of the most important actions those in government can undertake to enrich people's lives and strengthen our society, and

WHEREAS, To that end President Bill Clinton has demonstrated his commitment to education through his Call to Action for American Education, which he outlined at the 1997 State of the Union Address, and

WHEREAS, The Call to Action for American Education is an exemplary plan for improving the quality of American youths' education,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby demonstrate support for President Bill Clinton's Call to Action for American Education; consisting of a national crusade for education standards, an increase in the number of teachers credentialed in excellence in teaching by the National Board for Professional Teaching Standards, the America Reads initiative, instituting programs addressing the concept that learning begins in the first days of life, giving parents the power to choose the right public school for their children, teaching character education in school, increasing school construction, making at least two years of college as universal as high school, the G.I. Bill for America's Workers, and ensuring every classroom is on the Internet by the year 2000, and be it further

RESOLVED, That the Erie County Legislature does hereby memorialize the United States Congress vote to adopt President Clinton's Call to Action for American Education in its entirety in a timely fashion, and be it further

RESOLOVED, That certified copies of this resolution be forwarded to President Bill Clinton, United States Senators Alfonse M. D'Amato and Daniel Patrick Moynihan, and to United States Representatives John LaFalce, Bill Paxon and Jack Quinn.

Fiscal Impact: None for resolution

JUDITH P. FISHER

Chairman SWANICK directed that Et al be added to the sponsorship.

Mrs. FISHER moved the adoption of the resolution as amended. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

Int. 4-7 From: Leg. Fisher Re: Improving Education Through Attendance Provisions for Minors Receiving Public Aid

Chairman SWANICK directed that Et al be added to the sponsorship.

Chairman SWANICK directed that Int. 4-7 be referred to the SOCIAL SERVICES COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74 Re: Recommendations to the Members of the County/Municipal Consolidation Committee (Int. 4-8)

WHEREAS, the Erie County Legislature approved, with much debate, the County-Municipal Consolidation Committee, and

WHEREAS, the Erie County Legislature, in creating the Committee, is seeking to initiate a review of possible areas of consolidation between the County of Erie and City of Buffalo and to determine the best use of \$3 million in county funds appropriated in the 1997 Erie County Budget for the City of Buffalo (\$2.7 million), City of Lackawanna (\$150,000) and City of Tonawanda (\$150,000), and

WHEREAS, the primary stated goal of the Committee is to review and recommend a course of action to implement "consolidation" between the County of Erie and the City of Buffalo, there are a number of other, equally important considerations and goals which the Committee recognize and address

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body makes the following recommendations and urges the County-Municipal Consolidation Committee to seriously consider the recommendations:

- Including the president of the Erie County Association of Governments, or designee, as a permanent member of the Committee;
- Attention must be paid to savings which can be achieved through the sharing of services and inter-municipal agreements. These ventures should be encouraged and assisted whenever possible;
- Review all federal, state, county, and municipal laws, ordinances, and regulations which might impede or discourage municipal governments from entering into inter-municipal or shared service agreements;
- Understand that the consolidation effort should result in governments spending less money, not more;
- Finally and most importantly, recognize that consolidation does not mean county grants, cost shifting or an Erie County takeover of city-run and city-specific programs and services. Consolidation must yield savings to all taxpayers and, hopefully, produce more efficient services for all county and municipal residents and taxpayers.

And be it further

RESOLVED, that a certified copy of this resolution be forwarded to the members of the County-Municipal Consolidation Committee, County Executive Gorski, Buffalo Mayor Masiello, and to the mayors and supervisors of all remaining city, town and village governments within Erie County.

FREDERICK J. MARSHALL JOHN W. GREENAN DALE W. LARSON
MICHAEL H. RANZENHOFER ROBERT VILLARINI

Chairman SWANICK directed that Et al be added to the sponsorship.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLVED, That certified copies of this resolution be forwarded to New York state Governor George Pataki, New York state Senate Majority Leader Joseph Bruno, New York state Assembly Speaker Sheldon Silver, Director of the Budget Patricia Woodworth, and all members of the Western New York delegation of the New York state Legislature.

Fiscal Impact: Impact of Governor's proposal is negative.

CHARLES M. SWANICK

CRYSTAL D. PEOPLES

Ms. PEOPLES offered an amendment as follows:

In the 2nd WHEREAS clause delete the following:

...both the county and...

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

CARRIED UNANIMOUSLY.

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

Mr. MARSHALL moved to send to committee. Mr. VILLARINI seconded.

DEFEATED.

Legislators DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples and Swanick in the negative.

Chairman SWANICK directed that County Clerk David J. Swarts be given permission of the floor.

County Clerk David J. Swarts given permission of the floor.

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

CARRIED.

Legislator Villarini in the negative.

ITEM 25 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76 Re: Construction of Northeast Buffalo
 Entrance and Exit Ramps off of
 Route 33 (Int. 4-10)

WHEREAS, The current one mile NYS Economic Development Zone anchored by two former General Motors plants (American Axle & Manufacturing and Harrison Radiator) is a dilapidated 19th century transportation corridor which has outlived its usefulness, and

WHEREAS, Efforts are underway to develop said economic development zone into a 21st century international distributor facility and economic industrial park (henceforth referred to as the Northeast Buffalo Parkway) that will benefit surrounding neighborhoods, and

WHEREAS, The development of a linear industrial park in Northeast Buffalo could generate several million dollars in private investments which would in turn create jobs and generate additional property tax revenues for the City of Buffalo and the County of Erie, and

WHEREAS, Absent any coordinated effort to alter current transportation patterns, the quality of life for residents in the area of the proposed Northeast Buffalo Parkway would be negatively affected by the increase in noise and truck traffic on targeted residential streets, and

WHEREAS, The construction of Northeast Buffalo Parkway entrance and exit ramps on the Kensington Expressway (NY Route #33), would address residential concerns regarding pedestrian safety by re-routing traffic away from residential streets, neighborhood schools and playgrounds,

WHEREAS, The construction of said ramps would result in the relief of traffic congestion as well as necessitate the removal of the Kensington Avenue overpass which has been the site of several fatalities and a source of public safety concern, and replacing it with a four way, traffic signal controlled intersection

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to the positive economic development of the City of Buffalo, the County of Erie and Western New York, and be it further

RESOLVED, That this Honorable Body does hereby support in principle, the concept of providing additional entrance and exit ramps on the Kensington Expressway (NY Route #33), for the enhancement of access to and from the Northeast Buffalo Parkway, and be it further

RESOLVED, That this Honorable Body does hereby request that officials of the New York State Department of Transportation report to the Legislature as to the feasibility of constructing additional entrance and exit ramps on the Kensington Expressway (NY Route #33) for the aforementioned purposes, and be it further

RESOLVED, that this Honorable Body does hereby request that Governor Pataki, and officials of the New York State Department of Transportation earmark funds for the construction of Northeast Buffalo Parkway entrance and exit ramps off the Kensington Expressway (NY Route #33), and be it further

RESOLVED, That certified copies of this resolution be forwarded to NYS Department of Transportation Commissioner John Daly; Erie County Executive Dennis T. Gorski; County Public Works Commissioner John C. Loffredo; the members of the Western New York Congressional Delegation and the members of the New York state Legislative Delegation.

