

ERIE COUNTY LEGISLATURE
MEETING NO. 3
February 5, 1998

The Legislature was called to order by Chairman SWANICK.

All Members Present.

The Invocation was delivered by Reverend William Bunton, Pastor, Antioch Baptist Church, Buffalo, New York.

The Pledge of Allegiance was led by Mr. Weinstein.

The Minutes of the Previous Meeting were APPROVED.

MISCELLANEOUS RESOLUTIONS:

✓ ITEM 1 - Mesdames PEOPLES, FISHER, MARINELLI and Messrs. SWANICK, KUWIK, FITZPATRICK, HOLT, OLMA, DEBENEDETTI & DUSZA presented a resolution ~~de~~ acknowledging February 13, 1998 as H.O.P.E. Day 1998. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

✓✓ ITEM 2 - Madame CHASE and Messrs. MARSHALL, GREENAN, LARSON, PAULY, RANZENHOFER & WEINSTEIN presented a resolution of congratulations to ~~Senator~~ Walter Floss, Jr. on his Seventy-Fifth Birthday. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 3 - Mr. RANZENHOFER presented a resolution of congratulations to Leon Trum as the Clarence Chamber of Commerce's Citizen of the Year. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 4 - Mr. RANZENHOFER presented a resolution of congratulations to the Floss Agency as Clarence Chamber of Commerce's Business of the Year. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 5 - Chairman SWANICK directed that Local Law Intro. No. 10 (Print #1) - 1997 remain on the table.

ITEM 6 - Chairman SWANICK directed that Local Law Intro. No. 11 (Print #1) - 1997 remain on the table and in the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 7 - Chairman SWANICK directed that Local Law Intro. No. 1 (Print #1) - 1998 remain on the table and in the HEALTH COMMITTEE.

COMMITTEE REPORTS:

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 31

JANUARY 27, 1998

PUBLIC SAFETY
COMMITTEE
REPORT NO. 1

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

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

Item Page -1997 (Comm. 11E-12)
a. COHEN KENNEDY: Copy of Letter to County Attorney Re:
Regulation of Pawn Shops.
(5-0)

Item Page -1997 (Comm. 20M-2)
b. ALAN W. TIPTON: Letter to Chairman Swanick Re: Police Body
Armor.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 21M-7)
c. NYSDOT: Letter To Legs. Chase & Marshall Re: Traffic
Conditions on Route 249 in the Town of North Collins.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 23M-12)
d. TOWN OF WEST SENECA POLICE DEPARTMENT: Sale of Stolen
Property.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 26M-9)
e. WEST SENECA POLICE DEPARTMENT: Letter To Chairman Swanick Re:
Sale of Stolen Property.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 20E-12)
2. COUNTY EXECUTIVE:
RESOLVED, that revenue in excess of the amount budgeted has
been realized in the Countywide Section 520 - Exemption Removal
Account and is sufficient to cover the cost of hiring a consultant
on expanding jail capacity, and that said revenues are hereby
appropriated as indicated in the following listing of transactions
affecting the 1997 Budget of the Department of Public Works.

1997 Budget
Operating Fund
Department 310 - Countywide Accounts Budget

<u>Revenue</u>	<u>Increase</u>
Department 310 - Countywide Accounts Budget	
Acct. 301 - Section 520 Exemption Removal	\$135,000
<u>Appropriation</u>	<u>Increase</u>
Department 220 - Public Works Commissioner	
Acct. 886 2208 - Interfund DPW Capital	\$135,000

Capital Project
Correctional Facility and Holding Center Improvements

<u>Revenue</u>	<u>Increase</u>
Acct. 685 - Interfund Transfer	\$135,000
<u>Appropriation</u>	<u>Increase</u>
Acct. 975-100 - Professional Services Contracts	\$135,000

and be it further

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

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

Item	Page	-1998	(Comm. 2E-8)
3. COUNTY EXECUTIVE:			
WHEREAS, the Erie County Probation Department is requesting the upgrade of the position of Community Service Sentencing Project Aide, Job Group IV, to a Job Group VI, and			

WHEREAS, funding for the difference in salary will be made available from available balances in the personal services account generated by a vacancy in the Probation Department's Alternatives to Incarceration 1998 Budget, and

WHEREAS, the State Division of Probation and Correctional Alternatives has adjusted the 1997 grant budget and shortened said grant to a six month period,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Probation Department be authorized to upgrade the position of Community Service Sentencing Project Aide, Job Group IV, to Job Group VI, in the current Alternatives to Incarceration Grant, project #830, and be it further

RESOLVED, that the budget for the Alternative to Incarceration Grant for 1997, project #747, be adjusted as per final State approved funding levels as follows:

Alternative to Incarceration Grant
Project #747
7/1/97 - 12/31/97

<u>Account</u>	<u>Adopted Budget</u>	<u>Amount Change</u>	<u>Final Budget</u>
800 - Personal Services	\$416,147	(\$221,396)	\$194,751
801 - Overtime	5,085	(1,835)	3,250
805 - Fringe Benefits	98,208	(51,836)	46,372
810 - Office Supplies	1,950	(1,350)	600
823 - Repairs	200	(100)	100
824 - Travel	2,760	(1,760)	1,000
825 - Out of Area Travel	1,300	(200)	1,100
826 - Other	1,800	(800)	1,000
830 - Contractual Services	0	6,415	6,415
880-5100-Interfund DISS	6,950	(1,038)	5,912
932 - Equipment	<u>1,000</u>	<u>6,200</u>	<u>7,200</u>
TOTAL	\$535,400	(\$267,700)	\$267,700
Revenue			
627 - State Aid Criminal Justice	\$267,700	(\$133,850)	\$133,850
686-2600-Interfund Probation	<u>267,700</u>	<u>(133,850)</u>	<u>133,850</u>
Total	\$535,400	(\$267,700)	\$267,700

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the Women's Residential Resource Center in the amount of \$6,415 as per the State Alternative to Incarceration grant, and be it further

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

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

EDWARD J. KUWIK
Chairman

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

CARRIED UNANIMOUSLY.

