

ERIE COUNTY LEGISLATURE
MEETING No. 6
March 20, 1997

The Legislature was called to order by the Chairman SWANICK.

The Invocation was delivered by Reverend Cathryn Rieley-Goddard,
West Avenue Presbyterian Church, Buffalo, NY.

The Pledge of Allegiance was led by Chairman SWANICK.

Minutes of the previous meeting were a APPROVED.

ITEMS OUT OF ORDER:

COMMUNICATIONS FROM ELECTED OFFICIALS:

FROM LEGISLATOR MARSHALL

ITEM 1 - (COMM. 6E-15) Re: Resignation of Robert M. Villarini
as Legislator of the 12th District.

RECEIVE, FILE & PRINT.

Dear Ms. Manzella:

I hereby resign from the office of Erie County Legislature, 12th
Legislative District, to which I was elected in the general election
held in November of 1995. This resignation is to be effective on
Thursday, March 20, 1997 at 1:00 p.m. Eastern Standard Time.

Sincerely,
ROBERT M. VILLARINI
Erie County Legislator
12th District

RECEIVED, FILED & PRINTED.

FROM LEGISLATORS MARSHALL, GREENAN, LARSON & RANZENHOFER

ITEM 2 - (COMM. 6E-37) Re: Appointment of Jeanne Z. Chase to fill the vacancy in the 12th Legislative District.

RECEIVE, FILE & PRINT

Dear Ms. Manzella:

Pursuant to Section 1904-B of the Erie County Charter, we, the undersigned representing a majority of the members of the County Legislature representing the Republican Party, do hereby appoint **JEANNE Z. CHASE**, of 7411 Derby Road, Derby, New York, 14047, a duly qualified elector of the twelfth legislative district, having the same political affiliation as the person last elected to such office, to fill the vacancy in the office of Twelfth District County Legislator; said appointment shall take effect on March 20, 1997:

Sincerely,

FREDERICK J. MARSHALL

JOHN W. GREENAN

DALE W. LARSON

MICHAEL H. RANZENHOFER

WILLIAM A. PAULY

RECEIVED, FILED & PRINTED.

RECESS:

Chairman SWANICK directed that the Legislature recess.

The Legislature recessed at 2:40 P.M.

The Legislature reconvened at 2:50 P.M.

MISCELLANEOUS RESOLUTIONS

ITEM 3 - Ms. PEOPLES & Mr. DUSZA presented a resolution of congratulations to Chairman SWANICK on being named Grand Island Chamber of Commerce's Man of the Year in Government. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY

ITEM 4 - Mr. SWANICK & Ms. PEOPLES presented a resolution of congratulations to Outgoing Budget Director Sheila Kee for Her Service to Erie County. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 5 - Mr. DUSZA presented a resolution of congratulations to Buffalo News Reporter Kevin Collison Upon His Receipt of the George Polk Award for Local Reporting. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 6 - MESSRS. MARSHALL, GREENAN, LARSON, RANZENHOFER & PAULY presented a resolution of congratulations to Robert M. Villarini on his Retirement as Legislator of the 12th District. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

MARCH 11, 1997

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT.

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

- | | | | |
|----------------------------|------|---|--------------|
| Item | Page | -1997 | (Comm. 4D-1) |
| a. ERIE COMMUNITY COLLEGE: | | Notice of Meetings Held 2/5/97, 2/20/97 | |
| & 2/21/97. | | | |
| (5-0) | | | |
| Item | Page | -1997 | (Comm. 4D-5) |
| b. ERIE COMMUNITY COLLEGE: | | Minutes of Meeting Held 12/18/96. | |
| (5-0) | | | |

Item Page -1997 (Comm. 4D-8)
c. ERIE COMMUNITY COLLEGE: Notice of Meeting to be Held 2/26/97.
(5-0)

Item Page -1997 (Comm. 5D-2)
d. BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Notice of Meeting Held
2/20/97 & Minutes of Meeting Held 1/16/97.
(5-0)

Item Page -1997 (Comm. 5D-5)
e. ERIE COMMUNITY COLLEGE: Notice of Meeting to be Held 3/12/97.
(5-0)

Item Page -1997 (Comm. 5D-7)
f. ERIE COMMUNITY COLLEGE: Minutes of Meeting Held 2/26/97.
(5-0)

Item Page -1997 (Comm. 5D-8)
g. ERIE COMMUNITY COLLEGE: Minutes of Board of Trustees
Subcommittee Meeting Held 2/97.
(5-0)

Item Page -1997 (Comm. 5D-11)
h. ERIE COMMUNITY COLLEGE: Minutes of Board of Trustees Meeting
Held 1/29/97.
(5-0)

Item Page -1997 (Comm. 5E-5)
i. PEOPLES: Copy of Letter to Dr. Ricci Re: Marketing & Public
Relations Team.
(5-0)

Item Page -1997 (Comm. 5M-1)
j. NYS SENATOR NANULA: Copy of Letter to Chairman Swanick Re: ECC
Uniting Campuses Downtown.
(5-0)

RANDI COHEN KENNEDY
Chairperson

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

MARCH 11, 1997

PUBLIC SAFETY
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATORS DUSZA AND GREENAN. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

Item Page -1996 (Comm. 13E-7)
a. **DEMARCO**: Copy of Letter to Sheriff Re: Ellicott Creek Park.
(4-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 3M-1)
b. **IAN BROWN**: Copy of Letter to Legislator Cohen Kennedy Re: Closing
Taverns at 1:00 A.M.
(4-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 5M-12)
c. **NFTA**: Acknowledgement of Receipt of Resolution.
(4-0) Chairman Swanick present as ex-officio member.

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

RESOLVED, that the Department of Emergency Services is hereby authorized to accept a donation of Level A Entry Training Suits with a value of approximately \$1,000 from the Snyder Fire Department, 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 Emergency Services.

(4-0) Chairman Swanick present as ex-officio member.

EDWARD J. KUWIK
Chairman

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

CARRIED UNANIMOUSLY.

ITEM 9 - Mrs. FISHER presented the following and moved for immediate consideration. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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ERIE COUNTY LEGISLATURE

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RESOLUTION 125

MEETING NO. 6
MARCH 20, 1997

ERIE COUNTY LEGISLATURE

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MEETING NO. 6
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ERIE COUNTY LEGISLATURE

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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 Aequitron Medical, Inc.
(5-0)

JUDITH P. FISHER
Chairperson

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

MARCH 13, 1997

FINANCE AND MANAGEMENT
COMMITTEE
MEETING NO. 3

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

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

Item Page -1997 (Comm. 3E-6)
a. COMPTROLLER: Erie County Federal Assistance Audit Report for Year Ended 12/31/95.

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

Item Page -1997 (Comm. 3M-4)
b. ERIE COUNTY ASSESSORS ASSOCIATION: Chapter 313 of RPTL Section 467 - Senior Citizen Exemption.

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

OPEN ITEM
(Comm. 1D-19A)

Item Page -1997
2. **BUDGET, MANAGEMENT & FINANCE:**

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and/or refunds for taxes previously paid in accordance with New York State Real Property Tax Law Sections 554 and 556, and

WHEREAS, the Director has investigated the validity of such applications (see listing below) now, therefore, be it

RESOLVED, that petitions numbered 67 through 96 inclusive, be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and/or Cities.

Petition No. 67/1997 - ASSESSOR - Cancel - \$461.02

SBL No. 26.04-1-13.1/C1 - TOWN OF AMHERST

Acct. No. 112 - 289.65

Acct. No. 132 - 171.37

Charge to: TOWN OF AMHERST 171.37

CANCEL - CLERICAL ERROR, THE INDUSTRIAL BUSINESS EXEMPTION IN THE AMOUNT OF 32,000 THAT THIS PARCEL WAS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 5450(2)C.

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ERIE COUNTY LEGISLATURE

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MEETING NO. 6
MARCH 20, 1997

ERIE COUNTY LEGISLATURE

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TAX ROLL. ASSESSED WAS ENTERED AS 14,000 IT SHOULD BE 7,100.
RPTL 550(2)A.

Petition No. 95/9697 - ASSESSOR - Refund - \$112.90

SBL No. 105.03-1-2 - TOWN OF LANCASTER

Acct. No. 112 - 0.00

Acct. No. 132 - 112.90

Charge to: LANCASTER CENTRAL 112.90

REFUND - CLERICAL ERROR, ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSED VALUE WAS 14,000 IT SHOULD BE 7,100. RPTL 550(2)A. CHECK IN FAVOR OF: LARRY & CHARLENE ROBINSON.

Petition No. 96/1997 - ASSESSOR - Cancel - \$679.75

SBL No. 126.05-1-18 - TOWN OF LANCASTER

Acct. No. 112 - 206.17

Acct. No. 132 - 473.58

Charge to: TOWN OF LANCASTER 279.73
ERIE CO SEWER #4 154.00
GENERAL FIRE PROT 39.85

CANCEL - CLERICAL ERROR, ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSED VALUE WAS 45,000 IT SHOULD BE 20,000. RPTL 550(2)A.

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

AS AMENDED
(Int. 1-2)

Item Page -1997

3. GREENAN, MARSHALL, LARSON, RANZENHOFER, VILLARINI, SWANICK, PEOPLES, DEBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, COHEN KENNEDY, KUWIK, MARINELLI, OLMA & PAULY:

WHEREAS, senior citizens across Erie County are shouldering an increasing amount of property taxes each year, and

WHEREAS, on June 11, 1996, state legislation (Chapter 139 of the Laws of 1996) was signed into law allows municipalities to increase the maximum income eligibility for senior citizens to receive a real property tax exemption, and

WHEREAS, pursuant to state law, eligible senior citizens are those persons 65 years of age or older who have owned their property for two years prior to filing for the exemption and who have incomes that do not exceed the maximum level set by law, and

WHEREAS, senior citizens, in order to be eligible for the property tax exemption, must list their property as their legal address and also reside there.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, hereby grants an exemption from County of Erie real property taxes so as to increase the maximum eligibility levels to the extent of fifty percent (50%) of the assessed valuation of real property owned by persons 65 years of age or older who qualify therefore under said section, provided said persons do not have incomes in excess of eighteen thousand five hundred dollars (\$18,500) for the income tax year immediately proceeding the date of application for said exemption and to the extent provided in the following schedule:

Percentage Assessed Valuation
Exempt From Taxation By
The County of Erie

ANNUAL INCOME

Up to \$18,500	50%
\$18,500 or more but less than \$19,500	45%
\$19,500 or more but less than \$20,500	40%
\$20,500 or more but less than \$21,500	35%
\$21,500 or more but less than \$22,400	30%
\$22,400 or more but less than \$23,300	25%
\$23,300 or more but less than \$24,200	20%
\$24,200 or more but less than \$25,100	15%
\$25,100 or more but less than \$26,000	10%
\$26,000 or more but less than \$26,900	5%

and be it further

RESOLVED, that the Erie County Legislature hereby applies the aforesaid exemption schedule to all taxable status dates for assessment rolls in Erie County, applying to rolls prepared on taxable status dates after January 1, 1997, and be it further

RESOLVED, that the Chairman of the Erie County Legislature is hereby requested to organize, duly advertise, and hold a Public Hearing in the Chambers of the Erie County Legislature on the proposal to increase to maximum income eligibility level, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Assessors of each city, town and village in Erie County, the Department of Senior Services, the County Executive, the County Attorney and the Commissioner of Finance.

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

Item Page -1997 (Comm. 5E-25)
4. COUNTY EXECUTIVE:
WHEREAS, there are vacancies for three (3) Positions essential to providing public service, and

WHEREAS, it is necessary to recruit in step three (3) for these positions in order to secure qualified and experienced candidates, and

WHEREAS, funds are available in the 1997 Adopted budget to cover the cost of the variable minimums.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes variable minimums for the following positions, effective upon their commencement of County service. A list of the positions titles follows:

<u>Department</u>	<u>Title</u>	<u>JG & Step</u>
Senior Services	Commissioner of Senior Services	17-3
Budget, Mgmt & Finance	Director of Budget, Mgmt & Finance	19-3
Erie County Community Council on Children & Families	Coordinator, Erie County Council on Children & Families	13-3 Coordinating

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Department of Senior Services, Erie County Community Coordinating Council on Children and Families and the Department of Personnel. (5-0) Chairman Swanick present as ex-officio member.

CRYSTAL DAVIS PEOPLES
Chairperson

Ms. PEOPLES requested that Resolve No. 4 be separated.

GRANTED.

Mr. MARSHALL requested that Resolve No. 3 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Ms. PEOPLES offered the following amendment to Resolve No. 4 as follows:

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

RESOLVED, that the Erie County Legislature hereby authorizes variable minimums for the following positions, effective upon their commencement of County service. A list of the position titles follows:

<u>Department</u>	<u>Title</u>	<u>J.G. & Step</u>
Senior Services	Commissioner of Senior Services	17-3
Budget, Mgmt & Finance	Director of Budget, Mgmt & Finance	19-3
Erie County Community Coordinating Council on Children & Families	Coordinator, Erie County Council on Children & Families	13-3
Probation	Director of Probation	17-4

and be it further

Ms. Peoples moved the adoption of the amendment. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

Ms. PEOPLES moved the adoption of Resolve No. 4 as amended. Mr. KUWIK seconded

CARRIED UNANIMOUSLY.