FISCAL IMPACT: NONE FOR RESOLUTION

CRYSTAL DAVIS PEOPLES

Ms. PEOPLES offered an amendment as follows:

Delete the 4th RESOLVE clause in its entirety and replace with the following:

RESOLVED, That this Honorable Body does hereby memorialize that if the results of the feasibility study are favorable, the New York State Department of Transportation begin the process of identifying potential resources for the construction of the Northeast Buffalo Parkway entrance and exit ramps off the Kensington Expressway (NY Route #33), and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

ITEM 26 - Mr. DUSZA presented the following resolution and requested that it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Int. 4-11 From: Legs. Dusza, Kuwik, Marinelli, Cohen Kennedy, Fisher, Holt, Fitzpatrick, Peoples & Swanick Re: Teaching Fire Safety to Our Children

ITEM 27 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77 Re: Waiver of Fees - Rural Transit Services Annual Picnic (Int. 4-12)

WHEREAS, the Rural Transit Service is funded by HUD Community Development Block Grants for participating municipalities in the rural parts of Erie County, and

WHEREAS, this program provides a vital means of transportation for the elderly, handicapped and low-income persons in the rural areas of the country, and

WHEREAS, the Rural Transit Service provides more than 20,000 client trips per year for medical services, groceries and other vital necessities as well as transportation to senior service programs, and

WHEREAS, the vehicles of this program are manned by a group of 150 volunteers who unselfishly give of their time without any monetary compensation, and

WHEREAS, on June 27, 1997, the volunteers will be honored at a recognition picnic to be held at the Edward J. Martin Lodge in Chestnut Ridge Park, and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry has notified the Rural Transit Service that the rental fee for this county facility is \$90.00 , and

WHEREAS, any waiver of user fees for the county facility must be approved by the Erie County Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby direct the Commissioner of the Erie County Department of Parks, Recreation and Forestry to waive the fees associated with the use of the Edward J. Martin Lodge in Chestnut Ridge Park by the Rural Transit Service at its annual volunteers' recognition picnic on June 27, 1997, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Dennis t. Gorski, Sheila K. Kee, Director of Budget, Management and Finance, James Jankowiak Commissioner of Parks, Recreation and Forestry, and Debra Almei, Executive Director of Rural Transit Service.

FISCAL IMPACT: To Be Determined

FREDERICK J. MARSHALL

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

CARRIED UNANIMOUSLY.

ITEM 28 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78 Re: Preserving Revenue to be Lost by
ECMC Under Governor Pataki's
Proposed Budget (Int. 4-13)

WHEREAS, The citizens of Western New York deserve the finest health care possible for their dollars, and

WHEREAS, The Erie County Medical Center has long provided state of the art treatment and technologies in a humanistic manner, and

WHEREAS, The Erie County Medical Center has been internationally recognized as one of the leaders in its field, and

WHEREAS, A steady stream of investment is needed in order to keep pace with the ever-changing technologies and procedures of the medical profession, and

WHEREAS, The capital investment government makes in the Erie County Medical Center is needed to maintain and advance the facility so as to continue its outstanding care for the population of Western New York, and

WHEREAS, In his 1997-98 Executive Budget, New York state Governor George Pataki proposes cuts which would have a negative annualized projected impact of over \$22 million on the Erie County Medical Center, and

WHEREAS, The millions in lost revenue will result in the Erie County Medical Center having to make drastic changes in the way they provide health care to the people of Erie County and force them to consider scaling back on new technologies and research due to lack of funds, and

WHEREAS, These losses would be devastating to the Erie County Medical Center and all the patients treated at the facility,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to making the finest health care in the nation available right here in Western New York, and be it further

RESOLVED, That this Honorable Body does hereby memorialize New York state Governor George Pataki to remove from his 1997-98 Executive Budget any and all provisions which will negatively impact the Erie County Medical Center and, therefore, the entire Western New York community, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York state Legislature to adopt no budget that contains any provisions which will negatively impact the Erie County Medical Center, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York state Governor George Pataki, all members of the Western New York delegation of the state Legislature, New York state Commissioner of Health Barbara DeBuono, and ECMC Chief Executive Officer Paul Candino.

Fiscal Impact: Negative impact for Governor Pataki's proposals.

CHARLES M. SWANICK CRYSTAL D. PEOPLES JUDITH P. FISHER

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

Mrs. FISHER moved the adoption of the resolution as amended.
Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 29 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79 Re: Keeping Buffalo Psychiatric Center
Open in the Face of Pataki's
Continued Cutbacks (Int. 4-14)

WHEREAS, For many mentally ill persons, finding proper treatment has become an increasingly difficult task in the face of changes in the providing of health care, and

WHEREAS, Throughout this tumultuous time the Buffalo Psychiatric Center has stood as a bastion of quality care for not only those housed at the facility, but also outpatients and treatment groups, and

WHEREAS, With the closing of the Gowanda Psychiatric Center in the early 1990s due to cuts by then New York state Governor Mario Cuomo the Buffalo Psychiatric Center has assumed an even more important role in the treatment of the mentally ill population in Western New York, and

WHEREAS, Despite its obviously important and necessary function, Governor Pataki has somehow seen fit to nevertheless conduct a continued assault on the Buffalo Psychiatric Center, cutting over 650 beds in the last six years from the facility, leaving hundreds of patients so desperately in need of treatment with no place to go, and

WHEREAS, In the past year alone the Buffalo Psychiatric Center has lost over 200 staff members to transfer, resignation and retirement due to this continued assault on the institution, and

WHEREAS, Continued cuts threaten the very existence of the Buffalo Psychiatric Center, as the facility is targeted to be reduced to 250 beds by April 1, 1997; a figure called "the minimum necessary to be defensibly kept open" by professionals in the field,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to ensuring all those in need of treatment for mental illness receive accessible, quality care, and be it further

RESOLVED, That this Honorable Body does hereby commend the efforts and successes of the Buffalo Psychiatric Center for their constant high standards of care for the mentally ill, and be it further

RESOLVED, That this Honorable Body does hereby memorialize New York state Governor George Pataki to immediately cease cuts to the Buffalo Psychiatric Center for the good of the entire Western New York community, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York state Legislature to restore any cuts proposed by Governor Pataki, and furthermore increase funding to the Buffalo Psychiatric Center so as to begin the process of bringing the Center's number of beds back up to past levels; levels sorely needed to properly treat the mentally ill population of the area, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York state Governor George Pataki, all members of the Western New York delegation of the state Legislature, and Erie County Department of Mental Health Commissioner Ellen Grant-Bishop.

Fiscal Impact: None for resolution.