ITEM 9 - Ms. PEOPLES presented the following and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 32

JANUARY 27, 1998

FINANCE AND MANAGEMENT
COMMITTEE
REPORT NO. 1

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-5)
a. **MARSHALL**: Copy of Letter to Budget Director Re: Technical Accounting Adjustments.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 9E-20)
b. **COMPTROLLER**: Bond Resolutions - \$2,217,000 - Authorizing Preparation of Surveys, Preliminary and Detailed Plans, Specs and Estimates - EC Court Facilities.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 10E-9)
c. **MARSHALL**: Copy of Letter to Budget, Finance & Management Re: Technical Accounting Adjustments.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 19E-8)
d. **MARINELLI**: Letter to Senior Services Re: Funding for Senior Citizen Services.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 21M-9)
e. **NYS BOARD OF REAL PROPERTY SERVICES**: Certificate of County Equalization Rates for 1997 Assessment Rolls for Municipalities in the County of Erie.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 27D-17)
f. **BOARD OF ELECTIONS**: Apportionment of Election Expenses.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 27M-3)
g. NYS DEPARTMENT OF TAXATION & FINANCE: The Temporary Clothing Exemption "Analysis of the Effects of the Exemption on Clothing Sales in New York State."
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 1M-9)
h. TOWN OF BOSTON: Letter to Legislature Re: Sales Tax Free Week.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 1M-10)
i. WILLIAMSVILLE CENTRAL SCHOOLS: Letter to Legislature Re: Sales Tax Free Week.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 1M-11)
j. ALDEN CENTRAL SCHOOL DISTRICT: Letter to Legislator Swanick Re: Sales Tax Free Week.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 1M-15)
k. TOWN OF HAMBURG: Letter to Legislature Re: Sales Tax Free Week.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 1M-16)
l. WILLIAMSVILLE CENTRAL SCHOOLS: Letter to Legislators Swanick & Peoples Re: Commenting on the Sales Tax Free Period.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 1M-20)
m. TOWN OF CLARENCE: Letter to Legislator Swanick Re: Sales Tax Free Week.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Int. 1-10)
n. DEBENEDETTI: District Office Staff Changes.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 1M-17)
o. MOLLYOLGA NEIGHBORHOOD ART CLASSES, INC.: Final Report for Erie County Cultural Funding 1997 for Mollyolga & Notification of Name Change to Locust Street Neighborhood Art Classes.
(5-0) Chairman Swanick present as ex-officio member.

2. RESOLVED, that the following item is hereby received, filed and referred to the ENERGY AND ENVIRONMENT COMMITTEE:

- Item Page -1998 (Comm. 1M-22)
a. **RENSSELAER COUNTY LEGISLATURE:** Resolution in Support of New York State Legislature Organizing a "Dairy Summit" Concerning Milk Pricing. (5-0) Chairman Swanick present as ex-officio member.

- Item Page -1998 (Comm. 1E-16)
2. **COUNTY EXECUTIVE:**
WHEREAS, the following grant programs are included in Book B of the 1998 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget and Management with respect to the availability of Federal, State, County and other local source funding for the following programs which commence on January 1, 1998:

Department	Grant Program	1998 Budget Book B Page No.
110 - Co. Exec.	Community Coordinating Council on Children and Families	11
110 - Co. Exec.	STOP-DWI Program	11
140 - Dist. Atty.	Local Law Enforcement Block Grant	29
140 - Dist. Atty.	STOP-DWI Program	29
650 - Central Police Services	Arson Laboratory Improvement Program	63
150 - Sheriff	Public Awareness is Prevention	75
150 - Sheriff	COPS - Universal Hiring Grant	76
260 - Probation	Intensive Supervision Program	97
260 - Probation	Alternatives to Incarceration	97
260 - Probation	Juvenile Delinquent - Mental Health Diversion Program	97

260	- Probation	Disproportionate Minority Confinement Grant	98
260	- Probation	Anti-Drug Abuse Grant	98
270	- Health	Tuberculosis Control Program	119*
270	- Health	Childhood Lead Poisoning Prevention Program	119
270	- Health	HIV/STD Support Services	120
200	- Social Services	Family Assistance Employment Program	177
200	- Social Services	Comprehensive Employment Division Programs	178
200	- Social Services	Homelessness Prevention	178
200	- Social Services	Hospital Based Medicaid Eligibility	179
200	- Social Services	Safety Net Employment Programs	180
620	- Env. & Plg.	Buffalo River Habitat Restoration	291
620	- Env. & Plg.	Construction and Demolition Debris Recycling Program	291
620	- Env. & Plg.	Household Hazardous Waste Disposal	291
620	- Env. & Plg.	Section 18-b Transportation Operating Assistance	292
620	- Env. & Plg.	Collins/Gowanda Master Plan	292
620	- Env. & Plg.	Mercury/Clean Sweep Extension	292
251	- Youth Services Detention	Intensive Alternative Home Services	311
250	- Youth Services	Special Delinquency Prevention Program Type A Youth (SDPP)	311

250	- Youth Services	Juvenile Justice Delinquency Prevention Grant (JJDP)	312
251	- Youth Services	Alternative Home Services Detention	312
251	- Youth Services	Coordinated Children's Services Initiative	312
421	- Library	Regional Bibliographic Database	343
421	- Library	New York State Automation Grant-Non-Competitive	343
421	- Library	Central Library Development Aid	344
421	- Library	Continuity of Service	344
421	- Library	Library Services to County Correctional Facilities	344
421	- Library	Coordinated Outreach Program	345

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: County Executive, District Attorney, Central Police Services, Sheriff, Health, Probation, Social Services, Environment and Planning, Youth Services, Department of Law, the Buffalo and Erie County Public Library and the Division of Budget, Management and Finance.