Mr. MARSHALL offered an amendment to Resolve No. 3 as follows:

Delete the Name of Leg. Villarini and Replace with Leg. Chase.

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

CARRIED UNANIMOUSLY.

Mr. MARSHALL moved the adoption of Resolve No. 3 as amended. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

MARCH 13, 1997

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 2

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

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

- | | | | |
|------|---|-------|----------------|
| Item | Page | -1996 | (Comm. 23M-14) |
| a. | NEW YORK STATE ATTORNEY GENERAL: Response to Intro. 21-2; Review Pending Merger Between Bell Atlantic & NYNEX. | | |
| | (3-0) Legislator Holt absent. | | |
| Item | Page | -1997 | (Comm. 3E-4) |
| b. | COUNTY EXECUTIVE: Position Change Report. | | |
| | (3-0) Legislator Holt absent. | | |
| Item | Page | -1997 | (Comm. 3M-7) |
| c. | OTB: Minutes of Meeting 12/5/96. | | |
| | (3-0) Legislator Holt absent. | | |

- d. Item Page -1997 (Comm. 4E-2)
COUNTY EXECUTIVE: Position Change Report PP# 4/97.
 (3-0) Legislator Holt absent.
- e. Item Page -1997 (Comm. 5D-12)
COUNTY ATTORNEY: Tobacco Litigation.
 (3-0) Legislator Holt absent.
- f. Item Page -1997 (Comm. 5D-15)
DPW: Response to Resolution Re: Kenmore Avenue.
 (5-0) Chairman Swanick present as ex-officio member.
- g. Item Page -1997 (Comm. 5E-4)
COUNTY EXECUTIVE: Position Change Report PP#5/97.
 (3-0) Legislator Holt absent.

2. **RESOLVED**, that the following item is hereby received, filed and referred to the FINANCE AND MANAGEMENT COMMITTEE:

- a. Item Page -1997 (Comm. 5D-1)
PERSONNEL: Response to Audit - Certified Payroll Pay Period 6/96.
 (3-0) Legislator Holt absent.

3. Item Page -1997 (Comm. 4E-18)
COUNTY EXECUTIVE:
 WHEREAS, the County desires to retain the services of a professional firm which has in-depth experience in promoting the interests of a local government entity at the New York State level of government, and

 WHEREAS, the need for the County of Erie to wage an effective lobbying effort at the State Capitol takes on even greater significance given the potential threat of state aid losses and the unique funding needs and service missions of Erie County government, and

 WHEREAS, in accordance with Section 19.08 of the County Administrative Code, a Request for Proposal was forwarded to several firms and a Public Notice ran in the Buffalo News, and

 WHEREAS, the responses to the Request for Proposal were reviewed and evaluated, and

WHEREAS, it is recommended that the County of Erie enter into a one-year contract with the firm Bolton-St. Johns, Inc., One Commerce Plaza, Suite 1810, Albany, New York 12260 for purposes of providing a variety of services including, but not limited to, direct negotiation of program and fiscal legislative initiatives designed to enhance Erie County programs; meetings with agency heads and directors to assist in the development of rules and regulations conducive to Erie County programs; and briefing the Governor's program and budget staff on Erie County's position on issues of importance to the County.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to enter into contract with the firm Bolton-St. Johns, Inc. to represent and promote the interests of the County of Erie at the New York State level of government and to provide such services to the County of Erie for a twelve month period beginning January 1, 1997 with a fee structure consisting of a basic fee for services of thirty thousand (\$30,000) dollars per year, and reimbursement of incidental expenses that are incurred in the specific performance of services for Erie County in an amount not to exceed four thousand (\$4,000) dollars, and be it further

RESOLVED, that the sum of thirty four thousand (\$34,000) dollars is hereby appropriated from Department 310, Account 830 - Contractual Agencies and Service Charges, Subaccount 0105 - Municipal Association Fees, for the purpose of funding the aforementioned contract with the firm Bolton-St. Johns, Inc., and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Director of Budget, Management & Finance, and the County Comptroller.

(4-1) Legislator Greenan in the negative. Chairman Swanick present as ex-officio member.

Item	Page	-1997	(Int. 4-4)					
4.	MARINELLI,	SWANICK,	PEOPLES,	DEBENEDETTI,	DUSZA,	FISHER,		
	FITZPATRICK,	HOLT,	COHEN	KENNEDY,	KUWIK,	OLMA,	GREENAN,	LARSON,
	MARSHALL,	PAULY,	RANZENHOFER & VILLARINI:					

WHEREAS, Domestic violence remains a grave problem in New York state, with far too many incidents resulting in death of the domestic violence victim, and

WHEREAS, Many of the victims of domestic violence never seek help from the criminal justice system, law enforcement agencies, social service providers, or other public or private agencies at any point during the duration of the domestic violence, and

WHEREAS, New York state has recently concluded a statewide study of the reasons so many victims of domestic violence murder fail to make contact with those who could possibly help them,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to ending the threat of domestic violence and providing aid to the victims of family violence, and be it further

RESOLVED, That the Erie County Legislature does hereby memorialize the District Attorney's Domestic Violence Bureau and the Erie County Sheriff Department's Family Offense Unit to conduct their own studies in an effort to more effectively assist victims of domestic violence, and be it further

RESOLVED, That the Erie County Legislature does hereby request a representative from the District Attorney's Domestic Violence Bureau and the Erie County Sheriff Department's Family Offense Unit appear at a future Erie County Legislature Government Affairs Committee meeting to outline what steps they are undertaking to make aid more accessible to victims of domestic violence and prevent domestic violence murders, and be it further

RESOLVED, That certified copies of this resolution be sent to District Attorney's Domestic Violence Bureau Chief Lisa Bloch Rodwin and Erie County Sheriff Department's Family Offense Unit head Detective James Hatch.

(3-0) Legislator Holt absent.

AS AMENDED

Item	Page	-1997	(Int. 4-11)
5.	DUSZA, KUWIK, MARINELLI, COHEN KENNEDY, FISHER, HOLT, FITZPATRICK, PEOPLES & SWANICK:		

WHEREAS, teaching children about the dangers of playing with fire is of critical importance, and

WHEREAS, the problem of children playing with fire continues to be a problem in Erie County and Western New York, and

WHEREAS, in the first month of this year, no less than four major fires have started in this area as a result of children playing with fire, costing two three-year old children their lives, and

WHEREAS, many losses such as this can be prevented through early and sustained educational efforts, and

WHEREAS, the J-FIRE (Juvenile Fire Intervention Response and Education) program of Western New York has compiled an impressive record providing educational services to residents and organizations, and

WHEREAS, demand for J-FIRE's services has skyrocketed in recent months, following the release of informational pamphlets describing the services provided by the organization, and

WHEREAS, J-FIRE's volunteer base of staff can no longer handle the large volume of requests that continue to pour in for the program's services, and

WHEREAS, J-FIRE has proposed the creation of one part-time position of J-FIRE Coordinator to be created in the Erie County Department of Emergency Services Division of Fire Safety to administer the program's day-to-day operations for the balance of this fiscal year, and

WHEREAS, this person would also be responsible for securing private donations to the J-FIRE program, so that taxpayers need not fund this position beyond the 1997 fiscal year, and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the continued education of all people in Erie County with respect to fire safety, and be it further

RESOLVED, that toward that end, the Erie County Legislature does hereby authorize the creation of one position of J-FIRE Coordinator (PT), for the purposes of the administration and maintenance of the J-FIRE program, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$8,862 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 935, Department 670 - Emergency Services, Object 800 - Personal Services (DAC: 110935670800), for the purposes of the creation of the aforementioned position of J-FIRE Coordinator (PT), effective March 3, 1997, 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, Personnel Commissioner Leonard Lenihan, Emergency Services Commissioner Arthur Domino, Deputy Emergency Services Commissioner Robert Schultz, and to J-FIRE President Jim Guy, c/o 3359 Broadway, Cheektowaga, NY 14227.

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

RAYMOND K. DUSZA
Chairman

Mr. GREENAN requested that Resolve No. 3 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Mr. DUSZA moved the adoption of Resolve No. 3. Ms. PEOPLES seconded.

Chairman SWANICK directed that a roll call be taken.

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

CARRIED.

ITEM 12 - Mr. HOLT presented the following and moved for immediate consideration. Mr. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

MARCH 13, 1997

SOCIAL SERVICES
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT.

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

Item	Page	-1996	(Comm. 15M-11)
a. MEDAILLE COLLEGE:	Copy of Letter to Social Services Commissioner		
Re: Medaille College Agreement with Worksite Sponsor Agency.			
(5-0)			

Item	Page	-1997	(Comm. 2D-2)
b. SENIOR SERVICES:	Response to Int. 27-1.		
(5-0)			

Item	Page	-1997	(Comm. 3M-19)
c. PARENTS ANONYMOUS:	Discontinuation of Funding for Early		
Afterschool Program.			
(5-0)			

Item	Page	-1997	(Comm. 4E-8)
d. COUNTY EXECUTIVE:	DSS Citizenship Project.		
(5-0)			

Item	Page	-1997	(Comm. 4M-9)
e. CATHOLIC CHARITIES:	Copy of Letter to Chairman Swanick Re:		
Collaboration on the Targeted Citizen Project Grant for Erie County			
Social Services.			
(5-0)			

Item	Page	-1996	(Int. 1-8)
2. PAULY:			

WHEREAS, the educational, social and economic well-being of Erie County's children is in decline, with 20% of young children living in poverty, an infant mortality rate that is the highest of any city in New York, a teen pregnancy rate that is the highest of any upstate county and a serious lack of appropriate immunizations, and

WHEREAS, a "Success by 6" initiative was launched in 1994 by a Leadership Council of community leaders which was formed by the United Way of Buffalo and Erie County. The Leadership Council operates under the direction of University at Buffalo President William Greiner and is comprised of both public and private sector representatives from a wide range of community constituencies and organizations, and

WHEREAS, the purpose of the "Success by 6" initiative is to identify and focus on the needs of young children prenatal through age 6, and to pursue the goal of having all children "ready to learn" upon entering school. To that end, "Success by 6" has adopted three strategies to encourage and support collaboration between agencies and programs which include improving access to services, heightening public awareness and strengthening advocacy for children.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of Erie County requests that representatives of the Leadership council address the Social Services Committee for the purpose of updating the Legislature on the progress of the "Success by 6" initiative and to generate substantive discussion on the program's future aspirations.

Fiscal Impact: None for informational resolution.
(5-0)

Item Page -1996 (Int. 9-32)
3. DEBENEDETTI:
WHEREAS, a twenty-two month old child recently wandered away from a family day care center; and

WHEREAS, Day care centers are registered with New York State but not strictly monitored; and

WHEREAS, Erie County visits approximately 20% of day care providers each year, or each center once every five years; and

WHEREAS, Erie County plays a large role in child protection and therefore could extend its expertise by assisting day care centers improve their safety standards; and

WHEREAS, Day care is essentially a parental decision, Erie County could provide its oversight findings to parent consumer groups; and

WHEREAS, Safe and conscientious day care providers are essential in our society.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature invites Department of Social Services Commissioner Deborah Merrifield to the next Social Service Committee meeting to discuss Erie County's role in supervising and improving the standards of the various day care providers; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Commissioner Merrifield and County Executive Gorski.

Fiscal Impact: None for resolution
(5-0)

Item Page -1997 (Int. 2-21)
4. SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, OLMA,
DEBENEDETTI, DUSZA, MARINELLI & COHEN KENNEDY:
WHEREAS, Currently before the New York State Legislature is the
so-called NY Works Welfare reform plan, and

WHEREAS, Proposed by Governor Pataki, the plan is designed to
emphasis work and opportunities for individuals and families to achieve
self-sufficiency, strengthen child support enforcement and provide child
care, transportation and job training services necessary for welfare
recipients to secure and retain a job, and

WHEREAS, Federal welfare reform abolished the Aid to Families with
Dependent Children (AFDC) Program replacing it with a new block grant
tot the states to provide temporary assistance to needy families, and

WHEREAS, One of the most important components of the NY Works
program is that which deals with the issue of child care support, and

WHEREAS, In fact, the Governor's package includes \$383 million for
a new Child Care Block Grant to support child care needs associated with
NY Works, and

WHEREAS, The Block Grant will provide funding to maintain the
State's existing child care system and expand this capacity by an
additional 14,000 slots needed to help meet the programs first year's
work participation requirements, and

WHEREAS, The Child Care Block Grant will provide an increase of
\$54 million in the first year alone for expanded day care, as well as
providing for increased local flexibility to promote a more efficient
and effective program administration.,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby support the
provisions of the proposed NY Works welfare reform program as it
pertains to increased Child Care funding, and be it further

RESOLVED, That this resolution be referred to County Department of Social Services Commissioner Deborah A. Merrifield for her review and comment, and be it further

RESOLVED, That certified copies of this resolution be forwarded to County Social Services Commissioner Deborah A. Merrifield, as well as the members of the Western New York State Legislative Delegation.
(5-0)

Item Page -1997 (Int. 3-1)
5. **HOLT:**
 WHEREAS, Nearly 5,000 Erie County residents receive food stamps, either alone or in conjunction with the Home Relief program, and

 WHEREAS, Food stamps provide an essential assurance that economically disadvantaged individuals and families' dietary needs are met, and

 WHEREAS, New federal regulations mandate that unless adults under age 50 work at least 20 hours per week they are entitled to no more than three months of food stamps every three years, and

 WHEREAS, While the Erie County Department of Social Services has been working to ensure Home Relief recipients are enrolled in workfare programs to meet the federal regulations, up to 1,300 persons receive food stamps who do not receive Home Relief, and

 WHEREAS, Those receiving food stamps but not Home Relief are also required to meet the federal regulations, yet the Erie County Department of Social Services has no estimate of what percentage of those 1,300 are in fact working at least 20 hours per week to be in compliance,

 NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby memorialize the Erie County Department of Social Services to the best of its ability ensure that all who would be affected by the federal requirements be placed in workfare programs so as to maintain their food stamp eligibility, and be it further

RESOLVED, That a representative from the Erie County Department of Social Services attend the next regularly scheduled meeting of the Erie County Legislature's Social Services Committee to outline and explain their plans to maintain food stamps for all currently receiving them under the new federal regulations, and be it further

RESOLVED, That the Erie County Legislature does hereby memorialize the Erie County Department of Social Services to provide this honored body with demographic information as to where those affected by the new federal regulations are located, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Deborah A. Merrifield, Erie County Social Services Commissioner; and to Erie County Executive Dennis T. Gorski.