JUDITH P. FISHER

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

Mrs. FISHER moved the adoption of the resolution as amended. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 30 - Mr. DEBENEDETTI presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80 Re: Supporting Self-Determination for the City of Buffalo on Police and Firefighter Residency (Int. 4-15)

WHEREAS, Police and firefighters provide essential safety services for the community they work in, and

WHEREAS, As some of the most prominent and important municipal employees, police and firefighters must take pride in the community they serve as a necessary aspect of their service to that community, and a person naturally takes pride in the community he or she lives in, and

WHEREAS, Therefore, police and firefighters who live in the community in which they work will have an even greater pride in that community and an even greater stake in the preservation and improvement of that community, and

WHEREAS, To that end virtually all of the suburban municipalities in Erie County require their police and firefighters to live in the town or village in which they work, and

WHEREAS, Those police and firefighters take great pride in their community and ensure its safety while on the job, as well as provide a stable middle class for the municipality, and

WHEREAS, Buffalo is currently unable to fully integrate its police and firefighters into the city through a residency provision due to convoluted and unjust state laws which prohibit municipalities whose police force numbers over 200 and municipalities with paid fire departments from requiring residency, and

WHEREAS, Due to the lack of a residency law for its police and firefighters, 40 percent of Buffalo's firefighters and 50.5 percent of its police currently live outside the city, and

WHEREAS, This state law for no sound reason places an unnecessary burden on the city of Buffalo and all its residents, and

WHEREAS, To remedy the current egregious situation, New York state Assemblymember Sam Hoyt has introduced legislation in the state Assembly which would allow the city of Buffalo the option of enacting a residency requirement for its police and firefighters if it so chooses, and

WHEREAS, A grandfather clause in the bill ensures no hardship for already-employed police or firefighters, as only new hires would be required to reside in Buffalo if the city chooses to enact residency requirements, and

WHEREAS, While the bill does not require the city of Buffalo to enact residency requirements, the current state laws prohibiting them must be overturned so as to allow Buffalo the opportunity to decide its own future course on this important issue,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to ensuring the strength of all the county's municipalities and the safety and well-being of all its citizens, and be it further

RESOLVED, That this Honorable Body does hereby support and endorse the ideals of choice and self-determination for all the county's municipalities in the guidance of those municipalities' workforces, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York state Assembly to pass Assemblymember Sam Hoyt's bill to provide the city of Buffalo the option of requiring residency for its police and firefighters to better ensure the future of the city and all its residents, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York state Senate to sponsor and adopt a version of Assemblymember Hoyt's bill, and be it further

RESOLVED, That this Honorable Body does hereby memorialize New York state Governor George Pataki to sign into law a bill giving the city of Buffalo the option to require residency for its police and firefighters, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York state Governor George Pataki, all members of the Western New York delegation of the New York state Legislature, city of Buffalo Mayor Anthony Masiello, all members of the Buffalo Common Council, Buffalo Police Commissioner R. Gil Kerlikowske, and Buffalo Fire Chief Cornelius Kane.

Fiscal Impact: None for resolution.

ALBERT DEBENEDETTI

Chairman SWANICK directed that the names of Legislators Fisher, Holt, Fitzpatrick and Peoples be added as co-sponsors.

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

DEFEATED.

Legislators DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick in the negative.

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Marshall, DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 12.
Noes - Greenan, Larson, Pauly, Ranzenhofer, Villarini - 5.

CARRIED.

ITEM 31 - Ms. PEOPLES presented the following resolution and requested that it be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Int. 4-16 From: Democratic Majority Re: County Court House Project Labor Agreement (PLA)

ITEM 32 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81 Re: Transfer of Funds - Paving & Striping the Riverwalk (Int. 4-17)

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 County is responsible for the maintenance of the county's Riverwalk, which stretches along the Niagara River from Front Park in Buffalo out to Isle View Park in the city of Tonawanda, and

WHEREAS, Erie County has further demonstrated its commitment to the Riverwalk by dedicating Sheriff's Office patrols to the Riverwalk, to ensure the safety and welfare of those who utilize this recreational resource, and

WHEREAS, the Legislature budgeted funds to cover the costs of repaving and striping of the Riverwalk, and

WHEREAS, the Department of Public will oversee awarding of bids for this work, 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 \$40,000 from the legislative contingency (Countywide Contingency DAC: 10923310893) to the Department of Public Works, 1996 Bond Fund - Code Compliance, (SFG: 748), for the purposes of the repaving and striping of the Riverwalk, and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, Parks, Recreation, and Forestry Commissioner James Jankowiak, and to Public Works Commissioner John Loffredo.

Fiscal Impact: Appropriation of 1997 budgeted funds.

CHARLES M. SWANICK CRYSTAL D. PEOPLES EDWARD J. KUWIK
MICHAEL A. FITZPATRICK JUDITH P. FISHER GEORGE A. HOLT, Jr.
GREGORY B. OLMA ALBERT DEBENEDETTI RAYMOND K. DUSZA
LYNN M. MARINELLI RANDI COHEN KENNEDY

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

CARRIED UNANIMOUSLY.

ITEM 33 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Ms. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82 Re: Appointment to Audit Committee for
Erie County (Int. 4-18)

WHEREAS, Section 1813 of the Erie County Charter requires that one member of the Audit Committee for Erie County be selected from a list of three candidates provided by the Western New York Society of Certified Public Accountants, and

WHEREAS, the term of office for the current Audit Committee member recommended by the Western New York Society of Certified Public Accountants expired December 31, 1996, and

WHEREAS, after a thorough review of the list of highly qualified candidates provided by the Western New York Society of Certified Public Accountants, John E. Oehler, CPA, has been recommended for a three year term commencing January 1, 1997,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint John E. Oehler, CPA to the Audit Committee for Erie County, to a three year term commencing January 1, 1997, with said term expiring December 31, 1999, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy Naples, the Audit Committee for Erie County, and to John E. Oehler, CPA.

Fiscal Impact: None

CHARLES M. SWANICK CRYSTAL D. PEOPLES EDWARD J. KUWIK
MICHAEL A. FITZPATRICK JUDITH P. FISHER GEORGE A. HOLT, Jr.
GREGORY B. OLMA ALBERT DEBENEDETTI RAYMOND K. DUSZA
LYNN M. MARINELLI RANDI COHEN KENNEDY

Chairman SWANICK directed that Et al be added to the sponsorship.

Ms. PEOPLES moved the adoption of the resolution as amended. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

ITEM 34 - Mr. DUSZA presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83 Re: Helping the Meals on Wheel Program
(Int. 4-19)

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 town of Cheektowaga's Meals on Wheels program is administered through the town's Department of Senior Services, and delivers nearly 250 meals each day to homebound, elderly residents, and

WHEREAS, the town's program has been very successful - so much so that 80 seniors currently sit on a waiting list to be added to the Meals on Wheels routes, and

WHEREAS, a modest grant from the county would allow for an expansion of the routes to help accommodate this need, 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 \$3,000 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>
Cheektowaga Department of Senior Services: Meals on Wheels Program	n/a	\$ 3,000
TOTAL		\$ 3,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Patricia Wojcik, Director, Town of Cheektowaga Department of Senior Services, 3349 Broadway, Cheektowaga, NY 14227-1199.

Fiscal Impact: Appropriation of 1997 budgeted funds.

RAYMOND K. DUSZA

Chairman SWANICK directed that Et al be added to the sponsorship.

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

CARRIED UNANIMOUSLY.

ITEM 35 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

Int. 4-20 From: Legs. Fisher & Swanick Re: Better Health Plan's Failure to Remit Payment to ECMC & Other Health Care Providers

Chairman SWANICK directed that the names of Legislators Peoples, Kuwik, Fitzpatrick, Holt, Olma, DeBenedetti, Dusza, Marinelli, Cohen Kennedy, Greenan, Larson, Marshall, Pauly and Ranzenhofer be added as co-sponsors.

Chairman SWANICK directed that Int. 4-20 be referred to the HEALTH COMMITTEE.

ITEM 36.- Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84 Re: Programmatic Assistance on the
Lower West Side of Buffalo
(Int. 4-21)

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 \$10,000 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>
Hispanics United of Buffalo - Senior Citizens	830/0220	\$ 10,000
TOTAL		\$ 10,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Hispanics United of Buffalo, 254 Virginia St., Buffalo, NY 14201.