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

CRYSTAL DAVIS PEOPLES
Chairperson

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

JANUARY 27, 1998

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 1

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

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

Item Page -1997 (Comm. 10E-41)
a. MARINELLI: Copy of Letter to ECC Re: ECC's Strategic Planning Process.

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

Item Page -1997 (Comm. 19E-26)
b. COHEN KENNEDY & MARINELLI: Copy of Letter to ECC Re: Establishment of Special Committee to Review & Reform ECC's Budget Process.

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

Item Page -1997 (Comm. 26D-3)
c. BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Progress Report on Strategic Planning for the Buffalo & Erie County Public Library.

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

Item Page -1997 (Comm. 27D-1)
d. EC COMMISSION ON THE STATUS OF WOMEN: Minutes of Meeting Held 11/12/97 & Notice of Special Meeting Held 12/17/97.

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

Item Page -1997 (Comm. 27D-8)
e. BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Minutes of Meeting Held 11/20/97 & Notice of Meeting to be Held 12/18/97.

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

Item Page -1997 (Comm. 27D-9)
f. ERIE COMMUNITY COLLEGE: Notice of Meeting Held 12/17/97.

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

Item Page -1998 (Comm. 1D-1)
g. ERIE COMMUNITY COLLEGE: Notice of Meeting Held 12/17/97.

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

Item Page -1998 (Comm. 1D-3)
h. ERIE COMMUNITY COLLEGE: Minutes of Special Meeting Held 12/3/97.

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

- Item Page -1998 (Comm. 1D-4)
i. ERIE COMMUNITY COLLEGE: Minutes of Meeting Held 10/29/97.
(6-0) Chairman Swanick present as ex-officio member.

- Item Page -1998 (Comm. 1D-11)
j. ERIE COMMUNITY COLLEGE: Notice of Meeting to be Held 1/12/98.
(5-0) Legislator Fisher absent. Chairman Swanick present as ex-officio member.

- Item Page -1998 (Comm. 1D-12)
k. ERIE COMMUNITY COLLEGE: Notice of Meeting to be Held 1/7/98.
(5-0) Legislator Fisher absent. Chairman Swanick present as ex-officio member.

- Item Page -1998 (Comm. 2D-6)
l. ERIE COMMUNITY COLLEGE: Notice of Student Support Services
Committee Meeting Held 1/14/98 & Workforce Development & Community
Services Committee Held 1/14/98.
(5-0) Legislator Fisher absent. Chairman Swanick present as ex-officio member.

- Item Page -1998 (Comm. 2M-3)
m. MAYOR ANTHONY M. MASIELLO: Copy of Letter to Swanick Re:
Appointment to Library Board of Trustees.
(6-0) Chairman Swanick present as ex-officio member.

- AS AMENDED
Item Page -1998 (Comm. 2E-7)
2. COUNTY EXECUTIVE:
RESOLVED, that the following individuals are hereby appointed to
the Buffalo and Erie County Public Library Board of Trustees:

Term Expires

Elaine M. Panty 12/31/2002
28 Henrietta Avenue
Buffalo, NY 14207

Stanley H. Zagora 12/31/2002
248 Garrison Road
Williamsville, NY 14221

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

- AS AMENDED
Item Page -1998 (Comm. 2E-21)
3. COUNTY EXECUTIVE:
RESOLVED, that the following individual is hereby appointed to the
Buffalo and Erie County Public Library Board of Trustees:

Term Expires

James W. Burns
175 Admiral Road
Buffalo, NY 14216

12/31/2002

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

- | | | | AS AMENDED |
|------|---------------------------------------------------------------------------------------------------------------------------------|-------|-------------|
| Item | Page | -1998 | (Int. 2-20) |
| 4. | OLMA, MARINELLI, SWANICK, FISHER, HOLT, KUWIK, LARSON & PAULY: | | |
| | WHEREAS, the Buffalo Air Terminal is recognized as being an important example of art deco architecture in Western New York, and | | |

WHEREAS, this air terminal is architecturally and historically significant to the County of Erie and all of Western New York, and

WHEREAS, the Buffalo Air Terminal is slated for demolition this year, and

WHEREAS, this historic structure is eligible for placement on the National Register of Historic Places, which shows that it is of great significance to the architectural history of this region, and

WHEREAS, this building could be restored and used as a museum to display the variety of activity and creativity that went on during the late 1930's through the 1950's, and

WHEREAS, this building, if restored, could serve as an economic stimulus for Western New York and would draw interested visitors from outside the area.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body supports the preservation of the Buffalo Air Terminal as an example of an up-to-date and prominent air terminal of the early 20th Century, and be it further

RESOLVED, that copies of this resolution be sent to the Chairman of the Niagara Frontier Transportation Authority (NFTA) and the Preservation Coalition of Erie County.

Fiscal Impact: None for resolution.

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

LYNN M. MARINELLI
Chairperson

Ms. MARTINELLI moved the adoption. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

JANUARY 27, 1998

ENERGY AND ENVIRONMENT
COMMITTEE
REPORT NO. 1

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

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

Item Page -1997 (Comm. 21M-4)
a. NYS COMPTROLLER: Extension No. 2 to Town of Boston Water District
No. 2, County of Erie, State of New York.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 27M-7)
b. EC ENVIRONMENTAL MANAGEMENT COUNCIL: Minutes of Meeting Held
11/18/97 & Notice of Meeting Held 12/16/97.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 1D-5)
c. DEP: SEQR Negative Declaration - Notice of Determination & Non-
Significance - Child Care Center - ECC North Campus.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 1E-18)
d. COUNTY EXECUTIVE: Engineering Service Agreements Comm. 20E-13 Work
Project: TVGA-2 ECSD No. 6 Weber Road Storm Sewer Improvements.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 1E-19)
e. COUNTY EXECUTIVE: ECSD No. 4 - URS Consultants, Inc. Change Order
No. 3.
(5-0) Chairman Swanick present as ex-officio member.