(5-0)

AS AMENDED

Item Page -1997 (Int. 4-7)
6. FISHER, SWANICK, PEOPLES, DEBENEDETTI, DUSZA, FITZPATRICK, HOLT, COHEN KENNEDY, KUWIK, MARINELLI, OLMA, GREENAN, LARSON, MARSHALL, PAULY, RANZENHOFER & VILLARINI:

WHEREAS, Education is an essential cornerstone for a child's future, and

WHEREAS, Public officials have an obligation to provide every means and encouragement possible to ensure our community's children receive a quality education to prepare them for a successful adult life, and

WHEREAS, Public officials have an opportunity to ensure a quality education for the portion of our community's children who receive public assistance by encouraging them to attend school through attendance programs linked to benefits, and

WHEREAS, Such programs are a tool for guaranteeing children's participation in their education so as to provide for them the means necessary for a productive future,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to providing every opportunity for its children to obtain a quality education, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York state Legislature and Governor George Pataki to investigate the use of attendance requirements as a tool for ensuring a quality education for our youth who receive public assistance, and be it further

RESOLVED, That this Honorable Body does further memorialize Governor George Pataki and the New York state Legislature to include in the study both minors receiving public assistance as a result of emancipation or parenthood, as well as families of dependent minors, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York Governor George Pataki, the Western New York delegation of the New York state Legislature, and New York Commissioner of Education Richard P. Mills.

(5-0)

Item	Page	-1997	(Comm. 5D-14)
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7. **SOCIAL SERVICES:**
WHEREAS, the Federal Personal Responsibility and Work Opportunity Reconciliation Act disqualifies most non-citizens from receiving Federal SSI (Supplemental Security Income) and Food Stamp benefits after August 22, 1997: and

WHEREAS, as many as 1,300 disabled or elderly residents of Erie County are in jeopardy of losing their Federal benefits due to the new Federal rules governing benefits to immigrants; and

WHEREAS, in New York State, immigrants facing Federal Benefit losses will be eligible for Home Relief assistance albeit at a monthly benefit level which is \$200 less than the average monthly SSI benefit; and

WHEREAS, the shift of clients from the Federal SSI rolls to the locally-funded welfare and Medicaid rolls will impose millions of dollars in increased Home Relief and Medicaid costs on local taxpayers; and

WHEREAS, the attainment of United States citizenship is the only means available for restoring Federal benefits to non-citizen SSI clients who cannot demonstrate U.S. military service, a ten-year work record in the United States or status as a refugee or asylee; and

WHEREAS, to conduct the project, the Department of Social Services is seeking to contract with a lead community-based agency which is highly experienced in immigration issues, and has a track record in providing citizenship counseling, citizenship preparation and language interpretation services; and

WHEREAS, in accordance with Section 19.08 of the Erie County Administrative Code, the County's Request for Proposal (RFP) law, the Department of Social Services issued to RFP to solicit Citizenship Promotion project responses from community agencies, and formed an RFP committee to evaluate collaborative project proposals; and

WHEREAS, based on its evaluations, the Department of Social Services is recommending that Erie County contract with the International Institute of Buffalo, Inc. as the lead contract agency for the Targeted Citizenship Promotion Project; and

WHEREAS, the International Institute is our community's leading expert on citizenship and has extensive experience in providing language interpretation services, citizenship outreach programs, classes and tutorials for legal immigrants; and

WHEREAS, International Institute will be subcontracting with various community agencies to provide added support to the project particularly as it concerns hosting and encouraging attendance at community-based informational workshops, conducting client assessments, referring clients to citizenship preparation classes and assisting clients in completing citizenship application requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and/or the Commissioner of Social Services to execute a contract with the International Institute for the provision of Targeted Citizenship Promotion services; and be it further

RESOLVED, that the 1997 cost of said contract shall not exceed \$65,000; and be it further

RESOLVED, that the source for funding the International Institute contract shall be available 1997 appropriations in Account 821-Dues and Fees within the Department of Social Services 1997 Adopted Budget; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Social Services and the Director of Budget & Management.

(4-0) Legislator Olma abstains.

Item	Page	-1997	(Comm. 5E-10)
8.	COUNTY EXECUTIVE:		

WHEREAS, Chapter 231 of the New York State Laws of 1993 now allows the County to bill third party insurance carriers for various services provided to infants and toddlers with developmental delays and their families who have insurance coverage, and

WHEREAS, many technical issues and obstacles related to this recent change in Law currently make it extremely difficult to successfully bill and collect from third party insurance carriers, and

WHEREAS, the Department has neither the expertise nor the necessary contacts or experience to successfully overcome these barriers without the assistance of a qualified administrative consultant, and

WHEREAS, pursuant to provisions of Section 19.08 of the Administrative Code which require a request for proposals (RFP) for professional, technical or other consultant services over \$10,000, the Department of Youth Services has solicited proposals to establish and maintain a management system which will be effective in billing and collecting of third party insurance payments, thereby maximizing revenues, and

WHEREAS, as required by the County's RFP procedures, an appointed three (3) member committee from other county departments has received and reviewed the proposals received in response to the RFP, and has recommended the New York State Association of Counties (NYSAC) and its subcontractors most capable of establishing and maintaining such a management system, and

WHEREAS, by a resolution, dated October 5, 1995 (Ref. 18E-26), this Honorable Body approved a contract with the aforesaid contractors and subcontractors, and

WHEREAS, NYSAC and Kinney & Associates have since opted to terminate their contractual relationship with the County, and

WHEREAS, Calhoun Insurance Agency, the aforesaid subcontractor and a local Women's and Minority Business Enterprise (WBE and MBE), is willing and able to assume all of the duties, responsibilities and obligations of the aforesaid contract, and

WHEREAS, this Honorable Body, by the above-referenced resolution, has recognized Calhoun Insurance Agency's proven track record in the area of third-party billing and claims processing, and

WHEREAS, the Department of Youth Services has made significant strides in maximizing opportunities for third-party reimbursement revenues, pursuant to Chapter 231 of the Laws of 1993, and

WHEREAS, Calhoun Insurance Agency has played an important role in maximizing said opportunities, and

WHEREAS, the Department of Youth Services wishes to continue and expand its contractual relationship with Calhoun Insurance Agency,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an amended performance contract with the Calhoun Insurance Agency to establish and maintain a management system for the billing and collecting of third-party insurance revenue, eliminating all reference to NYSAC and Kinney and Associates and making Calhoun Insurance Agency the primary and sole contractor, and be it further

RESOLVED, that the term of this contract is for the period 10/1/96 to 9/30/97, with the option to renew for two (2) successive years upon the approval of the Erie County Legislature, and be it further

RESOLVED, that the payments terms for the Calhoun Insurance Agency, for the two years of this amendment to the original agreement, shall be the same as the payment terms would have been to the NYSAC and Kinney & Associates, the original contractors, for the first two years of the original agreement, permitting the Calhoun Insurance Agency to recover first year start-up costs essential to the performance of the functions for which this agreement is being made, and be it further

RESOLVED, that pursuant to the foregoing RESOLVE, the contractor will receive payment for said services based on 25% of the amount of the net local share proceeds of third-party insurance collected in the second year, and be it further

RESOLVED, that the proposed amended contract is approved pursuant to the request for proposal (RFP) provisions of Section 19.08 of the County Administrative Code, and be it further

RESOLVED, that the Calhoun Insurance Agency shall report to the Erie County Legislature on any and all recommendations for amendments to Chapter 231 that may need to be made to streamline the collection of third-party insurance revenues, and be it further

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

(5-0)

Item	Page	-1997	(Comm. 5E-13)
9.	COUNTY EXECUTIVE:		

RESOLVED, that the County Executive is hereby authorized to execute a contract with the Appaloosa Productions LTD to provide **Communications Tools for Living** workshops totaling \$5,022, the Langston Hughes Center to provide **Job Skills and Future Expectations** Workshops totaling \$5,400, Mr. Terrance Jackson to provide **Violence Reduction and Self Empowerment** workshops totaling \$1,800, and Dr. Robert David Baskerville, PhD Speech Pathology to provide **Speech, Hearing and Language Assessments** totaling \$6,000 at the Youth Services Detention Facility; the source of said funds being \$18,222 available in Account 821 Dues and Fees in the same administrative unit, and be it further

RESOLVED, that said Authorization be approved on the condition that the State of New York provide revenues of at least \$11,116 based on a reimbursement schedule of 50% for a local youth and 100% for an out-of-state youth receiving secure detention services, and be it further

RESOLVED, that since none of the aforementioned contracts is in excess of \$10,000, the provisions of Section 19.08 of the Administrative Code requiring requests for proposal do not apply to the award of these contracts, and be it further

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

(5-0)

Item	Page	-1997	(Comm. 5E-23)
10.	COUNTY EXECUTIVE:		

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services that the State's recently released 1997-1998 Executive Budget does not include any reappropriation for the SSI Outreach Program, and

WHEREAS, the County budget for the SSI Outreach Program, for the period January 1, 1997 to December 31, 1997, must be revised to reflect this decrease in State funding as of April 1, 1997, and

WHEREAS, additional Federal funds have been identified in the Area Agency on Aging (AAA) grant for the period January 1, 1997 to December 31, 1997, and

WHEREAS, the Case Manager position will be transferred from the SSI Outreach grant to the AAA grant as of April 1, 1997, and

WHEREAS, no additional County funds are required, and

WHEREAS, the Erie County Department of Senior Services provides certain community-based agencies with vans to supplement the Going Places fleet and provide transportation service to elderly residents within their service area, and

WHEREAS, the Department wishes to renew the contracts with Friends to the Elderly, Inc.; Friendship House of Western New York, Inc. and St. Augustine's Center, Inc. at no additional cost to the County, to continue providing transportation to the elderly for the period January 1, 1997 to December 31, 1997, and

WHEREAS, the National Senior Citizens Education & Research Center has made available an additional \$51,504 for the increase in minimum wage for Senior AIDES for the period July 1, 1996 to June 30, 1997, and

WHEREAS, the Department subcontracts with Supportive Services Corporation to implement the Senior Aides Program, and

WHEREAS, this increased funding will not require any additional County expenditures.

NOW, THEREFORE , BE IT

RESOLVED, that the Case Manager position will be transferred from the SSI Outreach grant to the AAA grant as of April 1, 1997, and be it further

RESOLVED, that the SSI Outreach grant, Project No. 756, be revised as follows:

REVENUES

Account	Description	Current Budget	Changes	Revised Budget
551	State Aid	\$42,000	<u>\$-28,731</u>	\$13,269
	Total Change		<u>\$-28,731</u>	

APPROPRIATIONS

800	Personal Services	\$31,115	\$-23,455	\$ 7,660
805	Fringe Benefits	7,179	<u>- 5,276</u>	1,903
	Total Change		<u>\$-28,731</u>	

and be it further

RESOLVED, that the AAA grant, Project No. 703, be revised as follows:

REVENUES

664	Federal Aid	<u>\$+28,731</u>
	Total Change	<u>\$+28,731</u>

APPROPRIATIONS

800	Personal Services	\$+23,815
805	Fringe Benefits	<u>+ 4,916</u>
	Total Change	<u>\$+28,731</u>

and be it further

RESOLVED, that since no additional County funding is required, the County Executive is authorized to renew the contracts with Friends to the Elderly, Inc.; Friendship House of Western New York, Inc. and St. Augustine's Center, Inc. for operation of the Transportation for the Elderly Program vans for the period January 1, 1997 to December 31, 1997, and be it further

RESOLVED, that the County Executive is authorized to accept an additional \$51,504 in Title V funds, thereby raising the Federal share of the Senior AIDES Program from \$608,368 to \$659,872 for the period July 1, 1996 to June 30, 1997, and be it further

RESOLVED, that the County Executive is authorized to amend the current contract with Supportive Services Corporation from \$667,048 to \$718,552 for the period July 1, 1996 to June 30, 1997, and be it further

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

(5-0)

GEORGE A. HOLT, Jr.
Chairman

Mr. HOLT requested that Resolve No. 7 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Mr. HOLT moved the adoption of Resolve No. 7. Ms. PEOPLES seconded.