Fiscal Impact: Appropriation of 1997 budgeted funds.

JUDITH P. FISHER

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

CARRIED UNANIMOUSLY.

ITEM 37 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mr. OLMA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85 Re: Budgetary Adjustment - Legislature
(Int. 4-22)

RESOLVED, that the Erie County Legislature does hereby transfer \$20,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 905, Department 100 - Legislature - into the following appropriation codes:

<u>CODE</u>	<u>DAC</u>	<u>AMOUNT TRANSFERRED</u>
Office Equipment	110905100932	\$ 12,500
Lab & Technical Equipment	110905100933	\$ 7,500
TOTAL		\$ 20,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, and Budget Analyst Jackie Mullen.

Fiscal Impact: Appropriation of 1997 budgeted funds.

CHARLES M. SWANICK **CRYSTAL D. PEOPLES**

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

CARRIED UNANIMOUSLY.

ITEM 38 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86 Re: Assisting Our Community with Youth
Services & Beautification Efforts
(Int. 4-23)

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 \$22,000 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>
West Side Play Area Youth Svcs.	n/a	\$ 4,000
Parkside Community Assn.	n/a	\$ 8,000
Allentown Association	n/a	\$ 2,500
Buffalo Green Fund	n/a	\$ 7,500
TOTAL		\$ 22,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to West Side Play Area Youth Services, Inc., 351 Grant St., Buffalo, NY 14213, Parkside Community Association, 2318 Main St., Buffalo, NY 14214, Allentown Association, Inc., 234 Allen St., Buffalo, NY 14201, 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 39 - Ms. MARINELLI presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87 Re: Assisting in Day Care & Summer
Camp Programs for Kids (Int. 4-24)

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, in the town of Tonawanda, the Ken-Ton Family YMCA administers before and after school age day care programs, as well as summer day camp programs for local parents and kids, providing a safe and nurturing environment for kids and peace of mind for parents, and

WHEREAS, single-parent clients utilizing this service are assisted by the YMCA, by having the costs assigned to them for utilizing this program underwritten by the YMCA, and

WHEREAS, a modest grant from the county to the YMCA would ensure that these programs continue to function as they have for the past several years, making certain that many children receive the day care and summer camp activities offered by the YMCA, 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 \$15,000 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>
Ken-Ton YMCA	830/0289	\$ 15,000
TOTAL		\$ 15,000

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 Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Anne M. Scinta of the Ken-Ton Family YMCA, 535 Belmont Ave., Kenmore, NY 14223.

Fiscal Impact: Appropriation of 1997 budgeted funds.

LYNN M. MARINELLI

Ms. MARINELLI moved the adoption. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 40 - Ms. MARINELLI presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 88 Re: Opposition to Sweat Shop
Manufacture of Clothing
(Int. 4-25)

WHEREAS, in years past, the manufacture of clothing and other similar products in the United States was performed in squalid and generally unsafe conditions, and at wages far below a livable level, and

WHEREAS, through the positive influence of unions, laws were passed throughout this country outlawing child labor, mandating a minimum wage, and guaranteeing safe and clean working conditions, and

WHEREAS, unfortunately, some retailers continue to retain manufacturers who utilize "sweat-shop" labor to produce private label clothing and other goods, and

WHEREAS, the case involving celebrity Kathie Lee Gifford's line of clothing, which was discovered to have been assembled and sewn by child workers in "sweat-shop" conditions goes to demonstrate that this problem is not beyond the American society as yet, and

WHEREAS, UNITE (the Union of Needletrades, Industrial, and Textile Employees) has pursued a campaign to inform the public about companies who profit from "sweat-shop" labor, and

WHEREAS, UNITE held informational demonstrations in more than forty US cities last December, and plan more rallies in support of their cause for later this month, and

WHEREAS, this Legislature must be put on record in opposition to the violation of current state and federal laws concerning improper work conditions, and must be recorded as generally in opposition to corporate profit from "sweat-shop" labor,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its strong support of state and federal labor laws that guarantee American workers safe and clean working conditions, and law that prohibit child labor of any kind, and be it further

RESOLVED, that this Honorable Body does hereby commend UNITE (the Union of Needletrades, Industrial, and Textile Employees) for its work in opposition to producers of clothing and other goods produced by "sweat-shop" labor, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis T. Gorski, Personnel Commissioner Leonard R. Lenihan, and to UNITE Manager Luis Madera.

Fiscal Impact: None for Resolution.

LYNN M. MARINELLI

RAYMOND K. DUSZA

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.

ITEM 42 - Ms. MARINELLI presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89 Bolstering Public Safety in Town of
Tonawanda (Int. 4-26)

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 town of Tonawanda Police Department plans to use a "Rescue Phone" system, whereby during emergency and hazardous situations, Police and other emergency services personnel may maintain optimum communication with the various parties involved, and

WHEREAS, especially with respect to calls concerning reports of domestic violence, this Rescue Phone is critically important toward ensuring the highest quality response and service, and

WHEREAS, the town of Tonawanda Police Department is in need of a four-wheel drive vehicle to serve the needs of the local community, and

WHEREAS, the aforesaid vehicle would greatly enhance the department's ability to serve the town's Parkside and Kenilworth/Lincoln Park satellite police stations and the surrounding communities, particularly when inclement weather or other disaster situations arise, such as flooding or fires, and

WHEREAS, the aforesaid vehicle would also be used to service the department's Community Services Bureau, including DARE programs, Neighborhood Watch programs, Community programs, and other special activities, and

WHEREAS, the town of Tonawanda has also earmarked funds for this vehicle, and

WHEREAS, the Rescue Phone initiative requires a county grant in the amount of \$3,045 and the four-wheel drive vehicle initiative requires a county grant in the amount of \$13,500, 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 \$15,045 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>
Town of Tonawanda Police Department - Rescue Phone & 4-Wheel Drive Vehicle Initiatives	n/a	\$ 15,045
TOTAL		\$ 15,045

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Chief Samuel Palmiere of the Town of Tonawanda Police Department, 1835 Sheridan Drive, Kenmore, NY 14223.

Fiscal Impact: Appropriation of 1997 budgeted funds.

LYNN M. MARINELLI CHARLES M. SWANICK

Ms. MARINELLI offered an amendment as follows:

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$16,545 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>
Town of Tonawanda Police Department - Rescue Phone & 4-Wheel Drive Vehicle Initiatives	n/a	\$ 16,545
TOTAL		\$ 16,545

Ms. MARINELLI moved the adoption of the amendment. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

ITEM 42 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90 Re: Release of Funds from Legislative Contingency (Int. 4-27)

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 \$10,000 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>
Tonawanda City School Dist.	n/a	\$ 5,000
City of Tonawanda Aux. Police	n/a	\$ 5,000
TOTAL		\$ 10,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, Dr. C. Douglas Whelan, Assistant Superintendent, Tonawanda City School District, 202 Broad St., Tonawanda, NY 14150, and to Captain Paul Petti, City of Tonawanda Auxiliary Police Force, 200 Niagara St., Tonawanda, NY 14150.

Fiscal Impact: Appropriation of 1997 budgeted funds.

CHARLES M. SWANICK

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

CARRIED UNANIMOUSLY.