- Item Page -1998 (Comm. 1M-5)
f. NYSDEC: Fact Sheet Re: Spaulding Composites - Tonawanda.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1998 (Comm. 1M-12)
g. NYSDEC: Fact Sheet Re: Bern-Universal Metals Hazardous Waste Site
12/97.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1998 (Comm. 1M-13)
h. MELINDA HOLLAND, CLEAN SITES: Summary of Meeting Held 12/3/97 &
Notice of Meeting Held 1/7/98.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1998 (Comm. 2D-3)
i. DEP: SEQR - Lead Agency Status - Type I Action - Co-owned Stadium
Improvements for Professional Football.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1998 (Comm. 2E-10)
j. COUNTY EXECUTIVE: Engineering Services Agreement - ECSD No. 4 -
Aurora Street Pumping Station Design.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1998 (Comm. 2E-15)
k. COUNTY EXECUTIVE: ECSD No. 6 - Engineering Services Agreement Work
Project - TVGA-3.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1998 (Comm. 2E-16)
l. COUNTY EXECUTIVE: Semi-Annual Attendance Records - Board of
Managers - ECSD.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1998 (Comm. 2M-7)
m. EC ENVIRONMENTAL MANAGEMENT COUNCIL: Meeting Notice & Other
Information.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1998 (Comm. 2M-9)
n. NYSDEC: Meeting Notice & Fact Sheet.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1998 (Comm. 2M-10)
o. CITIZEN TASK FORCE: Draft Agenda & Other Information.
(5-0) Chairman Swanick present as ex-officio member.

- AS AMENDED
(Comm. 26E-7)
- Item Page -1997
2. COUNTY EXECUTIVE:
- WHEREAS, the Boards of Managers for Erie County Sewer District Nos. 1, 2, 3, 4, 5 & 6 have a system of sewer district user charges or fees; and
- WHEREAS, the Boards have requested and are desirous of collecting said user charges or fees for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said sewer district user charges or fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, & 6 liable therefore as provided by law; and be it further;

RESOLVED, that the following amounts be collected:

Sewer District #1	\$	341,665.00
Sewer District #4	\$	269,255.00
Sewer District #5	\$	223,299.00
Sewer District #2	\$	89,839.00
(Original & Extension)		
Sewer District #3	\$	316,143.00
(Original District)		
Sewer District #3	\$	17,853.00
(Boston Valley)		
Sewer District #3	\$	88,068.00
(Armor McKinley)		
Sewer District #3	\$	13,536.00
(Holland)		
Sewer District #6		<u>\$1,196,753.00</u>
		\$2,556,411.00

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Kenneth Kruly, Director of Budget, Management and Finance; Charles J. Alessi, Deputy Commissioner of Environment and Planning and Richard J. Schechter, Assistant County Attorney.

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

Item Page -1997 (Comm. 27E-17)
3. COUNTY EXECUTIVE:

WHEREAS, it has been determined that property acquisition and construction easements are needed on a site identified as SBL No. 43.07-2-44 in the Town of Clarence as part of the Stahley Road Sewer Project, and

WHEREAS, negotiations with the owner, Arthur F. Hintz as executor of the Estate of Helen C. Hintz, has resulted in a tentative agreement to obtain a 0.19 ± acre permanent easement and a 0.096 ± acre temporary easement, as well as, a 0.88 ± acre pumping station site in Fee for the total sum of \$25,550.00, and

WHEREAS, the owner of the property: Arthur F. Hintz as Executor of the Estate of Helen C. Hintz, 71 Park Meadow Drive, Pittsford, New York 14434 has requested an expeditious approval of an agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Environment and Planning be authorized to obtain the 0.88 ± acre pumping station property in Fee and a 0.19 ± acre permanent easement together with a 0.096 ± acre temporary easement on Parcel SBL No. 43.07-2-44 in the Town of Clarence for the sum of \$25,550.00, subject to the review and approval of the County Attorney, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute any and all documents necessary to effectuate the obtainment of the property and easements, subject to Approval as to Form by the County Attorney, and be it further

RESOLVED, that the sum of \$25,550.00 be transferred from Sewer Capital ECSD No. 5, SFG Fund 430, Project 507 - Department 810, Account 830 Contractual to Fund 430 Project 507 - Department 810, Account 973, Sewer Construction, Subaccount 800 Easements, and be it further

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

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

Item Page -1997 (Comm. 27E-20)
4. COUNTY EXECUTIVE:

WHEREAS, in January 1995 the USEPA Great Lakes National Program Office provided the County of Erie \$116,000 in federal grant funding to implement a local government pollution prevention project, and

WHEREAS, on December 15, 1994 the Erie County Legislature passed a resolution allowing the Erie County Executive to enter the agreements necessary to accept this grant and establishing a grant budget for this project, and

WHEREAS, the Department of Environment and Planning assembled an advisory committee of representatives from regulatory and technical assistance agencies to guide county staff and help determine how to best use the grant resources to accomplish the program objectives, and

WHEREAS, the best use of the grant resources was not consistent with the original categorized budget established by the USEPA and Erie County Resolution, and

WHEREAS, the necessary budget changes have been made by the granting agency, the USEPA, and

WHEREAS, the project period officially ended on March 31, 1997 before the Department of Environment and Planning could secure authorization to appropriately revise the county budget for this grant project, and

WHEREAS, unless the county budget is revised, Erie County will be unable to account for \$8,680.00 in federal resources to reimburse expenses incurred during the project, and

WHEREAS, it is necessary to revise the county budget to successfully bring the local government pollution prevention project to a close,

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Local Government Pollution Prevention Project (SFG#472) will be revised as follows:

<u>ACT</u>	<u>DESCRIPTION</u>	<u>CURRENT BUDGET</u>	<u>REVISIONS</u>	<u>REVISED BUDGET</u>
800	Salaries	\$ 59,200	\$ 6,944	\$ 66,144
805	Fringe Benefits	15,000	1,736	16,736
810	Office Supplies	967	-	967
824	Travel & Mileage	239	-	239
825	Out-of-Area Travel	4,327	-	4,327
826	Other Expenses	981	-	981
830	Contractual Serv.	32,000	(8,680)	23,320
933	Lab & Tech. Equip.	3,286	-	3,286
	Total Expenditures	\$116,000	\$ -0-	\$116,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management, Commissioner of Environment and Planning, the Deputy Commissioner of Environmental Compliance and the County Attorney.