CARRIED.

Mr. OLMA abstained.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

MARCH 13, 1997

ENERGY AND ENVIRONMENT
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT.

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

Item	Page	-1997	(Comm. 4E-16)
a. COUNTY EXECUTIVE:	ECSD No. 5	- Increase & Improvement of	
Facilities (1996) Sewer Agency Report.	(5-0)		

Item	Page	-1997	(Comm. 5E-14)
b. COUNTY EXECUTIVE:	ECSD No. 2	Engineering Services Agreement Work	
Project CS-1.	(5-0)		

Item	Page	-1997	(Comm. 2E-11)
2. COUNTY EXECUTIVE:			
WHEREAS, the Erie County Sewer District No. 6 Board of Managers has authorized various storm sewer and pumping stations in Erie County Sewer District No. 6; and			

WHEREAS, it has been determined that it may be necessary to commence Eminent Domain Proceedings to acquire the necessary easement.

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 interests for sewer purposes in connection with the lands listed below:

<u>ECSD NO.</u>	<u>PARCEL NO.</u>	<u>TOWNSHIP or CITY</u>
6	142.69-2-2	Lackawanna

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. 4E-11)
3. COUNTY EXECUTIVE:			
WHEREAS, the Erie County Legislature has secured the services of E&M Engineers & Surveyors, P.C., to complete the design and construction administration for the French Road Relief Sewer Project, and			

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services are now complete, and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close out of the A/E Agreement dated January 20, 1983 with E&M Engineers and Surveyors, P.C., at the final contract amount of \$345,582.71.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated January 20, 1983 between the County of Erie and E&M Engineers & Surveyors, P.C., be formally closed out in the final contract amount of \$345,582.71, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close out the contract encumbrance in Sewer District No. 1, Fund No. 430, Project No. 515, Department No. 810, Object No. 973, Sewer Construction Expenditures, Subobject No. 100, between the County of Erie and E&M Engineers & Surveyors, 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 (1) certified copy to the Erie County Comptroller's Office and Richard J. Schechter, Assistant County Attorney.

(5-0)

Item	Page	-1997	(Comm. 4E-12)
4.	COUNTY EXECUTIVE:		

WHEREAS, County of Erie/Erie County Sewer District No. 5 herein called the "Municipal Applicant" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as Stahley Road Pumping Station and Collector Sewer Project and identified as 6697-02, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, the State Water Pollution Control Revolving Fund Act (the "SRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the SRF Act; and

WHEREAS, the Act authorizes the establishment of a program for short-term financial assistance for the planning of eligible projects in addition to its program for long-term financial assistance or planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT

RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

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

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)
3. The official(s) designated above is/are authorized to make application for financial assistance under the following SRF Program for either short-term or long-term financing or both.

4. That five (5) certified copies of this resolution be prepared and sent to Charles J. Alessi, P.E., Department of Environment and Planning, Division of Sewerage Management.

5. This Resolution shall take effect immediately.
(5-0)

Item	Page	-1997	(Comm. 4E-17)
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5. **COUNTY EXECUTIVE:**
WHEREAS, the Erie County Southtowns Sewage Treatment Agency is required to develop detailed and comprehensive technical data on air emissions for its 6NYCRR Part 201 permit application due December 9, 1997, for which engineering consultant services are necessary; and

WHEREAS, the engineering firm of Malcolm Pirnie, Inc. is recommended by the Department of Environment and Planning based on their previous air emissions work, qualifications, capacity to perform and at a cost not to exceed \$9,900; and

WHEREAS, the recommendation is in conformance with section 19.08 of the Administrative Code,

NOW, THEREFORE, BE IT

RESOLVED, that an agreement for engineering services with Malcolm Pirnie, Inc., not to exceed \$9,900 is hereby approved, and be it further

RESOLVED, that the County Executive, be and hereby is authorized to execute said agreement subject to approval as to form by the County Attorney, and be it further

RESOLVED, that payment for these engineering services shall be made from Southtowns budgeted funds, Account 830, Contractual Services, and be it further

RESOLVED, that a certified copy of this resolution be sent to Richard J. Schechter, Assistant County Attorney and Charles J. Alessi, P.E., Department of Environment and Planning.
(5-0)

Item	Page	-1997	(Comm. 4E-20)
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6. **COUNTY EXECUTIVE:**
WHEREAS, the United States Environmental Protection Agency (USEPA) has estimated that about 1,000 counties lie in the highest radon risk zone, and

WHEREAS, Erie County is one of these 1,000 counties, and

WHEREAS, the National Association of Counties (NACo) in conjunction with the USEPA will enter into agreement with Erie County Department of Environment and Planning to perform Radon Program activities as part of the National Indoor Air Model County Demonstration Program, and

WHEREAS, the purpose of which is to increase radon awareness and knowledge of real estate agents, new home builders and the general public, and

WHEREAS, the program will increase the number of new home construction companies offering and installing Radon Resistant New Construction (RRNC) techniques in homes and encourage new home buyers to request RRNC, and

WHEREAS, the program will establish an environmental equity network and increase awareness of problems of various indoor air pollutants with these low-income/minority communities, and

WHEREAS, an indoor air quality information network for schools will be established, and

WHEREAS, implementation of this program in Erie County will provide educational assistance to county residents to encourage radon testing, mitigation procedures, radon resistant construction techniques and real estate outreach in order to reduce the average indoor radon level, and

WHEREAS, NACo will grant \$5,000 to Erie County to continue to implement the Model County Radon/Indoor Air Program,

NOW THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the agreement necessary to accept a grant from NACo to continue to implement the Model County Radon/Indoor Air Program in Erie County in an amount not to exceed \$5,000 and be it further

RESOLVED, that the following budget changes are hereby approved in the Radon Model County Program (SFG #332) as follows:

<u>DAC Code</u>	<u>Current</u>	<u>Revision</u>	<u>Revised</u>	
810 Office Supplies	\$ 684	\$ 0	\$ 684	
814 Medical & Health Supplies	22,194	0	22,194	
824 Travel & Mileage	632	0	632	
825 Out of Area Travel	4,100	0	4,100	
826 Other Expenses	1,982	500	2,482	830
Contractual Services	11,569	2,000	13,569	
933 Lab & Tech Equip.	6,469	2,500	8,969	
TOTAL	\$47,630	\$ 5,000	\$52,630	

The source of funds being federal revenues from the National Association of Counties, and be it further

RESOLVED, that certified copies of the resolution be sent to the Director of Budget and Management, Commissioner of Personnel and the Commissioner of Environment and Planning.

(5-0)

Item Page -1997 (Comm. 4E-21)
7. COUNTY EXECUTIVE:

WHEREAS, the EPA Great Lakes National Program Office (EPA-GLNPO) awarded the Erie County Department of Environment and Planning two grants totaling \$172,038; one to support an investigation of the Buffalo River shoreline for habitat restoration and the second to conduct an International Symposium on Environmental Dredging, and

WHEREAS, the Erie County Legislature previously approved resolutions authorizing the County Executive to enter into agreements with the EPA Great Lakes National Program Office and to establish budgets for the above mentioned grant programs, and

WHEREAS, the Erie County Department of Environment and Planning has remaining federal funding to support a Junior Environmental Specialist/Nonpoint Source Pollution position, needed to conduct workshops and seminars, and to distribute Great Lakes Environmental Education material throughout the basin, and

WHEREAS, the Department of Environment and Planning's Environmental Intern position will be deleted once the Junior Environmental Specialist/Nonpoint Source Pollution position is created;

NOW, THEREFORE BE IT

RESOLVED, that the following budget changes are hereby approved in the grant entitled "Buffalo River Environmental Education Series", SFG #116 as follows:

<u>Appropriations</u>	<u>Project Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
DAC 800 Personnel	47,770	14,000	61,770
805 Fringes	10,393	3,500	13,893
810 Supplies	495	378	873
824 Local Travel	3,789	250	4,039
825 Out-Of-Area Travel	0	3,000	3,000
830 Contractual	106,508	(25,628)	80,880
Office Equip.	85	0	85
933 Tech. Equip.	2,998	4,500	7,498
Total	172,038	0	172,038

Revenues

Federal Aid Revenues

172,038

RESOLVED, that the following personnel changes are hereby approved for the Department of Environment and Planning to assist in the development of environmental workshops and conferences:

Delete: Environmental Intern (JG I)
Add: Junior Environmental Specialist/Nonpoint Source
Pollution (JG IX)

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management, the Commissioner of Environment and Planning, the County Attorney, and the Commissioner of Personnel.
(5-0)

Item	Page	-1997	(Comm. 5E-15)
8.	COUNTY EXECUTIVE:		

WHEREAS, the City of Buffalo desires to sell to the County of Erie, and the County of Erie hereby agrees to purchase from the City of Buffalo, the Bennett Beach property which consists of a waterside and landside parcel which are generally located at the corner of Bennett Beach Road and Lakeshore Road in the Town of Evans and are identified as SBL No. 220.00-1-28 ("Bennett Beach"); and

WHEREAS, the City of Buffalo has owned Bennett Beach for almost seventy (70) years; and

WHEREAS, the County of Erie desires to operate Bennett Beach as a public beach and/or park and will allow all County residents to use such beach property; and

WHEREAS, on April 25, 1996 the Erie County Legislature approved a resolution authorizing the County Executive to sign a Contract of Sale for the transfer of Bennett Beach to the County. In order for the County of Erie to acquire the Bennett Beach property free of a possible encroachment by the Village of Angola, the City of Buffalo is willing to provide to the County a deed which will carve out approximately 15 feet on the western border of the Bennett Beach property. As a result of the possible encroachment and the revised deed to be provided by the City, it will be necessary for the Erie County Legislature to pass a new resolution which supersedes the previously approved April 25, 1996 Resolution; and

WHEREAS, from 1994 through and including 1997, the Town of Evans did not exempt Bennett Beach from taxes and, as a result, special district assessments, school and town taxes were levied against the Bennett Beach property; and

WHEREAS, from 1994 through and including 1997, the Town of Evans Assessor did not levy County taxes against Bennett Beach; and

WHEREAS, the County of Erie desires to cancel the 1994 through 1997 school and town taxes assessed against Bennett Beach.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute all necessary documents including, but not limited to, a Contract of Sale with the City of Buffalo in which the City provides a deed evidencing transfer of the Bennett Beach property to the County of Erie. Such Contract of Sale will provide that the County will pay to the City \$1.00 for such property, the payments of which will be acknowledged. The Contract of Sale and/or deed will also contain a reverter clause which will provide that the property transferred to the County of Erie will revert to the City of Buffalo if the County of Erie ceases to operate the property transferred principally as a public beach and/or park; and be it further

RESOLVED, upon execution and recording of the referenced deed, for the years 1994 through and including 1997, all of the school and town taxes, and accumulated interested thereon, relating to Bennett Beach are hereby canceled; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Attorney, the Director of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning and the Commissioner of the Department of Parks, Recreation and Forestry.

(5-0)

- | | | | |
|------|------|-------|---------------|
| Item | Page | -1997 | (Comm. 5E-16) |
|------|------|-------|---------------|
9. **COUNTY EXECUTIVE:**
RESOLVED, that the County Executive is hereby authorized to enter into a contract for an amount not to exceed \$52,000 with the Housing Assistance Center of the Niagara Frontier, Inc., a private, not-for-profit corporation, for the provision of comprehensive housing counseling services in conjunction with the Erie County Consortium Community Development Block Grant Program (CDBG) for CDBG Program Years 1997/98 and 1998/99, and be it further

RESOLVED, that said contract authorization is contingent on the Erie County Community Development Block Grant consortium receiving federal funds for the 1997/98 and 1998/99 CDBG program years, and be it further

RESOLVED, that the request for proposal provisions of Section 19.08 of the Erie County Administrative Code were complied with and are included as Attachment A to this resolution, and be it further,

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

(5-0)

Item Page -1997 (Comm. 5E-18)
10. COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Environment & Planning is responsible to oversee the design and construction of sewerage projects for the County; and

WHEREAS, delays in administering the necessary tasks including instructions to contractors and engineers can significantly increase project costs; and

WHEREAS, in recognition of the fact that such delays can increase costs, this County Legislature previously had authorized the Deputy Commissioner of the Division of Sewerage Management to approve change orders up to \$20,000; and

WHEREAS, this authorization was granted approximately 20 years ago and inflation has significantly deteriorated the value of a dollar since then.

NOW, THEREFORE, BE IT

RESOLVED, that the Deputy Commissioner for the Department of Environment & Planning is hereby authorized to approve individual change orders for engineering and construction related contracts in amounts not to exceed \$50,000; and be it further

RESOLVED, that the Deputy Commissioner of the Department of Environment & Planning file all such approved change orders with the Erie County Legislature as soon as possible after their execution; 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., Deputy Commissioner, Department of Environment and Planning, one (1) copy to Nancy Naples, County Comptroller, and one (1) copy to Richard J. Schechter, Assistant County Attorney.