ITEM 43 - Ms. COHEN KENNEDY presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91 Re: Supporting D.A.R.E. Graduates in the Town of Amherst (Int. 4-28)

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 DARE program is administered through collective efforts between schools and police agencies, and

WHEREAS, DARE is a classroom-led series of classroom lessons that teach children in grades K-12 how to resist the pressure to experiment with drugs and alcohol., with initial instruction limited to elementary school children, but with success on that level leading to its expansion to older grades as well, and

WHEREAS, beyond the obvious benefits of instructing our children of the dangers of drug and alcohol abuse, the DARE program allows children, both young and old, an opportunity to interact with law enforcement personnel, thereby initiating a relationship between law enforcement and the citizen that is collegial, rather than confrontational, and

WHEREAS, long term studies of DARE graduates report great success in helping students combat peer pressures to use drugs and alcohol, contributing to better study habits and higher grades for graduates, and decreasing vandalism and gang activity, and contributing to better attitudes about the police, all of which indicate that the DARE program has been and will continue to be a rousing success, and

WHEREAS, the town of Amherst Police Department has asked that a modest grant be obtained from the county toward the furtherance of the DARE program in that area, 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 \$5,000 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>
Amherst Police Department DARE Program	n/a	\$ 5,000
TOTAL		\$ 5,000

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 Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Chief John Askey of the Town of Amherst Police Department, 500 John J. Audubon Parkway, Amherst, NY 14228.

Fiscal Impact: Appropriation of 1997 budgeted funds.

RANDI COHEN KENNEDY

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

CARRIED UNANIMOUSLY.

ITEM 44 - Ms. MARINELLI presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92 Re: Providing Equipment to Law Enforcement Personnel (Int. 4-29)

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 \$4,500 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>
Village of Kenmore Police	830/0732	\$ 4,500
TOTAL		\$ 4,500

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Captain Carl LaCorte of the Village of Kenmore Police Department, 2395 Elmwood Ave., Kenmore, NY 14217.

Fiscal Impact: Appropriation of 1997 budgeted funds.

CHARLES M. SWANICK LYNN M. MARINELLI

Ms. MARINELLI moved the adoption. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 45 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 93 Re: Physical Improvements at the
Erie County Board of Elections
(Int. 4-30)

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

WHEREAS, the Board is currently undergoing a reorganization of its functions to improve efficiency and accommodate its delivery of services to the public with a reduced staff, which includes in part, some physical improvement to its offices, and

WHEREAS, the Board has exercised its authority pursuant to Section 16.01 (d) of the Erie County Administrative Code to acquire bids in connection with certain aspects of the physical improvement to its offices, which is of the same nature and quality, but is less expensive than the purchase price that the county would receive through state contract, and

WHEREAS, the prospective contractor supplying such products and services is located within the county of Erie, pays prevailing wages in the delivery of its services, and otherwise meets all requirements established by the county as a proper and responsible bidder,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby finds and determines that a savings to the county will result from the Board of Elections utilizing its authority under Section 16.01 (d) of the Erie County Administrative Code to perform certain physical improvements to its offices, and does hereby authorize the Commissioners of the Erie County Board of Elections to enter into a contract with Bryans Paint and Decorating, Inc., 143 Main St., Tonawanda, NY 14150, for such improvements in an amount not to exceed \$13,000, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, and to the Commissioners of the Erie County Board of Elections.

Fiscal Impact: \$13,000 - to be funded from the Board's 1996 Operating Budget.

CHARLES M. SWANICK

FREDERICK J. MARSHALL

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

ITEM 46 - Ms. COHEN KENNEDY moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Int. 2-11. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 94 Re: Enhancing Library Services in the Town of Amherst (Int. 2-11)

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 town of Amherst's public library system handles an enormous demand for books, periodicals and related services, and

WHEREAS, additional funds from the County would assist the town library system in its ability to provide services to children, parents, and other visitors to branches, and

WHEREAS, additional funding in the amount \$12,000 would allow for the continuation of children's projects, provide additional computer and printing resurces, and would help to upgrade books-on-tape collection at all four branches, and

WHEREAS, funds to cover this initiative may be transferred to appropriate agencies through an authorizing resolution,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie ounty Legislature does hereby approve the transfer of \$12,000 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 agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Amherst Public Libraries	n/a	\$12,000
TOTAL		\$12,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Mary Bobinski, Director, Amherst Public Libraries, 350 John James Audubon Parkway, Amherst, NY 14228.

Fiscal Impact: Appropriation of 1997 budgeted funds.

RANDI COHEN KENNEDY

Chairman SWANICK directed that the names of Legislators Pauly and Ranzenhofer be added as co-sponsors.

Ms. COHEN KENNEDY moved the adoption of the resolution as amended. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 47 - Mrs. FISHER moved to discharge the HEALTH/MENTAL HEALTH COMMITTEE from further consideration of Comm. 23M-16. Mr. OLMA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95 Re: Proposal to Provide Policy
Research in Publicly Funded
Mental Health

Mr. OLMA offered an amendment of adding the following resolution to the original communication to read as follows:

WHEREAS, the publicly funded mental health system in Erie County and New York State will continue to undergo substantial changes in the months and years to come, and

WHEREAS, with Medicaid, as the principal funding mechanism for these services, moving from a fee-for-service based environment to a managed care based environment, these changes will necessarily force county governments, like Erie County, to reexamine its processes for providing these services, and

WHEREAS, the Boston Norwood Group, located in the town of Amherst, performs consultation services of this kind, and has committed to providing detailed policy analysis which will identify the components of the fee-for-service system, the components of the new capitated system, and the changes necessary to accommodate the shift, and

WHEREAS, due to the fact that the total amount of this contractual agreement will not exceed \$10,000, the requirements of the Erie County Administrative Code relative to competitive bidding procedures will not apply, and

WHEREAS, Boston Norwood, no later than 45 days after commencing its work, will provide a detailed report outlining the steps necessary to accommodate the shift from fee-for-service to capitation, and will make presentations to legislative committees as requested by the Legislature, and

WHEREAS, it is necessary for the Legislature to transfer a small amount of funds from the 1996 Legislative Contingency to the Legislature's 1997 operating budget to fund this study,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its sincere desire to provide mental health services to the people of Erie County as effectively and efficiently as is practicable, and be it further

RESOLVED, that this Honorable Body does hereby authorize the transfer of \$9,000 from the 1996 Legislative Contingency (1996 DAC: 110905100893) to the budget of the Erie County Legislature - Fund 110, Project 905, Department 100, Object 826 - Other Expenses (DAC:110905100826) for the purposes of initiating the aforementioned study of the changes in the delivery of and payment for mental health services, and be it further

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

RESOLVED, that the County Executive, is hereby authorized to enter into contract with Boston Norwood, on the Legislature's behalf, for the aforementioned services, in an amount not to exceed \$9,000, which funds will be disbursed through the Legislature's Other Expenses object, line 826, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, and to Budget Analyst Jackie Mullen.

Mr. OLMA moved the adoption of the amendment. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES:

ITEM 48 - Mrs. FISHER moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 4M-18 From: Independent Living Center Re: Summary of
Managed Care Town Meeting

Chairman SWNAICK directed that Comm. 4M-18 be referred to the
HEALTH COMMITTEE.