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

Item	Page	-1998	(Comm. 1E-11)
5.	COUNTY EXECUTIVE:		

WHEREAS, the County Executive has made appointments to the Erie County Sewer District No. 6 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 6 Board of Managers are hereby confirmed:

<u>Erie County Sewer District No. 6</u>	<u>Term Expires</u>
Hon. Kathleen Staniszewski Mayor, City of Lackawanna 714 Ridge Road Lackawanna, NY 14218	12/31/99
Anthony Collareno 93 Cloverleaf Avenue Lackawanna, NY 14218	12/31/99
Charles J. Alessi, P.E. Deputy Commissioner, DEP 95 Franklin Street Buffalo, NY 14202	12/31/99

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, Deputy Commissioner of Environment and Planning, the Board of Managers for Erie County Sewer District No. 6, the appointees and Richard J. Schechter of the County Attorney's Office.

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

Item	Page	-1998	(Comm. 1E-12)
6.	COUNTY EXECUTIVE:		

WHEREAS, the County Executive has made appointments to the Erie County Sewer District No. 5 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 5 Board of Managers are hereby confirmed:

<u>Erie County Sewer District No. 5</u>	<u>Term Expires</u>
-----------------------------------------	---------------------

Timothy Kane 436 Shetland Drive Williamsville, NY 14221	12/31/99
---------------------------------------------------------------	----------

Dr. Jerry Chutkow 9875 Hollingson Road Clarence, NY 14031 (NEW MEMBER)	12/31/99
------------------------------------------------------------------------------	----------

Hon. Daniel Herberger Supervisor, Town of Clarence 1 Town Place Clarence, NY 14031 (NEW MEMBER)	12/31/99
----------------------------------------------------------------------------------------------------------	----------

Hon. Daniel Ward Councilman, Town of Amherst 5583 Main Street Williamsville, NY 14221 (NEW MEMBER)	12/31/99
-------------------------------------------------------------------------------------------------------------	----------

Charles J. Alessi, P.E. Deputy Commissioner, DEP 95 Franklin Street Buffalo, NY 14202	12/31/99
------------------------------------------------------------------------------------------------	----------

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, Deputy Commissioner of Environment and Planning, the Board of Managers for Erie County Sewer District No. 5, the appointees and Richard J. Schechter of the County Attorney's Office.

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

Item	Page	-1998	(Comm. 1E-13)
7.	COUNTY EXECUTIVE:		

WHEREAS, the County Executive has made appointments to the Erie County Sewer District No. 1 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 1 Board of Managers are hereby confirmed:

<u>Erie County Sewer District No. 1</u>	<u>Term Expires</u>
Hon. Dennis Gabryszak Supervisor, Town of Cheektowaga Broadway & Union Roads Cheektowaga, NY 14225	12/31/99
Hon. Paul Clark Supervisor, Town of West Seneca 1250 Union Road West Seneca, NY 14224	12/31/99
Gerald Devlin, P.E. Asst. Deputy Commissioner, DEP 95 Franklin Street Buffalo, NY 14202	12/31/99

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, Deputy Commissioner of Environment and Planning, the Board of Managers for Erie County Sewer District No. 1, the appointees and Richard J. Schechter of the County Attorney's Office.

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

Item	Page	-1998	(Comm. 1E-22)
8. COUNTY EXECUTIVE:			
WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 1997-98 snowmobile season in an amount not to exceed \$46,396, and			

WHEREAS, the sum of \$1,000 is budgeted as a state revenue for snowmobile development in the 1998 Adopted Budget of The Division of Parks, and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the Erie County Federation of Snowmobile Clubs on club trails located outside County-owned lands,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount \$46,396 as pertains to snowmobile trail maintenance performed during the 1997-98 snowmobile season, and be it further

RESOLVED, that the Erie County Executive is authorized to enter into a contract with the Erie County Federation of Snowmobile Clubs for an amount not to exceed \$44,316 for the purpose of snowmobile trail maintenance on club trails during 1997-98 snowmobile season, provided that the Federation meets all insurance and other requirements deemed necessary by the County, and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, project 942, dept. 640, account 553, in the amount of \$44,316, and an increase in appropriations in the amount of \$44,316 in the Division of Parks, fund 110, project 942, dept. 640, account 830, in order that funds may be available to make payment to the Erie County Federation of Snowmobile Clubs, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget and Management, Commissioner of the Department of Environment and Planning, and the Commissioner of the Department of Parks, Recreation and Forestry.

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

Item	Page	-1998	(Comm. 2E-13)
9.	COUNTY EXECUTIVE:		

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the Community Action Organization of Erie County, Inc., for an amount not to exceed \$60,000 for the purpose of offsetting renovation cost and operational expenses associated with the CAO's transitional housing facility for homeless families at 251 Main Street, Angola, New York, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with Child and Family Services, Inc., for an amount not to exceed \$42,108 for the purpose of implementing a safe home network program within the Erie County Community Development Block Grant Consortium serving women and children who are victims of domestic violence, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the Friends of Cazenovia Manor, Inc., for an amount not to exceed \$12,842 for the purpose of rehabilitating the agency's transitional home for homeless individuals recovering from alcoholism or other addictions at their facility in the Town of West Seneca, and be it further

RESOLVED, that said contract authorizations are contingent on the receipt of 1998 federal Emergency Shelter Grant funding assistance through the Department of Housing and Urban Development, and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with for the use of federal homeless 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 be forwarded to the Division of Budget, Management and Finance and the Department of Environment and Planning.