(5-0)

GREGORY B. OLMA
Chairman

Mr. OLMA requested that Resolve No. 8 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Mr. OLMA moved the adoption of Resolve No. 8. Ms. PEOPLES seconded.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer, DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 17. Noes - 0.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

MARCH 18, 1997

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 3

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

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

- | | | | | |
|----|-------------------------|---|-------|----------------|
| | Item | Page | -1996 | (Comm. 23M-1) |
| a. | NFTA: | NFTA Cash Flow Statements. | | |
| | (4-0) | | | |
| | | | | |
| | Item | Page | -1996 | (Comm. 23M-3) |
| b. | MICHAELNE BIBER: | Metro Rail Service to Marine Midland Arena. | | |
| | (4-0) | | | |
| | | | | |
| | Item | Page | -1996 | (Comm. 23M-19) |
| c. | NFTA: | Minutes of Meeting Held 9/16/96. | | |
| | (4-0) | | | |
| | | | | |
| | Item | Page | -1996 | (Comm. 24M-11) |
| d. | NFTA: | Minutes of Meeting Held 10/21/96. | | |
| | (4-0) | | | |

Item Page -1996 (Comm. 29M-7)
e. **NFTA:** Five Year Operating & Capital Plan, Fiscal Year 1997-98
- 2001-02.
(4-0)

Item Page -1997 (Comm. 4D-13)
f. **DPW:** For Information Only - Change Order Electrical Work EC
Home & EC Home Annex Building.
(4-0)

Item Page -1997 (Comm. 4D-14)
g. **DPW:** For Informational Only - Award of General Architectural
Services for various Projects at ECMC & EC Home.
(4-0)

Item Page -1997 (Comm. 4M-1)
h. **BUFFALO CONVENTION CENTER:** Food Service Task Force - Final
Report.
(4-0)

Item Page -1997 (Comm. 4M-4)
i. **NFTA:** Capital Status Report of Nine Month Period Ending
12/96.
(4-0)

Item Page -1997 (Comm. 5D-16)
j. **DPW:** Award of General Architecture Services for Miscellaneous
Projects at ECMC & Erie County Home - For Information Only.
(4-0)

Item Page -1997 (Comm. 5D-17)
k. **DPW:** Court Facilities Plan - MBE/WBE Participation
Administration.
(4-0)

Item Page -1997 (Comm. 5M-9)
l. **NFTA:** Minutes of Board Meeting Held 1/13/97.
(4-0)

Item Page -1997 (Comm. 5M-14)
m. **MERIT CONSTRUCTION:** Project Labor Agreement (PLA) for County
Court-House Project.
(4-0)

Item Page -1997 (Comm. 5M-19)
n. **ECIDA:** Notice of Board of Directors Meeting 3/12/97.
(4-0)

Item Page -1996 (Comm. 29E-22)
2. COUNTY EXECUTIVE:
WHEREAS, the University Garden Apartments, L.P. (UGA) is developing a 127 unit apartment complex project (Project) to be located at 3082 main Street and 66 Custer Street in the University Heights Section of the City of Buffalo (City); and

WHEREAS, the Project will be occupied by persons 55 years of age or older with low to middle income level; and

WHEREAS, UGA is requesting that the county sign a PILOT agreement among the City, the County of Erie (County) and UGA; and

WHEREAS, after conducting a public hearing on June 20, 1996, the City Division of Planning issued an unqualified Certificate of Approval for this Project. On July 23, Mayor Masiello signed the PILOT Agreement on July 25, 1996; and

WHEREAS, pursuant to the PILOT Agreement, for fiscal years 1995 and 1997, the County will receive from UGA County real estate taxes based upon the Base Assessed Valuation of \$100,000. Commencing in 1998, UGA will make PILOT payments to the City and to the County, with the City receiving 75% and the County getting 25% of such PILOT payment. The 1998 PILOT payment to the County will be \$12,500, less the real estate taxes payable to the County for such period based upon the Base Assessed Valuation. This PILOT payment will increase on a 4% compounded annual basis through and including 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a PILOT Agreement among the City of Buffalo, the County of Erie and the University Garden Apartments, L.P. relating to 3082 Main Street and 66 Custer Street; and be it further

RESOLVED, that certified copies of this Resolution be sent to Budget Director Sheila K. Kee, Department of Environment and Planning Commissioner Richard M. Tobe and the Erie County Attorney
(4-0)

AS AMENDED
Item Page -1997 (Int. 4-16)
3. SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DEBENEDETTI, DUSZA, MARINELLI, COHEN KENNEDY, RANZENHOFER & LARSON:
WHEREAS, Erie County is preparing to undertake one of the largest county sponsored public works projects in its history, and

WHEREAS, The County's Court facilities upgrade plan calls for the construction of a new family court building, as well as the renovation of old county hall under which all criminal courts will be consolidated, and

WHEREAS, The County's so-called Court Facilities Plan is slated to cost \$49.5 million and will be constructed over a period of several years, and

WHEREAS, During the construction of said court project several hundred people are expected to be employed from the local building and construction trades, and

WHEREAS, Agencies must determine whether use of a PLA is justified by meeting the state's competitive bidding laws. The court of Appeals has said that the goals of these statutes are (1) to obtain the best work possible at the lowest possible price and (2) to prevent favoritism, improvidence, fraud and corruption in the awarding of public contracts. If the requirements of New York's competitive bidding laws are not met, the contracting agency may not enter into a project labor agreement, and

WHEREAS, To ensure the best quality construction and overall cost effectiveness, the Erie County Legislature is supporting the establishment of a project labor agreement (PLA) for the Erie County Court Facilities Plan, and

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby urge the County Department of Public Works to enter into a project labor agreement (PLA) which will allow for both union and non-union companies to bid on the construction of the County Court Facilities Plan, and will allow for union and non-union labor to work on the construction of the County Court Facilities Plan, and will allow for the awarding the contracts to any successful, low and responsible bidder, and be it further

RESOLVED, That after a PLA has been negotiated between all parties, that the final document be sent to the Erie County Legislature for final authorization, and be it further

RESOVLED, To ensure minority and women participation in the PLA, the spirit and clear intent of Local Law #1 must be strictly adhered to, and be it further

RESOLVED, That certified copies of this resolution be forwarded to County Executive Dennis T. Gorski, County Public Works Commissioner John Loffredo, as well as the President of the Western New York Building Trades Council Daniel Boody and the President of the AFL-CIO Buffalo Council John J. Kaczorowski.

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

AS AMENDED
(Comm. 5D-18)

Item Page -1997
4. **DPW:**

WHEREAS, bids were taken for the Reconstruction of Winspear Road Bridge 328-2, Project Number BR 328-2-95, Town of Elma on March 13, 1997 and the low bidder being Pine Ridge, Incorporated of 7135 Davis Road, West Falls, New York at a low bid amount of \$995,384.18, and

WHEREAS, included in the contract was the amount of \$8,500.00 to corner the cost of installing a gas main carrier pipe on the above noted property.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number BR 328-2-95 for the Reconstruction of Winspear Road Bridge, in the Town of Elma, between the County of Erie and the low bidder Pine Ridge Incorporated at its low bid of \$995,384.18, and be it further

RESOLVED, that a total amount of \$995,384.18 be allocated from the 1995 Bridge Reconstruction Program (\$686,000), 1996 Bridge Construction - Winspear road Program (\$79,384.18), and the 1992 Design and Construction of Various Bridges Program (\$230,000), and be it further

RESOLVED, that an additional amount of \$100,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$100,000 from the 1995 Bridge Construction and Design Program, and be it further

RESOLVED, that the Comptroller be authorize to accept a check in the amount of \$8,500.00 from National Fuel Distribution Corporation to cover the cost of a gas main carrier pipe on said bridge, this amount shall be considered as revenue to the 1995 Bridge construction and Design Program, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works.
(4-0)

AS AMENDED
(Comm. 5D-19)

Item Page -1997
5. **DPW"**
 WHEREAS, bids were taken for the Reconstruction of Rapids Road Bridge 42-1 over Tonawanda Creek, Project Number BR 42-1-96, in the Town of Clarence (Erie County) and the Town of Royalton (Niagara County) on March 6, 1997, the low bidder being Omer Construction Company, Incorporated of 621 Aero Drive, Cheektowaga, New York at a low bid amount of \$866,000.00, and

 WHEREAS, the Erie County Legislature approved a contract for engineering services with Bettigole Andrews Clark & Killam, Inc. of Buffalo, New York on Project No. BR 42-1 for the Reconstruction of Rapids Bridge 42-1 over Tonawanda Creek, in the Town of Clarence (Erie County) and the Town of Royalton (Niagara County) in Meeting Number 13, held on July 7, 1994, Communication Number 9D-10, and

 WHEREAS, it has been determined that the project requires the Consultant to provide construction inspection services which were described in the original scope of the Contract, but not funded at that time, and

 WHEREAS, the Rapids Road Bridge is jointly owned with Niagara County, and they have agreed to participate in the design and construction of the Rapids Road Bridge and have passed legislation to pay their share (50%) of the costs for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number BR 42-1-96 for the Reconstruction of Rapids Road Bridge 42-1, in the Town of Clarence, between the County of Erie and the low bidder Omer Construction Company, Incorporated, at its low bid of \$86,000.00, and be it further

RESOLVED, that an amount of \$866,000.00 be allocated from the 1996 Bridge Construction Program, and be it further

RESOLVED, that an additional amount of \$86,000.00 be allocated for construction contingency fund with authorization for the commissioner of Public Works to approve change orders in an amount not to exceed \$86,000.00 from the 1996 Bridge Construction Program, and be it further

RESOLVED, that an amount of \$150,000.00 be allocated from the 1996 Bridge construction Program for a change order to the contract for engineering services with Bettigole, Andrews, Clark & Killam, Inc. for construction inspection services, and be it further

RESOLVED, that the Comptroller be authorized to accept funds from Niagara county to be considered as revenue in the 1996 Bridge construction Program, to pay their share (50%) of the costs, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works.
(4-0)

MICHAEL A. FITZPATRICK
Chairman

Mr. FITZPATRICK requested that Resolve No.3 be separated.

GRANTED.

Mr. FITZPATRICK moved the adoption of the balance of the report. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that Resolve No. 3 be referred back to committee.

LEGISLATORS RESOLUTIONS:

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131 Re: Urging Congress to Increase Funding
for the Superfund Program. (Int. 6-1)

WHEREAS, Environmental cleanups are of vital importance to the nation and to Erie County; as toxic waste sites seriously jeopardize the health and well-being of residents of surrounding regions and malign the environment in general, destroy the capacity for such a region to be used for housing, business, or recreation, and destroy the aesthetic attractiveness of the entire region, and

WHEREAS, the Environmental Protection Agency's Superfund program serves to clean up the worst hazardous toxic waste sites, and

WHEREAS, The United States Congress is presently considering President Bill Clinton's proposed Federal budget for Fiscal Year 1998 (FY98), and

WHEREAS, The President's proposal includes an increase in the budget of the Environmental Protection Agency (EPA) of approximately \$800 million, with most of the increase (\$700 million) intended for the Superfund Program and the cleanup of toxic waste sites on the Federal Superfund list, and

WHEREAS, This increase in funding would be used to add an additional 425 sites to the Superfund list for rehabilitation over the next four years, for a total of 900 of the most serious environmentally hazardous sites by the year 2000, and

WHEREAS, The President's proposed budget also calls for an increase of \$50 million for the "brownfields" initiative, which rehabilitates industrial sites not polluted enough to make the Superfund list, but nevertheless are in desperate need of cleanup, and

WHEREAS, Such funding will yield great dividends both to the economy and to society, by providing sites for the aforementioned purposes, and more importantly serving to ensure the health and welfare of local residents and improve the nation's environment,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its strong commitment to protecting the environment by cleaning up toxic waste sites for the protection of the health and well-being of the residents of Erie County; and to provide sites for businesses, institutions, housing, recreation, and other worthwhile endeavors, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the Congress of the United States of America to increase funding to the Environmental Protection Agency to a total of \$7.6 billion for Fiscal Year 1998, thereby increasing the funding for the Superfund Program to a total of \$2.2 billion and providing \$50 million over current levels to the "brownfields" initiative, and be it further

RESOLVED, That certified copies of this resolution be sent to President Bill Clinton, U.S. Senators Alfonse D'Amato and Daniel Patrick Moynihan, and Members of the U.S. House of Representatives Bill Paxon, John LaFalce, and Jack Quinn.

Fiscal Impact: None for Resolution.

GREGORY B. OLMA

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

CARRIED UNANIMOUSLY.

ITEM 16 - Mr. KUWIK presented the following resolution and requested that it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Int. 6-2 From: Leg. Kuwik Re: Support for State Legislature to Prohibit Use of Cellular Phones While Operating a Motor Vehicle

ITEM 17 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Mr. GREENAN seconded.

Int. 6-3 From: Legs. Marshall, Larson, Greenan, Ranzenhofer & Villarini Re: Background Checks on Nursing Home Aides

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

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Subsequently, Int. 6-3 was referred to the PUBLIC SAFETY
COMMITTEE.

ITEM 18 - Mr. MARSHALL presented the following resolution and
requested that it be referred to the HEALTH COMMITTEE.

GRANTED.

Int. 6-4 From: Legs. Marshall & Greenan Re: Legislation on Cloning
of Human Beings Should be Pursued with Caution

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

Int. 6-5 From: Legs. Larson, Greenan, Ranzenhofer & Marshall Re:
Support of New York State Senate Bill S.336 & Assembly Bill A.532

Mr. GREENAN moved to challenged the chair. Mr. MARSHALL seconded.