ITEM 49 - Mrs. FISHER moved for a suspension of the rules to
include an item not on the agenda. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96 Re: Providing Necessary Equipment
to the Department of Health to
Test for High Levels of Carbon
Monoxide (Int. 4-31)

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

WHEREAS, the Erie County Health Department's Healthy Neighborhood
Program has learned that numerous homes in the city of Buffalo are
heated improperly by poorly ventilated or installed furnaces, and

WHEREAS, visual inspection of homes does not always reveal
deficiencies in home heating systems; such deficiencies can be the cause
of dangerously high concentrations of carbon monoxide, and

WHEREAS, Carbon Monoxide poisoning was the cause of several
hospitalizations and deaths in Erie County last year, and

WHEREAS, in the past, National Fuel Gas Corporation (NFG) would
provide testing for high levels of carbon monoxide; at present, company
officials have instituted a policy whereby NFG will not perform testing
unless residents of a dwelling demonstrate positive signs of carbon
monoxide poisoning, rather directing residents to contact private
heating contractors to perform the service - an option generally
regarded as impracticable, as many persons whose homes fall into this
condition are poor, elderly, or otherwise not in a position to afford or
accommodate such a procedure, and

WHEREAS, given these circumstances, it is imperative that the
Department of Health be afforded the ability to provide its staff with
carbon monoxide analyzers to perform this potentially life-saving
service, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect this transfer of funds to the Department of Health for the aforestated purpose,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$600 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 949, Department 270 - Department of Health - Lab & Tech Equipment, (DAC: 110949270933), for the purposes of purchasing one (1) Monoxor II Hand-Held Carbon Monoxide Analyzer, and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, Health Commissioner Dr. Arnold N. Lubin, and to Richard Wojcik, Director, Erie County Health Department Healthy Neighborhood Program.

Fiscal Impact: Appropriation of 1997 budgeted funds.

JUDITH P. FISHER

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

CARRIED UNANIMOUSLY.

ITEM 5Q - Mr. GREENAN moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Int. 4-32 From: Legs. Greenan, Marshall, Larson, Ranzenhofer & Villarini Re: Hiring Policies of the erie County Department of Youth Services

Chairman SWANICK directed that Int. 4-32 be referred to PUBLIC SAFETY COMMITTEE.

ITEM 51 - Mr. GREENAN moved for a suspension of the rules to include an item not on the agenda. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97 Re: Lease Agreement for Legislative
Office Space (Comm. 4E-25)

RESOLVED, that the Erie County Executive is hereby authorized to sign a Lease Agreement between **RUSSELL D. SCHMIDT**, 25 Ernst Place, East Aurora, NY 14052 and Erie County Legislator Frederick J. Marshall for Legislative Office Space.

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

CARRIED.

Legislator Marshall abstained.

ITEM 52 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 4E-26 From: County Executive Re: County/Municipal
Consolidation Committee

Chairman SWANICK directed that Comm. 4E-26 be RECEIVED, FILED & PRINTED.

Honorable Members:

Pursuant to the power vested in me by Int. 2-19, I Dennis T. Gorski, County Executive for the County of Erie, do hereby appoint and submit the following names to the County/Municipal Consolidation Committee:

Richard M. Tobe, Commissioner, Dept. of Environment & Planning
95 Franklin Street, Buffalo, NY 14202

Colleen DiPirro, President, Amherst Chamber of Commerce
325 Essjay Rd. Suite 200, Williamsville, NY 14221

Hon. Paul A. Tokasz, NYS Assemblyman,
125 Main Street, Buffalo, NY 14203

DENNIS T. GORSKI
RECEIVED, FILED & PRINTED.

COMMUNICATIONS FROM ELECTED OFFICIALS:

FROM LEGISLATOR LARSON

ITEM 53 - (Comm. 4E-1) Copy of Letter to ECC Re: Effect of Proposed 97-98 State Budget on Students and Taxpayers

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 54 - (Comm. 4E-2) Position Change Report PP#4/97

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CHAIRMAN SWANICK

ITEM 55 - (Comm. 4E-3) Transferring Items from Transportation Committee to Economic Development Committee

RECEIVE, FILE & PRINT.

Dear Ms. Manzella:

As you are aware, I have disbanded the Transportation Committee of the Erie County Legislature.

It is necessary that the items previously referred to that committee be transferred to another committee for consideration.

Please be advised that I am hereby transferring the following nine (9) items, from 1996, to the Economic Development Committee:

Intro. 7-6, Peoples, Instituting a "Ride-Share" Program for Erie County Employees

Intro. 13-2, Peoples, Mass Transit Service

Comm. 22M-9, Cheektowafga Town Board , Certified Reso Supporting the Lancaster Transportation Corridor Feasibility Study

Comm. 23M-1, NFTA, NFTA Cash Flow Statements

Comm. 23M-3, Michalene Biber, Metro Rail Service to Marine Midland Arena

Comm. 23M-19, NFTA, Minutes of Meeting Held 9/16/96

Comm. 24M-1, NFTA, Capital Status Report for First Six Months of Fiscal Year Through 9/96

Comm. 24M-11, NFTA, Minutes of Meeting HELD 10/21/96

Comm. 29M-7, NFTA, 5 Year Operating & Capital Plan Fiscal Year 1997-98-2001-02

Please ensure that these nine items appear on the next Economic Development Committee Agenda.

Sincerely,
CHARLES M. SWANICK
Chairman

RECEIVED, FILED & PRINTED.

FROM LEGISLATOR MARSHALL

ITEM 56 - (Comm. 4E-4) Copy of Letter to Chairman Swanick Re: Concerns with Recent Consolidation Effort

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM LEGISLATOR LARSON

ITEM 57 - (Comm. 4E-5)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98 Re: Lease Agreement for Legislative Office Space

RESOLVED, that the Erie County Executive is hereby authorized to sign a Lease Agreement between **TOWN OF CONCORD**, Concord Town Hall, 86 Franklin Street, Springville, NY 14141 and Erie County Legislator Dale W. Larson for Legislative Office Space.

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

CARRIED.

Legislator Larson abstained.

FROM THE COMPTROLLER

ITEM 58 - (Comm. 4E-6) Investing & Establishing Investment Portfolio

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM LEGISLATOR SWANICK

ITEM 59 - (Comm. 4E-7) Appointment to Erie County Audit Committee

RECEIVE, FILE & PRINT.

Dear Madame Clerk:

Please be advised that Legislator **CRYSTAL D. PEOPLES** will serve as the Majority's appointment to the Audit Committee for Erie County.

Very truly yours,
CHARLES M. SWANICK
Chairman

RECIEVED, FILED & PRINTED.