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

Item	Page	-1998	(Comm. 2E-14)
10.	COUNTY EXECUTIVE:		

RESOLVED, that this Honorable Body does hereby authorize the use of \$50,000 from the Erie County Department of Environment and Planning Budget Fund 110, Dept. 620, Project 945, Account 830-764, Sport Fishery Promotion Program for continuation of the Erie County Sport Fishing Promotion Program, and be it further

RESOLVED, that the provision of Section 19.08 of the Administrative Code requiring requests for proposal are hereby waived since this special service must be provided immediately and it is not deemed feasible nor cost effective for the County to undertake this process, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute an amendatory agreement with Northeast Outdoors, Inc. increasing the authorized contract amount from \$120,000 to \$170,000, and be it further

RESOLVED, that said agreement shall be for the purpose of continuing the Erie County Sport Fishing Promotion Program initiated in 1996 in Erie County, and be it further

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

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

Item Page -1998 (Comm. 2E-18)
11. COUNTY EXECUTIVE:

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Towns of Hamburg/Town of West Seneca/Erie County HOME Consortium, is hereby authorized to submit a 1998/99 consolidated application to the federal Department of Housing and Urban Development for the following programs having an estimated dollar amount as indicated:

- 1.) Community Development Block Grant Program - \$3,621,000
- 2.) Emergency Shelter Grant Program - \$121,000
- 3.) HOME Investment Partnership Program - \$1,082,000

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Town of West Seneca/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD and local governments necessary to implement the above programs, and be it further

RESOLVED, that copies of this resolution shall be forwarded to the Commissioner of the Department of Environment and Planning and Director of the Erie County Budget Office.

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

GREGORY B. OLMA
Chairman

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 35

JANUARY 29, 1998

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 1

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

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

- | | | | | |
|----|--------------------------------|-----------------------------------------------------------|-------|----------------|
| | Item | Page | -1997 | (Int. 11-6) |
| a. | PAULY: | Support of a Constitutional Convention in New York State. | | |
| | (4-0) | | | |
| | Item | Page | -1997 | (Comm. 27D-2) |
| b. | COUNTY ATTORNEY: | Notices of Claim. | | |
| | (4-0) | | | |
| | Item | Page | -1997 | (Comm. 27E-1) |
| c. | COUNTY EXECUTIVE: | Position Change Report PP#25. | | |
| | (4-0) | | | |
| | Item | Page | -1997 | (Comm. 27E-10) |
| d. | COUNTY EXECUTIVE: | Position Change Report PP#26. | | |
| | (4-0) | | | |
| | Item | Page | -1998 | (Comm. 1D-7) |
| e. | COUNTY ATTORNEY: | Notices of Claim. | | |
| | (4-0) | | | |
| | Item | Page | -1998 | (Comm. 1E-2) |
| f. | COUNTY EXECUTIVE: | Position Change Report PP#1. | | |
| | (4-0) | | | |
| | Item | Page | -1998 | (Comm. 1M-2) |
| g. | OFF TRACK BETTING CORPORATION: | Minutes of Meeting Held 10/22/97. | | |
| | (4-0) | | | |

2. 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, that 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, 1998 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 and Management and the County Comptroller.

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

Item	Page	-1998	(Comm. 1E-14)
3.	COUNTY EXECUTIVE:		

WHEREAS, the 1998 Erie County Budget stipulates that all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the County Executive, and

WHEREAS, the authorization of variable minimums is crucial to the delivery of medical and other essential public services,

NOW, THEREFORE, BE IT

RESOLVED, that variable minimums are hereby approved for the following titles commencing January 1, 1998, as follows:

<u>DEPARTMENT</u>	<u>TITLE</u>	<u>JG/STEP</u>
ECMC	Anesthetist	15-4
Health	Chief County Toxicologist	16-4
Sheriff	Chief of Investigative Services	14-3
Legislature	Clerk Typist	1-5
ECMC	Clinical Perfusionist	15-5
Health	Dentist	14-3
Correctional Facility	Deputy Superintendent- Correctional Fac.	14-5
ECMC, Home	Licensed Practical Nurse	4-3
ECMC, Home	Licensed Practical Nurse (2nd & 3rd Shift)	4-4
Health	Medical Director (Reproductive Health) (RPT)	18-5
Social Services	Medical Director (SS) (RPT)	20-5
Health	Medical Examiner	15-5
ECMC, Home	Medical Record Administrator	8-3
ECMC	Medical Record Technician	6-3
Health	Medical Specialist	17-5
ECMC	Nuclear Medicine Technologist	8-5
Health	Nurse Practitioner	10-3
ECMC, Home	Occupational Therapist	10-5
Home, Corr. Facility	Pharmacist	12-5
ECMC	Pharmacist-ECMC	13-5
ECMC, Home	Physical Therapist	10-5
E.C.C.	President (ECC) (effective 12/29/97)	21-4
ECMC	Radiologic Technologist	7-5
Youth	Registered Nurse	8-3
Sheriff (Holding Center)	Registered Nurse (Holding Center)	8-3
ECMC	Respiratory Care Practitioner	6-3
Public Works-Hwy.	Senior Civil Engineer	14-4
Legislature	Senior Clerk Typist	4-5
ECMC, Home	Senior Licensed Practical Nurse (1st Shift)	5-3
Legislature	Senior Clerk Typist	4-5
ECMC, Home	Senior Licensed Practical Nurse (1st Shift)	5-3
ECMC, Home	Senior Licensed Practical Nurse (2nd & 3rd Shifts only)	5-4
Health	Senior Nurse Practitioner	11-3