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Subsequently, Int. 6-5 was referred to the PUBLIC SAFETY COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132 Re: ECMC Hospital Designation Change
(Int. 6-6)

WHEREAS, The Erie County Medical Center (ECMC) is a publicly owned hospital located in the city of Buffalo and is currently designated as a Major Academic Hospital, and

WHEREAS, ECMC is the only publicly owned hospital in Western New York designated to provide AIDS, burn, Prisoner and Level One Trauma services, and

WHEREAS, ECMC serves a surrounding community which represents the city's highest percentage of persons living below the poverty level and, when compared to other most populous cities in New York state, is number one in percent of population living below the poverty level, and

WHEREAS, Bad debt and charity care provided by ECMC represent seven and one half percent of inpatient discharges, reflecting a high level of commitment to serving the indigent, and

WHEREAS, The cost structure of ECMC is nearly identical to that seen at public hospitals in New York state and emergency room activity (74 percent of all admissions) compares closely to the major Public Hospital average of 70 percent, and

WHEREAS, ECMC's current designation of Major Academic hospital precludes eligibility for increased hospital reimbursements totaling three and one half million dollars annually that would otherwise be accessible to them if the hospital was reclassified as a Major Public Hospital, and

WHEREAS, The existence of a heavily structured county and union facility is a major cause of cost difference between public hospitals and their not-for-profit counterparts and this disparity in organizational and cost structure between ECMC and these Major Academic groups is a significant imperative for change in designation, and

WHEREAS, The current operation of ECMC is significantly more consistent with that of other public hospitals and bears little relationship to that seen in Major Academic Centers across New York state, however an active teaching program will continue to be maintained even if the proposed designation change is approved, and

WHEREAS, The aforementioned gives credence and just cause for ECMC to receive reimbursement commensurate with its mission and role,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby support reclassification of the Erie County Medical Center from a Major Academic Hospital to a Major Public Hospital, and be it further

RESOLVED, That this Honorable Body does hereby acknowledge the ultimate goal of this reclassification is parity and will cause no detriment to other hospitals or New York state, and the additional funds received by ECMC will not reduce or otherwise adversely affect facilities in the state, and be it further

RESOLVED, That this Honorable Body does hereby memorialize Governor Pataki, Erie County Executive Dennis T. Gorski, and members of the New York State Legislature to support and approve the designation of the Erie County Medical Center as a Major Public Hospital, and be it further

RESOLVED, That certified copies of this resolution be forwarded to all members of the Western New York Congressional delegation; all members of the New York state Legislative delegation; and County Executive Dennis T. Gorski.

Fiscal Impact: None for resolution.

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133 RE: Welfare Reform - Management
Consulting Services (Int. 6-7)

WHEREAS, The Erie County Legislature and County Executive Dennis Gorski have previously determined that it would be worthwhile to retain the services of an outside consultant to conduct a management review of selected areas of the county's Department of Social Services, and

WHEREAS, The Erie County Audit Committee, in conjunction with the Department of Social Services, determined that the impact of ongoing welfare reform changes at the federal and state levels were such that these consultant services would best be used to assist the Department of Social Services in meeting the new challenges of administering these programs in a block grant environment, and

WHEREAS, The Erie County Audit Committee released a Request For Proposals (RFP) to seek such management consulting services, and

WHEREAS, Responses to this RFP were received and put through an extensive evaluation and review process by a committee consisting of members of the Department of Social Services and the Division of Budget, Management and Finance, and

WHEREAS, This committee unanimously agreed that the firm of Deloitte & Touche, LLP was best equipped to provide the needed services, and

WHEREAS, Members of the Audit Committee have reviewed this recommendation and have unanimously agreed that Deloitte & Touche, LLP is the consultant to be selected,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby authorize Erie County Executive Dennis Gorski to execute a contract with the firm of Deloitte & Touche, LLP for an amount not to exceed \$229,100 for the purposes of conducting a management and operational review of the Erie County Department of Social Services, and making recommendations related to the effective implementation of federal and state welfare reform provisions, and be it further

RESOLVED, That the source of funding for this contract shall be available funds in the 1996 budget of the Department of Social Services, and be it further

RESOLVED, That certified copies of this resolution be forwarded to the Erie County Department of Social Services, the Erie County Division of Budget, Management and Finance, and Erie County Comptroller Nancy Naples.

Fiscal Impact: To be determined.

CRYSTAL D. PEOPLES FREDERICK J. MARSHALL

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

CARRIED UNANIMOUSLY.

ITEM 22 - Mr. FITZPATRICK presented the following resolution and requested that it be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Int. 6-8 From: Leg. Fitzpatrick Re: Support for Sales-Tax Free Zone in Downtown Buffalo

ITEM 23- Ms. COHEN KENNEDY presented the following resolution and requested that it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Int. 6-9 From: Legs. Cohen Kennedy, Marinelli, Kuwik & Dusza Re: Support for Background Checks for Nursing Home Aides

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134 Re: Support for Labor Studies Instruction
in Elementary & Secondary Schools
(Int. 6-10)

WHEREAS, American History is among the most important subjects taught each day in schools throughout this nation, and

WHEREAS, the history of labor in America is critically important for students to understand, and

WHEREAS, always in the mainstream of American life, and constantly in the crux of American history, organized labor has been integral in shaping the history of New York State through its interaction in political and economic systems, and

WHEREAS, students may learn a great deal through the study of organized labor movements; the 40 hour work week, child labor laws, and other such initiatives were developed through the perseverance of organized labor, and

WHEREAS, current curricula in New York State is woefully lacking in the area of organized labor studies, and

WHEREAS, legislation introduced in the New York State Assembly, A.1968, seeks to correct this omission by amending the state Education Law to direct local school boards and others with the responsibility for setting curricula "to include in all grades and subjects, as appropriate, the history, structure, activities, and role of organized labor in the American political and economic systems," and

WHEREAS, this Legislature must be put on record in support of this important educational initiative,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its support for New York State Assembly Bill A.1968, an act to amend the Education Law, in relation to courses of instruction in labor studies, to instruct students in the important contribution made to American society by the organized labor movement, and be it further

RESOLVED, that this Honorable Body does hereby call upon the State Assembly to approve this legislation, and does further call upon the State Senate to adopt identical legislation, and Governor Pataki to sign such legislation into law following its passage, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, State Assembly Speaker Sheldon Silver, State Senate Majority Leader Joseph Bruno, Erie County Executive Dennis T. Gorski, and to the Western New York AFL-CIO Council.

Fiscal Impact: None for Resolution.

RAYMOND P. DUSZA MICHAEL A. FITZPATRICK
CHARLES M. SWANICK

Chairman SWANICK directed that the names of Legislators Fisher, Olma, DeBenedetti, Kuwik, Peoples and Marinelli be added as co-sponsors.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135 Re: State Responsibility Welfare Safety Net
(Int. 6-11)

WHEREAS, New York state Governor George Pataki has, under the banner of NY Works, proposed some of the most sweeping alternations of the welfare system in decades, and

WHEREAS, These changes, accompanied by federal changes as well, have left many uncertain of their future under the new programs, and

WHEREAS, The NY Works program contains a five year cumulative limit on benefits for most adults, and

WHEREAS, Eligibility has also been altered and/or eliminated for many other New York residents as well, and

WHEREAS, Governor Pataki has also proposed a Safety Net program providing direct vendor payments, vouchers, child care, social services referral services and assistance in finding employment for able-bodied single adults formerly eligible for Home Relief, non-citizens newly ineligible for federal benefits, persons residing in homeless adult shelters, families suffering a natural disaster, NY Works participants who have exceeded the five year benefit limit, children of parents who have violated the NY Works rules, persons living in congregate care arrangements, and children in families exceeding the family payment cap, and

WHEREAS, Governor Pataki has proposed allocating \$600 million of state funds for the Safety Net program, calling for a 50/50 matching program between the state and localities, anticipating a total 1997-98 program cost of \$1.2 billion, and

WHEREAS, Any additional funds necessary to operate the Safety Net program for the year become the sole responsibility of the locality, and

WHEREAS, This is an irresponsible act in light of the fact that cash-poor localities can hardly afford additional unfunded mandates from the state, and

WHEREAS, This plan further endangers the health and well-being of those relying on the Safety Net program to survive, as shifts in funding responsibility can oftentimes result in delay of payment and other adverse conditions for the recipient, and

WHEREAS, While Governor Pataki has maintained that \$1.2 billion will be adequate to fund the Safety Net program for 1997-98 based on past funding for comparable programs, the truth is that under the dramatically revised NY Works program the actual number of persons in need of the Safety Net program is difficult, if not impossible, to compute,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to the well-being of all residents of Erie County, and be it further

RESOLVED, That this Honorable Body does hereby call upon New York state Governor George Pataki and the New York state Legislature to take full responsibility for the consequences of the NY Works program by providing the necessary funding for the Safety Net program and not allowing those so desperately in need of the program to face an uncertain future which threatens their very health and well-being, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York state Governor George Pataki and the entire Western New York delegation of the New York state Legislature.

Fiscal Impact: Negative for Erie County under Governor Pataki's proposal.

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

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

CARRIED UNANIMOUSLY.

ITEM 26 - Ms. MARINELLI presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136 Re: Evaluation of ADT Security Systems'
Abused Women's Active Response
Emergency Program (Int. 6-12)

WHEREAS, Domestic abuse is a widespread problem for far too many Western New York women, and

WHEREAS, In many cases the victim of domestic violence cannot get to a phone to call for help during the abusive episode, and is therefore at risk of extreme injury or death, and

WHEREAS, To make access to law enforcement agencies easier for victims of domestic abuse, ADT Security Systems has implemented the Abused Women's Active Response Emergency (AWARE) program in Erie County, and

WHEREAS, The AWARE program provides pendants through local agencies dealing with battered women which, when activated by pressing two buttons on the side of the pendant, alert ADT security operators to send the police to the location of the domestic violence episode, and

WHEREAS, ADT's AWARE program has meant the difference between life and death for many women in Erie County as well as the over 100 other locations nationwide where it is in place, and

WHEREAS, For that reason the Erie County Legislature is interested in obtaining more information about the workings of the AWARE program in an effort to determine ways the program's effectiveness can be maximized in Western New York,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby commend ADT Security Systems for aiding in the protection of domestic abuse victims through its Abused Women's Active Response Emergency program, and be it further

RESOLVED, That this Honorable Body does hereby memorialize ADT Security Systems and the District Attorney's Domestic Violence Bureau to send representatives to the next regularly scheduled Erie County Legislature Community Enrichment Committee meeting to discuss in greater detail the AWARE program, as well as ways it can be made an even more effective tool in the fight against domestic abuse, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Connie Dildane (ADT Security Systems), and the District Attorney's Domestic Violence Bureau Chief Lisa Bloch Rodwin.

Fiscal Impact: None for resolution.

LYNN M. MARINELLI

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137 Re: Local Impact of Study on In-State
Airfare Rates. (Int. 6-13)

WHEREAS, Airline travel has become a primary means of transportation not only for long distances, but also for in-state destinations as well, and

WHEREAS, Many in the private and public sectors rely on frequent in-state airline travel as a vital component of their business, and

WHEREAS, Lack of competition among the major air carriers combined with the absence of any reduced-rate smaller airlines at the Greater Buffalo International Airport has resulted, according to a study conducted by New York state Senator Catherine M. Abate, in a system in which upstate passengers pay twice as much per mile to travel to in-state destinations than to out of state destinations, and

WHEREAS, The study further discovered that upstate passengers pay 366 percent more per mile to travel to major destination cities such as Los Angeles and Washington than passengers flying out of New York City, and

WHEREAS, With the construction of a new airport and the ongoing effort to make the Western New York area a major destination the airfare problem is a real threat to successfully carrying out these plans,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature expresses concern over the current prohibitive pricing of air fares and their possible negative effect on business and tourism in the Western New York area, and be it further

RESOLVED, That this Honorable Body does hereby memorialize New York state Governor George Pataki to conduct a thorough investigation of this study and take all appropriate action to rectify this situation, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the United States Department of Justice Anti-Trust Division to investigate allegations of price fixing raised in the study and suggest methods by which upstate New York airline fares – especially for in-state travel – be made more reasonable, and be it further

RESOLVED, That a representative from US Airways, one of New York state's most prominent airlines, respond to the allegations and facts presented in the study, and appear at a future meeting of the Legislature's Economic Development committee to discuss their response, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the Niagara Frontier Transportation Authority investigate ways to bring additional competition to the Western New York region and bring air fares more in line with national averages, and that a representative from the Niagara Frontier Transportation Authority appear at a future meeting of the Legislature's Economic Development committee to discuss their findings, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York state Governor George Pataki, New York state Senator Catherine M. Abate, United States Department of Justice Anti-Trust Division Acting Assistant Attorney General Joel I. Klein, Niagara Frontier Transportation Authority Executive Director Richard Swist, and US Airways District Sales Manager Margaret Fossi-Oldham.

Fiscal Impact: None for resolution.