FROM THE COUNTY EXECUTIVE

ITEM 60 - (Comm. 4E-8) DSS Citizenship Project

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 61 - (Comm. 4E-9)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99 Re: Collective Bargaining Agreement with
Teamsters Local 264 the Sheriff and Erie
County for Period 1/1/96-12/31/99

WHEREAS, the County of Erie, the Sheriff of Erie County and
Teamster Local 264 have reached an agreement covering the working
conditions, including wages and fringe benefits, for those employees in
the Sheriff's Department in the Deputy Sheriff-Officer and various
civilian titles for the period January 1, 1996 through December 31,
1999;

NOW, THEREFORE, BE IT

RESOLVED, that the attached amendments to the 1992-95 Collective
Bargaining Agreement are hereby approved effective January 1, 1996,
except as otherwise specified and agreed to and shall remain in full
force and effect until December 31, 1999; and be it further

RESOLVED, that said benefits and salary schedules in percentage
increases be extended to all employees covered by said Agreement,
including managerial/confidential, part-time and seasonal employees, and
be it further

RESOLVED, that authorization is hereby provided to increase
expenses within the Sheriff's Department in order to fund the contract,
and be it further

RESOLVED, that the Director of Budget and Management is hereby
granted authority to transfer funds as required into the personal
service budgets of the Sheriff's Division, Holding Center and all
Sheriff grants in order to fund the 1997 pay raise, as well as the 1996
retroactive pay associated with the settlement of the Teamsters
contract, and be it further

RESOLVED, that the County Executive be authorized to enact said
agreement, and be it further

RESOLVED, that certified copies of this resolution will be
forwarded to the Personnel Department, Division of Labor Relations,
Division of Budget and Management and the Sheriff's Department.

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Greenan, Larson, Marshall, Pauly, Ranzenhofer, Villarini, DeBenedetti, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 16. Noes - 0.

CARRIED.

Legislator Dusza abstained.

FROM THE COUNTY EXECUTIVE

ITEM 62 - (Comm. 4E-10) ECSD No. 6 Refund of Sewer Charges - Roman Catholic Churches

ITEM 63 - (Comm. 4E-11) ECSD No. 1 - E&M Engineering & Surveyors, P.C. Engineering Agreement Close-Out

ITEM 64 - (Comm. 4E-12) ECSD NO. 5 NYS Water Pollution Control Revolving Loan Program

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

ITEM 65 - (Comm. 4E-13) Health Department Grant Case Management Services for Children with Special Needs 10/1/96 - 9/30/97

Received and referred to the HEALTH COMMITTEE.

ITEM 66 - (Comm. 4E-14) Lease Agreement Between Erie County & Violet Realty, Inc. Main Place Mall Ramp

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 67 - (Comm. 4E-15) ECSD No. 6 - Bethlehem Steel Corporation/South Buffalo Railway Refund of Sewer Charges - Bond Resolution

ITEM 68 - (Comm. 4E-16) ECSD No. 5 - Increase & Improvement of Facilities (1996) Sewer Agency Report

ITEM 69 - (Comm. 4E-17) Erie County Southtowns Sewage Treatment Agency Engineering Services Agreement for Title V - New York State Aid Permitting

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

ITEM 70 - (Comm. 4E-18) Authorization of County Contract with Bolton-St. Johns, Inc.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 71 - (Comm. 4E-19) Health - HIV/STD Support Services 1/1/97 - 12/31/97

Received and referred to the HEALTH COMMITTEE.

ITEM 72 - (Comm. 4E-20) Model County Radon/Indoor Air Quality Program

ITEM 73 - (Comm. 4E-21) Buffalo River Environmental Education Series

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

ITEM 74 - (Comm. 4E-22)
Ms. PEOPLES moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100 Re: District Attorney - Authorization to Amend Multijurisdictional Grant

WHEREAS, the Erie County Legislature had already approved the District Attorney's Grant Budgets in Book B for 1996, and

WHEREAS, the fully executed contract received from New York State in regard to the Multijurisdictional Grant does not align with the budget book in regard to the amount and time frame,

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the District Attorney's Multijurisdictional grant be revised as follows:

Multijurisdictional Grant - Project #530
December 1, 1996 - March 31, 1997

<u>REVENUE</u>	<u>Original</u>	<u>Change</u>	<u>Final</u>
Acct. 627 State Aid	\$264,300	\$(151,371)	\$112,929
Acct. 685 Interfund	<u>25,902</u>	<u>(25,902)</u>	<u>--</u>
Total Revenue	<u>\$290,202</u>	<u>\$(177,273)</u>	<u>\$112,929</u>
 <u>APPROPRIATIONS</u>			
Acct. 800 Personnel	\$210,032	\$(136,467)	\$ 73,565
Acct. 805 Fringe Benefits	45,633	(28,669)	16,964
Acct. 810 Office Supplies	2,000	0	2,000
Acct. 821 Dues-Witness Fees	13,000	3,300	16,300
Acct. 825 Out of Area Travel	3,975	(3,975)	--
Acct. 826 Other Expenses	4,150	(50)	4,100
Acct. 890 Contractual Salary Reserve	<u>11,412</u>	<u>(11,412)</u>	<u>--</u>
Total Appropriation	<u>\$290,202</u>	<u>\$ 177,273</u>	<u>\$112,929</u>

and be it further

RESOLVED, that the effective date for the Multijurisdictional Grant as listed in the 1997 Budget Book B, Project #653, for the period of 12/1/97-11/30/98 shall be changed to 4/1/97-3/31/98, 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.

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

CARRIED UNANIMOUSLY.

ITEM 75 - (Comm. 4E-23)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101 Re: District Attorney - Assets
Forfeiture Appropriation

RESOLVED, that the sum of \$37,643 in available balances in the Assets Forfeiture Trust Fund is hereby transferred to the District Attorney's Assets 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	<u>\$37,643</u>
	Total Revenue	\$37,643

APPROPRIATION

Acct. 930	Automobiles	\$31,000
Acct. 932	Furniture, Fixtures & Office Equipment	2,500
Acct. 933	Laboratory and Technical Equipment	<u>4,143</u>
	Total Appropriation	\$37,643

and be it further

RESOLVED, that the Director of Budget, Management and Finance 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, Division of Purchase and the Division of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

ITEM 76 - (Comm. 4E-26) Youth Services - Authorization to Contract

Received and referred to the SOCIAL SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS:

FROM ERIE COMMUNITY COLLEGE

ITEM 77 - (Comm. 4D-1) Notice of Meetings Held 2/5/97, 2/20/97 & 2/21/97

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ERIE COUNTY MORGUE

ITEM 78 - (Comm. 4D-2) Monies & Other Properties Found on Deceased Persons

FROM ERIE COUNTY MEDICAL CENTER

ITEM 79 - (Comm. 4D-3) Notice of Meeting to be Held 2/26/97 & Minutes of Meeting Held 1/8/97

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

FROM DEP

ITEM 80 - (Comm. 4D-4) SEQR - Negative Declaration - Proposed Sprint Spectrum Telecommunication Tower at ECC North Campus

Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 81 - (Comm. 4D-5) Minutes of Meeting Held 12/18/96

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ERIE COUNTY MEDICAL CENTER

ITEM 82 - (Comm. 4D-6) Notice of Meeting to be Held 2/28/97

Received and referred to the HEALTH COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 83 - (Comm. 4D-7) Notice of Meeting to be Held 2/13/97

RECEIVED & FILED.

ITEM 84 - (Comm. 4D-8) Notice of Meeting to be Held 2/26/97

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 85 - (Comm. 4D-9) Sale of County Owned Inventory from 9/18/96

ITEM 86 - (Comm. 4D-10) Sale of County Owned Inventory Roland Street, Village of Sloan

ITEM 87 - (Comm. 4D-11) Sale of County Owned Inventory 643 Harlem Road - West Seneca

The above three items were received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 88 - (Comm. 4D-12)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102 Re: Sheldon Road Cul-De-Sac - Hamburg

RESOLVED, that the following described parcel of land be sold without Public Auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to: James Busshart, 5552 Powers Road, Hamburg, New York 14075 for the sum of Five Thousand and 00/100 Dollars (\$5,000.00).