<u>DEPARTMENT</u>	<u>TITLE</u>	<u>JG/STEP</u>
Home	Senior Pharmacist	13-4
ECMC	Senior Pharmacist-ECMC	14-4
ECMC	Senior Respiratory Care Practitioner	7-3
County Exec.	Special Aide (County Executive)	8-4
ECMC	Special Procedures Technologist	8-4
ECMC, Home	Supervising Physical Therapist	12-5
Sheriff	Undersheriff	17-3
Social	Utilization Review Nurse	8-3
Services		

and be it further

RESOLVED, that once a variable minimum is approved for a particular position or job title, said variable minimum shall be in effect for all employees placed in said position during the year. It is also intended that where a variable minimum is granted for a full time position, the authorization is extended to any regular part-time or part-time position in any department, and be it further

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

(4-0)

Item	Page	-1998	(Comm. 1E-15)
4. COUNTY EXECUTIVE:			

WHEREAS, many Erie County Competitive and Non-Competitive Class Civil Service positions require specialized training and experience which is difficult to obtain or unavailable outside of County service, and

WHEREAS, in order to fill these Competitive Class and Non-Competitive Class positions; it is necessary to hire individuals and provide specialized training to them, and

WHEREAS, in order to facilitate the hiring of individuals to receive this specialized training and experience, certain County positions are filled on a trainee or underfill basis from trainee Civil Service lists or in the absence of a valid trainee list, on a provisional or temporary basis, and

WHEREAS, since the specific budget amendment authorizing the filling of County positions on a trainee or underfill basis was eliminated from the budget, departments will not be able to fill such positions which will then impair the departments ability to render services to the public,

NOW, THEREFORE, BE IT

RESOLVED, that effective January 1, 1998 funds appropriated for the Competitive and Non-Competitive Class positions listed below, may be used to pay a trainee or underfill a lesser amount until such employee becomes qualified to fill such positions:

Charge Nurse
Child Protective Worker
Computer Operator
Intern Personnel Specialist
Probation Officer
Probation Officer (Spanish Speaking)
Public Health Technician
Sewage Treatment Plant Operator
Social Services Program Specialist

and be it further

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

(4-0)

Item	Page	-1998	(Comm. 2E-5)
5.	COUNTY EXECUTIVE:		

RESOLVED, that the GOVERNMENT AFFAIRS Committee recommends that the full Legislature confirm the re-appointment of SISTER MARCELLA MARIE GARUS, President, Villa Maria College, 240 Pine Ridge Road, Buffalo, NY 14225 to the Erie County Board of Ethics for a term expiring August, 2003.

(4-0)

RAYMOND K. DUSZA
Chairman

Mr. MARSHALL requested tht Resolve No. 2 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Mr. DUSZA moved the adoption of Resolve No. 2. Ms. PEOPLES seconded.

Chairman SWANICK directed that a Roll Call be taken.

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

CARRIED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

JANUARY 29, 1998

HEALTH/MENTAL HEALTH
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

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

- | | | | |
|------------------------------|-----------------------------------------------------------------------------------------------------------------|-------|----------------|
| Item | Page | -1997 | (Comm. 5D-10) |
| a. ECMC: | 1997/1998 Governor Pataki's Budget Proposal. | | |
| | (4-0) Legislator Ranzenhofer absent. | | |
| Item | Page | -1997 | (Comm. 5M-4) |
| b. BOSTON-NORWOOD GROUP: | Proposal to Provide Research in the Financing Changes Taking Place in the Publicly Funded Mental Health System. | | |
| | (4-0) Legislator Ranzenhofer absent. | | |
| Item | Page | -1997 | (Comm. 18M-30) |
| c. NYS DEPARTMENT OF HEALTH: | "Maternal, Child and Adolescent Health Profile": NYS, 1993. | | |
| | (4-0) Legislator Ranzenhofer absent. | | |
| Item | Page | -1997 | (Comm. 22D-3) |
| d. ECMC: | Notice of Meeting to be Held 11/7/97. | | |
| | (4-0) Legislator Ranzenhofer absent. | | |
| Item | Page | -1997 | (Comm. 22D-4) |
| e. ECMC: | Notice of Meeting to be Held 11/13/97. | | |
| | (4-0) Legislator Ranzenhofer absent. | | |

Item Page -1997 (Comm. 23D-6)
f. ECMC: Notice of Meeting Held 11/13/97.
(4-0) Legislator Ranzenhofer absent.

Item Page -1997 (Comm. 23M-1)
g. CORTLAND COUNTY LEGISLATURE: Copy of Resolution Re: In Support of
New York State Legislature Organizing a "Dairy Summit" Concerning Milk
Pricing.
(4-0) Legislator Ranzenhofer absent.

Item Page -1997 (Comm. 23M-7)
h. MENTAL HYGIENE COMMUNITY SERVICES BOARD: Notice of Meeting to be
Held 11/20/97.
(4-0) Legislator Ranzenhofer absent.

Item Page -1997 (Comm. 23M-10)
i. GREATER BUFFALO COMMUNITY WELLNESS COUNCIL: Minutes of Meeting
Held 10/21/97.
(4-0) Legislator Ranzenhofer absent.

Item Page -1997 (Comm. 26D-7)
j. ECMC: Notice of Meeting to be Held 12/11/97.
(4-0) Legislator Ranzenhofer absent.

Item Page -1997 (Comm. 26D-8)
k. ECMC: Notice of Meeting to be Held 12/5/97.
(4-0) Legislator Ranzenhofer absent.

Item Page -1997 (Comm. 27D-3)
l. ERIE COUNTY MORGUE: Monies & Other Property Found on Deceased
Persons.
(4-0) Legislator Ranzenhofer absent.

Item Page -1997 (Comm. 27D-7)
m. ECMC: Minutes of Meeting Held 11/3/97 & Notice of Meeting Held
12/11/97.
(4-0) Legislator Ranzenhofer absent.