CRYSTAL DAVIS PEOPLES

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138 Re: Opposition to Governor Pataki's
Proposal to Limit Inpatient Psychiatric
Services to 60 Days. (Int. 6-14)

WHEREAS, New York state Governor George E. Pataki has submitted his budget for New York State Fiscal Year 1997-98 to the New York state Legislature, and

WHEREAS, This budget proposes a reduction of \$51,769,500, or 2.99 percent, for the Office of Mental Health from the current year, and

WHEREAS, The Governor has proposed the reduction of 66 positions in outpatient services, a staff reduction of 1,082, and the elimination of 15 positions at the two mental health research institutes in New York state, and

WHEREAS, While these cuts will have serious and harmful consequences for the care and treatment of the mentally ill in New York state, the Governor's proposal to limit Medicaid reimbursement for inpatient psychiatric services to 60 days per episode of illness will have an especially severe and deleterious effect on the health and welfare of the mentally ill, and

WHEREAS, This is a drastic change in policy, as currently there is no limit to the amount of inpatient psychiatric services that Medicaid will reimburse for at general hospitals, and many psychiatric inpatients rely on Medicaid as their sole source of medical coverage, and

WHEREAS, While New York state, like other government entities, may be in fiscal difficulty and face the necessity of making cuts in certain areas, the mentally ill are a particularly vulnerable segment of society, and deserve the government's special attention, especially since given proper treatment many mentally ill patients can fully recover and lead healthy and productive lives, while if denied treatment or released from care too early the mentally ill often are unable to cope and pose a threat to themselves, and will become a financial burden on society by receiving benefits or, worse, will suffer the most dire consequences, and

WHEREAS, Unlike many illnesses, the type of treatment and length of stay cannot be generalized or easily determined for mental illness; the length of stay required for recovery differs drastically from individual to individual, ranging from a period of days to a year or more, and

WHEREAS, It is of paramount importance to mentally ill individuals, their families and loved ones, and society as a whole that they not be released from inpatient services until they have sufficiently recovered and are able to function, no matter how long it takes and no matter what the cost,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its strong commitment to providing the highest quality care to perhaps the most vulnerable segment of society, the mentally ill, in order to effect their recovery and enable them to lead healthy and productive lives, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York state Senate and the New York state Assembly to restore the funding cuts to the Office of Mental Health proposed by Governor George E. Pataki, and does further urge the New York state Legislature to reject the Governor's proposal to limit inpatient psychiatric services to 60 days, and be it further

RESOLVED, That certified copies of this resolution be sent to the Western New York delegation of the New York state Senate and the New York state Assembly, and to Governor George E. Pataki.

Fiscal Impact: Negative for Erie County and New York State under Governor Pataki's Proposals.

JUDITH P. FISHER CRYSTAL D. PEOPLES AL DEBENEDETTI

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

DEFEATED.

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

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

ITEM 29 - Mr. KUWIK presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION 139 Re: Support for State Legislation that
Allows for Lower Automobile Insurance
Rates for Residents of Small Cities.
(Int. 6-15)

WHEREAS, automobile insurance is a requirement for the operation of passenger and other motorized vehicles in New York State, and

WHEREAS, insurance officials utilize various types of data to determine risk when settling upon automobile insurance rates for private passenger nonbusiness policies, including geographic location of the insured person's vehicle, and

WHEREAS, residents of the city of Lackawanna have traditionally paid higher automobile insurance rates due to Lackawanna's status as a city located contiguous to the city of Buffalo, and

WHEREAS, in the past, Lackawanna experienced greatly increased levels of traffic flow and congestion, due in large part to the great number of persons employed at the Bethlehem Steel Corporation steel plant located within city limits, and

WHEREAS, since Bethlehem Steel's closure, traffic volume within the city has dropped considerably, justifying the reduction of ratings for private passenger nonbusiness insurance policies, and

WHEREAS, legislation introduced in both houses of the New York State Legislature would allow a city with a population between 20,000 and 25,000, which is geographically contiguous to a city with a population between 300,000 and 350,000 to establish itself as a distinct territory for the purposes of rating private passenger nonbusiness insurance policies, and

WHEREAS, the City of Lackawanna has called upon the state to enact such legislation, and this Legislature should make its opinion known as well,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support S.1753/A.2573, an act to amend the insurance law, in relation to establishing a certain city as a separate territory for the purpose of rating private passenger automobile insurance policies, to ensure that residents of the city of Lackawanna are charged reasonable rates for automobile insurance, and be it further

RESOLVED, that this Honorable Body does hereby call upon both houses of the state legislature to consider and approve the aforementioned legislation, and does further call upon Governor Pataki to sign this legislation into law, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Assembly Speaker Sheldon Silver, State Senate Majority Leader Joseph Bruno, Assembly Insurance Committee Chairman Alexander B. Grannis, Senate Insurance Committee Chairman Guy Velella, the local delegation to the State Assembly and Senate, Lackawanna Mayor Kathleen Staniszewski, and to the Lackawanna City Council.

Fiscal Impact: Impact of State Legislation is Positive for Consumers.

EDWARD J. KUWIK

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION 140 Re: Preserving State Funds for the Buffalo
& Erie County Convention Center.
(Int. 6-16)

WHEREAS, Tourism is a vital part of any region's economy and image, and

WHEREAS, The Western New York area provides an attractive destination for individual travelers and conventions alike with its richness of cultural, educational, architectural, social, historical and sports attractions, and

WHEREAS, The Buffalo and Erie County Convention Center is a cornerstone of the tourism industry in Western New York in its role as the premier convention location in the area, and

WHEREAS, The Convention Center relies on some public funding for maintenance and improvements so as to remain a viable convention location in a hotly contested tourism industry, and

WHEREAS, A significant source of funding for the Convention Center comes from New York state in the form of state revenue sharing aid for debt service costs; funding which totals \$668,332, and

WHEREAS, Despite the Convention Center's need for these funds, New York state Governor George Pataki has proposed eliminating in its entirety state revenue sharing for debt service costs for the Buffalo and Erie County Convention Center, and

WHEREAS, Governor Pataki has unjustly singled out the Convention Center for elimination of these funds, as the facility is the only one to lose its funding under the Governor's proposed budget,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to keeping Western New York a strong contender in the tourism industry, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York state Legislature to reinstate fully the state revenue sharing aid for the Buffalo and Erie County Convention Center debt services costs, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York state Governor George Pataki, and the entire Western New York delegation of the New York state Legislature.

Fiscal Impact: Negative for Erie County under Governor Pataki's proposal.

GEORGE A. HOLT, Jr. ALBERT DEBENEDETTI

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

Mr. HOLT moved for adoption of the resolution as amended. Mr. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

ITEM 31 - Mr. OLMA presented the following resolution and requested that it be referred to the HEALTH COMMITTEE.

GRANTED.

Int. 6-17 From: Leg. Olma Re: Excessive Expenditures at the Erie County Medical Center

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141 Re: Restoration of Funding for
Alternative Service (Int. 6-18)

WHEREAS, New York state's prison population continues to expand at a phenomenal rate due the increase in juvenile and youthful offenders and extensive prison sentences for non-violent, drug offenders, and

WHEREAS, There are currently some 70,000 prisoners in New York state penal institutions, some who are under the age of 21, who could better be serviced and/or rehabilitated by participation in an alternative service program such as the Juvenile Intensive Supervision Program, and

WHEREAS, The Governor Pataki has proposed reducing funding for alternative services and juvenile justice programs, more specifically, the Juvenile Intensive Supervision Program and the Indigent Parole Program

NOW , THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby request funding for alternative services in the criminal justice system be restored immediately, and be it further

RESOLVED, That this Honorable Body does hereby specifically request funding be restored for the Juvenile Intensive Supervision Program and the Indigent Parole Program which are currently scheduled to be phased completely out and be it further

RESOLVED, That This honorable Body does hereby acknowledge the serious problem of overcrowding in New York state prisons, and be it further

RESOLVED, that this honorable Body does hereby memorialize the New York State Legislature and Governor Pataki to restore and increase funding in the current proposed budget, for alternative services in the criminal justice system, and be it further

RESOLVED, that this Honorable Body does hereby specifically request funding be restored for the Juvenile Intensive Supervision Program and the Indigent Parole Program which are currently schedule to incur drastic funding cuts in the current proposed budget and subsequently be phased out of existence, and be it further

RESOLVED, that certified copies of this resolution be forwarded to all members of the Western New York Congressional delegation, all members of the New York state Legislative delegation, and the Honorable Barbara Howe, Chairperson, Erie County Committee on Alternatives to Incarceration.

Fiscal Impact: Negative for Erie County under Governor Pataki's proposed budget.

CHARLES M. SWANICK CRYSTAL D. PEOPLES

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

ITEM 33 - Mr. OLMA moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 5E-17. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142 Re: Contract - Rural Van Transportation Service Program

RESOLVED, that the County Executive is hereby authorized to enter into a contract for an amount not to exceed \$115,000 with Rural Transit Service, Inc., a not-for-profit corporation, in order to implement and administer the Rural Transit Service Van Program for the 1997-1998 Community Development Consortium Block Grant (CDBG) program year, and be it further

RESOLVED, that said contract authorization is contingent on the Erie County Community Development Block Grant Consortium receiving federal funds for the 1997-98 Community Development Program years or the availability of unexpended funds allocated for the service from prior CDBG program years, and be it further

RESOLVED, that the provisions of Section 19.08 of the Administrative Code requiring requests for proposal were complied with for the use of federal CDBG monies and a summary of the request for proposal process is attached to this resolution, and be it further

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

Mr. OLMA offered an amendment as follows:

DELETE the second RESOLVE clause in its entirety.

DELETE the third RESOLVE clause in its entirety and replace with the following:

RESOLVED, that said contract authorization is contingent on the Erie County Community Development Block Consortium receiving Federal Funds for the 1997-98 Community Development Program years or the availability of unexpended funds allocated for the service from prior CDBG program years, and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

ITEM 34 - Mr. FITZPATRICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 4D-15. Mr. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143 Re: Buffalo & Erie County Central Library
Building, Mechanical Systems
Rehabilitation Improvements, Phase III,
Boiler Replacement

WHEREAS, the Department of Public Works received bids on
February 10, 1997, for the Buffalo & Erie County Central Library
Building, Mechanical Systems Rehabilitation Improvements, Phase
III, Boiler Replacement, 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 contracts for Buffalo & Erie County Central Library Building,
Mechanical Systems Rehabilitation Improvements, Phase III, Boiler
Replacement as follows:

HVAC WORK

Quackenbush Co., Inc.

Base Bid	\$196,900.00	
Alt. H1	\$ 19,700.00	
Alt. H2	\$ 6,200.00	
Alt. H3	\$ 2,000.00	\$224,800.00

ELECTRICAL WORK

Warrens Electric

Base Bid	\$ 9,334.00	
Alt. E1	\$ 1,864.00	
Alt. E2	\$ 2,375.00	\$ 13,573.00

ASBESTOS ABATEMENT WORK

Penn Environmental Control

Base Bid	\$ 28,654.00	
Alt. AR1	\$ 1,568.00	
Alt. AR2	\$ 1,674.00	\$ 31,896.00

Total for all contracts: \$270,269.00

and be it further,

RESOLVED, that the sum of \$26,000.00 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 payment for all of the above from Central Library Mechanical Rehabilitation, 1995 and 1996 Capital Budgets, SFG Nos. 711 and 766, and be it further,

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

Mr. FITZPATRICK moved the adoption. Mr. LARSON seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

ITEM 35 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 6E-38 From: Chairman Swanick Re: 1997 Committee Assignments

Chairman SWANICK directed that Comm. 6E-38 be RECEIVED, FILED & PRINTED.

GOVERNMENT AFFAIRS

Chair: Raymond K. Dusza
V. Chair: George A. Holt, Jr.
Members: Lynn M. Marinelli
John W. Greenan
William A. Pauly
Clerk: Tom Santa Lucia

HEALTH / MENTAL HEALTH

Chair: Judith P. Fisher
V. Chair: Crystal D. Peoples
Members: Albert DeBenedetti
William A. Pauly
Frederick J. Marshall
Clerk: Robert Graber

PUBLIC SAFETY

Chair: Edward J. Kuwik
V. Chair: Raymond K. Dusza
Members: Randi Cohen Kennedy
John W. Greenan
Dale W. Larson
Clerk: Patricia Jaworowicz

SOCIAL SERVICES

Chair: George A. Holt, Jr.
V. Chair: Gregory B. Olma
Members: Judith P. Fisher
Frederick J. Marshall
Jeanne Z. Chase
Clerk: Patrick Foster

RECEIVED, FILED & PRINTED.

ITEM 36 - Mr. MARSHALL moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 6E-39 From: Leg. Marshall Re: Committee Assignments for Ms. Jeanne Z. Chase

Chairman SWANICK directed that Comm. 6E-39 be RECEIVED, FILED & PRINTED.

Dear Ms. Manzella:

Please be informed that Ms. Jeanne Z. Chase will be assuming the committee assignments previously held by Robert M. Villarini.

These assignments included: the Economic Development and Social Services Committees.

Sincerely,
FREDERICK J. MARSHALL
Minority Leader

RECEIVED, FILED & PRINTED.

RECEIVED, FILED & PRINTED.

ITEM 36 - Mr. MARSHALL moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 6E-39 From: Leg. Marshall Re: Committee Assignments for Ms. Jeanne Z. Chase

Chairman SWANICK directed that Comm. 6E-39 be RECEIVED, FILED & PRINTED.

Dear Ms. Manzella:

Please be informed that Ms. Jeanne Z. Chase will be assuming the committee assignments previously held by Robert M. Villarini.