All That Tract or Parcel of Land hereinafter designated as Parcel No. 5, 6 and 7, situate in the Town of Hamburg, County of Erie, State of New York, being part of Lot 47, Township 9, Range 7 of the Holland Land Company's survey, as shown on the accompanying map and described as follows:

Parcel No. 5

Beginning at a point on the division line between the property of Kenneth and Marsha Nigro (reputed owners) on the south and Joseph and Margaret Fraccica (reputed owners) on the north, said point being on the existing westerly boundary of Sheldon Road, T.H. 182, said point also being 73.59 feet distant westerly measured at right angles from the centerline of said highway as established by the Erie County Department of Public Works, Division of Highways for Project No. G.M. 204-2A-72A in 1973; thence S 71° 12' 54" E along said division line 52.15 + - feet to a point 24.75 feet distant westerly measured at right angles from said centerline; thence S 39° 18' 05" W, 80.69 + - feet to a point on the existing westerly boundary of Sheldon Road, T.H. 182, being 24.75 feet distant westerly measured at right angles from said centerline; thence northerly on a curve to the right having a radius of 70 feet and a length of 84.25 + - feet to the point of beginning, being 0.060 acre more or less.

Also

PARCEL NO. 6

Beginning at a point on the division line between the property of Kenneth and Marsha Nigro (reputed owners) on the south and Joseph and Margaret Fraccica (reputed owners) on the north, said point being on the existing westerly boundary of Sheldon Road, T.H. 182, said point also being 73.59 feet distant westerly measured at right angles from the centerline of said highway as established by the Erie County Department of Public Works, Division of Highways for Project No. G.M. 204-2A-72A in 1973; thence northeasterly on a curve to the right having a radius of 7 feet and a length of 48.61 + - feet to a point 60.19 feet distant westerly measured at right angles from said centerline; thence N 75°31'31"E, 35.00 + - feet to a point 39.51 feet distant westerly measured at right angles from said centerline; thence N 62°04'10" E, 38.14 + - feet to a point 24.75 feet distant westerly measured at right angles from said centerline; thence S 39°18'05" W, 90.84 + - feet distant westerly measured at right angles from said centerline; thence N 71°12'54" W, 52.15 + - feet to the point of beginning, being 0.059 acre more or less.

ALSO

PARCEL NO. 7

Beginning at a point on the existing northwesterly highway boundary of Southwestern Boulevard, S.H. 9269, said point being 89.81 feet distant easterly measured at right angles from the centerline of Sheldon Road, T.H. 182, as established by the Erie County Department of Public Works, Division of Highways for Project No. G.M. 204-2A-72A in 1973; thence S 59°53'19" W, 90.00 + - feet to a point 58.17 feet distant easterly measured at right angles from said centerline; thence N 81°21'11" W, 67.62 + - feet to said centerline; thence along said centerline N 39°18'05" E, 212.67 + - feet to a point; thence S 50°41'55" E, 24.75 + - feet to a point on the existing easterly boundary of Sheldon Road, T.H. 182; thence along said highway boundary S 04°35'36" W, 114.27 + - feet to the point of beginning, being 0.290 acre more or less.

Parcels 5, 6 and 7 are subject to the easement rights of others, as their interest in the property was previously granted.

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser, and be it further

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

Ms. PEOPLES offered an amendment as follows:

In Parcel No. 7 add the following:

"Excepting a twenty foot wide parcel of land along the South side of said parcel No. 7, running the length of Parcel No. 7, on the North side of route 20, Southwestern Boulevard."

Mr. OLMA requested permission of the floor for the Real Property Director.

GRANTED.

Mr. Joseph Maciejewski given permission of the floor.

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

CARRIED UNANIMOUSLY.

Mr. OLMA moved to send to committee. Mr. DEBENEDETTI seconded.

DEFEATED.

Legislators Greenan, Larson, Marshall, Pauly, Ranzenhofer, Villarini, Dusza, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Peoples and Swanick in the negative.

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

CARRIED UNANIMOUSLY.

FROM DPW

ITEM 89 - (Comm. 4D-13) For Information Only - Change Order Electrical Work EC Home & EC Home Annex Building

ITEM 90 - (Comm. 4D-14) For Information Only - Award of General Architectural Services for Various Projects at ECOM & EC Home

ITEM 91 - (Comm. 4D-15) Central Library Building Mechanical System Boiler Replacement

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

FROM BUFFALO CONVENTION CENTER

ITEM 92 - (Comm. 4M-1) Food Service Task Force - Final Report
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUFFALO MUNICIPAL HOUSING AUTHORITY

ITEM 93 - (Comm. 4M-2) Copy of Letter to Legislator Olma Re: Resolution of 1/23/97

FROM WNY LAND CONSERVANCY

ITEM 94 - (Comm. 4M-3) Niagara Frontier Wetlands Initiative

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

FROM NFTA

ITEM 95 - (Comm. 4M-4) Capital Status Report of 9 Month Period Ending 12/96

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BROOME COUNTY LEGISLATURE

ITEM 96 - (Comm. 4M-5) Resolution Requesting NYS Legislature to Repeal the Gross Receipts Tax

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM NYS DEPARTMENT OF HEALTH

ITEM 97 - (Comm. 4M-6) State Legislature to Establish Mental Health Special Needs Plan

Received and referred to the HEALTH COMMITTEE.

FROM NYSDEC

ITEM 98 - (Comm. 4M-7) Notice of Meeting to be Held 2/25/97 and Fact Sheet Re: Ernst Steel Site

ITEM 99 - (Comm. 4M-8) Niagara Mohawk Power Public Comment Period for Site Contamination

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

FROM CATHOLIC CHARITIES

ITEM 100 - (Comm. 4M-9) Copy of Letter to Chairman Swanick Re: Collaborating on the Targeted Citizen Project Grant for Erie County Social Services

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM BOARD OF SUPERVISORS OF ESSEX COUNTY

ITEM 101 - (Comm. 4M-10) Resolution Requesting NYS to Increase Reimbursement Rate for Parole Isolation Assigned Counsel

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CLEAN SITES, INC.

ITEM 102 - (Comm. 4M-11) Citizen Task Force Information

Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

FROM CORNELL COOPERATIVE EXTENSION

ITEM 103 - (Comm. 4M-12) 1996 Annual Report & 1997 Calendar of Events

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

ITEM 104 - (Comm. 4M-13) Notice of Meeting 2/18 & Minutes of Meeting 1/21

Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

FROM COMMUNITY GRIEF CENTER

ITEM 105 - (Comm. 4M-14) Final Project Report, 1996 Public Benefit Funding

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM INDEPENDENT LIVING CENTER

ITEM 106 - (Comm. 4M-15) Position Paper on Vocational Issues for Recipients of Mental Health Services

Received and referred to the HEALTH COMMITTEE.

FROM NYSDEC

ITEM 107 - (Comm. 4M-16) Notice of Meeting to be Held 3/4 at 7 pm & Fact Sheet - Republic Steel Site

Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

FROM NYS UNIFIED COURT SYSTEM

ITEM 108 - (Comm. 4M-17) Camera Coverage in Old County Hall & 25 Delaware Avenue

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ADJOURNMENT:

ITEM 109 - 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, March 6, 1997. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 6, 1997 at 2:00 P.M., Eastern Standard Time.

LAURIE A. MANZELLA
Clerk