These assignments included: the Economic Development and Social Services Committees.

Sincerely,
FREDERICK J. MARSHALL
Minority Leader

RECEIVED, FILED & PRINTED.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

ITEM 37 - (COMM. 6E-1) Sales Tax Receipts for Fiscal Year 1996

FROM THE COUNTY CLERK

ITEM 38 - (COMM. 6E-2) 1996 Annual Report.

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

FROM THE COUNTY EXECUTIVE

ITEM 39 - (COMM. 6E-3) Position Change Report PP #6/97.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR GREENAN

ITEM 40 - (COMM. 6E-4) Notice of Absence from Public Safety Meeting 3/11/97.

FROM LEGISLATOR DUSZA

ITEM 41 - (COMM. 6E-5) Notice of Absence from Public Safety Meeting 3/11/97.

The above two items were RECEIVED & FILED.

FROM LEGISLATOR MARINELLI

ITEM 42 - (COMM. 6E-6) Efforts to Ensure Gender Equity in Sports & Intramural Activities.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER

ITEM 43 - (COMM. 6E-7) State Authorization to Arrange for the Underwriting & Private Sale of Bonds or Notes Through negotiated Agreement.

RECEIVED & FILED.

FROM LEGISLATOR HOLT

ITEM 44 - (COMM. 6E- -8)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144 Re: Lease Agreement for Legislative Office Space

RESOLVED, that the Erie County Executive is hereby authorized to sign a Lease Agreement between **TOWNE GARDENS LTD**, 440 Clinton Street, Buffalo, NY 14204 and Erie County Legislator George A. Holt, Jr. for Legislative Office Space.

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

CARRIED.

Legislator Holt abstained.

FROM LEGISLATOR PEOPLES

ITEM 45 - (COMM. 6E-9)

Ms. COHEN KENNEDY moved for immediate consideration. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145 Re: Lease Agreement for Legislative Office Space

RESOLVED, that the Erie County Executive is hereby authorized to sign a Lease Agreement between **RICHARD C. CUMMINGS**, 790 E. Delavan Avenue, Buffalo, NY 14215 and Erie County Legislator Crystal D. Peoples for Legislative Office Space.

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

CARRIED.

Legislator Peoples abstained.

FROM THE COMPTROLLER

ITEM 46 - (COMM. 6E-10) Audit - Sheriff's Office Statement of Federal Equitable Sharing Funds Received, Expanded and Changes in Fund Balance - Year End 12/31/95.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

ITEM 47 - (COMM. 6E-11) Copy of Letter to Commissioner of Personnel Re: Request Increase in Part Time Employee Hours.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

ITEM 48 - (COMM. 6E-12) Financial Statement for ECC for Fiscal Year Ended 8/31/96.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ITEM 49 - (COMM. 6E-13) Support of the Audit Committee Selection of Deloitte & Touche to Conduct a Management Review Audit of Social Services.

RECEIVED & FILED.

FROM LEGISLATOR DEBENEDETTI

ITEM 50 - (COMM. 6E-14) Copy of Letter to Board of Elections Re: Inaccurate Maps for Legislative Districts.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 51 - (COMM. 6E-16)

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

RESOLUTION NO. 146 Re: Home Rule Request to Extend the
County's Authority to Arrange for
Underwriting of Bonds and Notes at
Private Sale

(A) WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June thirty, nineteen ninety-seven, and

WHEREAS, Senate Bill S.2894 and Assembly Bill A.4848, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June thirty nineteen hundred ninety-eight;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. 2894, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

(B) WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June thirty, nineteen ninety-seven, and

WHEREAS, Senate Bill A.4848 and Assembly Bill S.2894, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June thirty nineteen hundred ninety-eight;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. 4848, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

ITEM 52 - (COMM. 6E-17) Housing Opportunities Made Equal Contract.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ITEM 53 - (COMM. 6E-18) Health - Reclassification of Position.
Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

ITEM 54 - (COMM. 6E-19) Holding Center - Settlement of Contract Dispute.

ITEM 55 - (COMM. 6E-20) Filling Vacant Positions - January , 1997.

ITEM 56 - (COMM. 6E-21) Filling Vacant Positions - February, 1997.

The above three items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 57 - (COMM. 6E-22) Appointment of Susan Curran Hoyt as Executive Director of the Erie County Commission on the Status of Women.

RECEIVE, FILE & PRINT.

HONORABLE MEMBERS:

Pursuant to the provisions of the Erie County Charter, Article XVI-E, Section 5, I, **DENNIS T. GORSKI**, County Executive for the County of Erie, am pleased to appoint **SUSAN CURRAN HOYT** to the position of Executive Director, Erie County Commission on the Status of Women.

DENNIS T. GORSKI

RECEIVED, FILED & PRINTED.

ITEM 58 - (COMM. 6E-23) Appointment of Sharon Comerford as Coordinator of Erie County Community Coordinating Council on Children & Families.

RECEIVE, FILE & PRINT.

HONORABLE MEMBERS:

Pursuant to the provisions of the Erie County Charter, Article XVI-F, Section 5, I, DENNIS T. GORSKI, County Executive for the County of Erie, am pleased to appoint SHARON COMERFORD to the position of Coordinator, Erie County Community Coordinating Council on Children and Families.

DENNIS T. GORSKI

RECEIVED, FILED & PRINTED.

ITEM 59 - (COMM. 6E-24) Appointment of Kenneth C. Kruly as Director of the Division of Budget & Management.

RECEIVE, FILE & PRINT.

HONORABLE MEMBERS:

Pursuant to the provisions of the Erie County Charter, Article III, Section 305, I, DENNIS T. GORSKI, County Executive for the County of Erie, am pleased to appoint KENNETH C. KRULY to the position of Director, Division of Budget and Management.

DENNIS T. GORSKI

RECEIVED, FILED & PRINTED.

FROM THE COUNTY EXECUTIVE
ITEM 60 - (COMM. 6E-25)

Ms. PEOPLES moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147 Re: Appointment of Christopher C. Clarke as
Director of the Department of Probation

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of CHRISTOPHER C. CLARK to the position of Director of Probation, Department of Probation for Erie County.

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

CONFIRMED.

FROM THE COUNTY EXECUTIVE

ITEM 61 - (COMM. 6E-26) ECSD No. 3 - 5646 Camp Road - Easement Release - Town of Hamburg.

ITEM 62 - (COMM. 6E-27) 1997 Development Coordination Board Appointments.

ITEM 63 - (COMM. 6E-28) ECSD No. 1 - Easement Acquisition - Town of West Hamburg.

ITEM 64 - (COMM. 6E-29) ECSD No. 3 - Aquatech Association Corp. Contract "A" Change Order No. 1.

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

ITEM 65 - (COMM. 6E-30) Emergency Services - Public Safety Critical Incident Management (PSCIM) Grant V.

ITEM 66 - (COMM. 6E-31) Correctional Facility Staffing Increases.

ITEM 67 - (COMM. 6E-32) Erie County Facility Authorization to Receive Surplus Property.

ITEM 68 - (COMM. 6E-33) District Attorney's Office - Authorization to Amend Points of Entry Grant.

ITEM 69 - (COMM. 6E-34) District Attorney Assets Forfeiture Appropriation.

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

ITEM 70 - (COMM. 6E-35) Youth Services - Authorization to Contract - Delinquency Prevention Programs.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 71 - (COMM. 6E-36) Resolution to Transfer Funds for "Start-Up Cost" and Yearly Maintenance of Bennett Beach Property.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ERIE COUNTY MORGUE

ITEM 72 - (COMM. 6D-1) Monies & Other Properties Found on Deceased Persons.

FROM ERIE COUNTY COUNCIL ON DISABLED

ITEM 73 - (COMM. 6D-2) Notice of Meeting to be Held 3/21/97.

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

FROM ERIE COMMUNITY COLLEGE

ITEM 74 - (COMM. 6D-3) Notice of Meeting to be Held 3/26/97.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ITEM 75 - (COMM. 6D-4) Notice of Meetings Held 3/12/97 & 3/18/97.

ITEM 76 - (COMM. 6D-5) Notice of Meetings Held 3/18/97 & 3/20/97.

The above two items were RECEIVED & FILED.

FROM DEP

ITEM 77 - (COMM. 6D-6) Proposed Division Technical & Administrative Guidance Memo Re: Environmental Restoration Projects (Brownfields).

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LAW

ITEM 78 - (COMM. 6D-7) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 79 - (COMM. 6D-8) Notice of Meeting Held 3/12/97.

RECEIVED & FILED.

FROM MENTAL HEALTH

ITEM 80 - (COMM. 6D-9) Notice of Meeting Held 3/20/97 & Minutes from February Meetings.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 81 - (COMM. 6D-10) Notice of Meeting Held 3/17/97.

RECEIVED & FILED.

FROM ERIE COUNTY COUNCIL ON DISABLED

ITEM 82 - (COMM. 6D-11) Copy of Letter to Commissioner King Re: Jury Duty Access & Agenda of Meeting 3/21/97.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM DEP

ITEM 83 - (COMM. 6D-12) Application for ISTEAFunding for Buffalo & Pittsburgh Rail Corridor Preservation & Intermodal Enhancement Project.

ITEM 84 - (COMM. 6D-13) Testimony Re: Impacts of Possible Conrail Merger

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

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 85 - (COMM. 6D-14)

Ms. PEOPLES moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148 Re: Village Tax Relevy

RESOLVED, that the Unpaid Village Taxes for the year 1996-1997 be relevied on the 1997 County Tax Rolls with eight percentum interest and seven percentum re-levy charge on 1996-1997 taxes, in accordance with Article 14 of Real Property Tax Law and Local Law 1-1979, and be it further

RESOLVED, that the Director of Budget and Management and/or successor to the Commissioner of Finance be, and hereby is authorized to pay the Village Treasurers, the amounts Returned Unpaid, with eight percentum interest on 1996-1997 taxes, to be paid on or before April 1, 1997 in accordance with Local Law 1-1979, and be it further

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

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

CARRIED UNANIMOUSLY.

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 86 - (COMM. 6D-15) Approval of Sale of Folts Avenue, Lancaster - County Inventory from Sale 9/18/96.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DPW

ITEM 87 - (COMM. 6D-16) Maintenance Agreement with New York State Thruway Authority - Long Road Bridge, Town of Grand Island.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM DEP

ITEM 88 - (COMM. 6D-17) Citizens Task Force - West Valley.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM DPW

ITEM 89 - (COMM. 6D-18) Renovations to the Cardiothoracic Department Building F - ECMC.

ITEM 90 - (COMM. 6D-19) Utilization of North French Road and Smith Road as Detours by the NYSDOT - New Road, Town of Amherst.

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

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

ITEM 91 - (COMM. 6D-20) Agenda for Meeting Held 3/20/97 & Minutes of Meeting Held 2/20/97.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

FROM BROOME COUNTY LEGISLATURE

ITEM 92 - (COMM. 6M-1) Copy of Certified Resolution Amending Real Property Tax Law.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM MICHAEL NICHOLSON

ITEM 93 - (COMM. 6M-2) Memorializing Resolution A-1808 & S-662.
Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM GOVERNOR PATAKI

ITEM 94 - (COMM. 6M-3) Project Labor Agreements.
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

ITEM 95 - (COMM. 6M-4) Notice of Meeting 3/18/97 & Minutes of Meeting 2/18/97.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM AUDIT COMMITTEE

ITEM 96 - (COMM. 6M-5) Response to the RFP for Social Services.
RECEIVED & FILED.

FROM CITIZENS TASK FORCE

ITEM 97 - (COMM. 6M-6) Notice of Meeting Held 3/18/97.
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ASSEMBLYMAN REYNOLDS

ITEM 98 - (COMM. 6M-7) Acknowledgement of Receipt of Resolution.
RECEIVED & FILED.

FROM CITIZENS TASK FORCE

ITEM 99 - (COMM. 6M-8) Revised Notice of Meeting Held 3/18/97.
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SENATOR VOLKER

ITEM 100 - (COMM. 6M-9) Acknowledgement of Receipt of Resolution.
RECEIVED & FILED.

FROM CONGRESSMAN QUINN

ITEM 101 - (COMM. 6M-10) Acknowledgement of Receipt of Resolution.
Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 102 - (COMM. 6M-11) Acknowledgement of Receipt of Resolution.
Received and referred to the PUBLIC SAFETY COMMITTEE.

ITEM 103 - (COMM. 6M-12) Acknowledgement of Receipt of Resolution.
Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM CHEEKTOWAGA TOWN BOARD

ITEM 104 - (COMM. 6M-13) Certified Copy of Resolution Re:
Demolition and Removal of Property in the City of Buffalo.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ERIE COUNTY REPUBLICAN COMMITTEE

ITEM 105 - (COMM. 6M-14) Recommended Endorsement for Vacancy in
the 12th Legislative District.

RECEIVED & FILED.

MEMORIAL RESOLUTIONS:

ITEM 106 - Ms. PEOPLES moved that when this Legislature adjourns, it do so out of respect to the memory of OLIVER J. DABNEY, DDS, deceased. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ADJOURNMENT:

ITEM 107 - 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, April 10, 1997. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, April 10, 1997 at 2:00 P.M., Eastern Standard Time.

LAURIE A. MANZELLA
Clerk