Item Page -1998 (Comm. 1D-6)
n. ECMC: Notice of Meetings to be Held 1/9/98 & 1/22/98.
(4-0) Legislator Ranzenhofer absent.

Item Page -1998 (Comm. 1D-8)
o. ECMC: Board of Managers Finance Committee 1/9/98 Financial
Statements for 11/30/97.
(4-0) Legislator Ranzenhofer absent.

Item Page -1998 (Comm. 2D-1)
p. ERIE COUNTY MORGUE: Monies & Other Properties Found on Deceased
Persons.
(4-0) Legislator Ranzenhofer absent.

Item Page -1998 (Comm. 2M-1)
q. MENTAL HEALTH COMMUNITY SERVICES BOARD: Notice of Board Meeting &
Related Information.
(4-0) Legislator Ranzenhofer absent.

Item Page -1998 (Comm. 1E-7)
2. COUNTY EXECUTIVE:

WHEREAS, the New York State Department of Health has awarded a revised contract in the amount of \$64,600 for the Erie County Department of Health to expand a program to provide training and technical assistance to Western New York county health departments to better enable them to integrate HIV prevention activities into their overall public health effort, and

WHEREAS, this training focus will assist the New York State Department of Health in meeting its goal of strengthening the capacity of local health units.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Department of Health to provide services budgeted as follows:

TECHNICAL & TRAINING ASSISTANCE
7/1/97-6/30/98
PROJECT #761

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>REVISED</u> <u>BUDGET</u>
553		STATE AID	\$ 50,000	14,600	\$ 64,600
		TOTAL	\$ 50,000	14,600	\$ 64,600
		<u>EXPENSES</u>			
800		PERSONNEL	36,541	8,690	45,231
		SERVICES			
805		FRINGES	9,390	2,234	11,624
825		OUT OF AREA	2,569	1,200	3,769
		TRAVEL			

826	OTHER	1,500	2,476	3,976
	EXPENSES			
	TOTAL	<u>\$</u>	<u>\$</u>	<u>\$</u>
		50,000	14,600	64,600

The following personnel detail is hereby submitted:

TITLE: HIV/AIDS Public Health Educator CIVIL SERVICE: Yes
JG: VIII FUNDING: 100% State Funded
STEP: 2
ANNUAL SALARY: \$30,314
FRINGE BENEFITS: \$8,310

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one Full Time position of HIV/AIDS Public Health Educator, JG VIII, and be it further

RESOLVED, that one Regular Part Time position of HIV/AIDS Public Health Educator is hereby deleted, and be it further

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

(4-0) Legislator Ranzenhofer absent.

Item Page -1998 (Comm. 1E-8)
3. COUNTY EXECUTIVE:
WHEREAS, the Erie County Health Department has received a donation of dental supplies and items of dental equipment from Susan Hall, D.D.S., 1375 Grover Road, East Aurora, New York, 14052, with a value determined by Dr. Hall to be (\$5,200.)

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the gift from Dr. Hall, and be it further

RESOLVED, that said equipment shall be used by the Erie County Health Department in the Dental Program, and be it further

RESOLVED, that the Erie County Legislature extends its sincere thanks to Dr. Hall for her generous contribution to the County of Erie, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Health, and Dr. Hall.

(4-0) Legislator Ranzenhofer absent.

Item Page -1998 (Comm. 1E-10)
4. COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Health currently operates a Lead Poisoning Prevention Program, and

WHEREAS, the purpose of this grant is to support and enhance local efforts to reduce the prevalence of elevated blood lead levels in children under six years of age through the implementation of a comprehensive program of primary and secondary prevention which includes: public and professional outreach and education; and in collaboration with local primary care providers; screening, diagnostic evaluation, medical management, educational and environmental interventions, and

WHEREAS, the Erie County Department of Health has received a revised grant award in the amount of \$552,084.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the New York State Health Department to continue to provide services which are budgeted as follows:

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
573		STATE AID	552,084	-	552,084
686	2700	INTERFUND SUBSIDY HEALTH	31,488	-	31,488
698	105	APPROPRIATED FUND BAL.	<u>\$7,307</u>	<u>0</u>	<u>\$ 7,307</u>
		TOTAL	<u>590,879</u>	<u>-</u>	<u>590,879</u>
		<u>EXPENSES</u>			
800		PERSONNEL SERVICES	442,414	0	442,414
801		OVERTIME	1,500	0	1,500
805		FRINGES	111,140	0	111,140
811		CLOTHING	450	0	450

823	REPAIRS & MAINTENANCE	17,375	0	17,375
824	TRAVEL & MILEAGE	10,000	0	10,000
825	OUT OF AREA TRAVEL	1,000	-355	645
826	OTHER EXPENSES	5,000	0	5,000
890	CONTINGENCIES	2,000	-2,000	-
933	LAB & TECHNICAL EQUIP.	<u>\$ -</u>	<u>2,355</u>	<u>\$2,355</u>
	TOTAL	<u>590,879</u>	<u>\$ -</u>	<u>\$590,879</u>

and be it further

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

(4-0) Legislator Ranzenhofer absent.

Item Page -1998 (Comm. 2E-17)
5. COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Health provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program check distribution sites in various locations, and

WHEREAS, we wish to renew an agreement to lease space on the second floor of a building at 155 Lawn Avenue being utilized as a WIC check distribution site.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to renew an agreement with the Northwest Buffalo Community Center whereby Erie County will continue to pay \$1,500.00 annually for the rental of space at the Northwest Buffalo Community Center Building, 155 Lawn Avenue, Buffalo, New York, consisting of approximately 500 square feet, for the period October 1, 1997 through September 30, 1998, and be it further

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

(4-0) Legislator Ranzenhofer absent.

JUDITH P. FISHER
Chairperson

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

JANUARY 29, 1998

SOCIAL SERVICES
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

Item Page -1997 (Comm. 27E-14)
1. COUNTY EXECUTIVE:
WHEREAS, the Erie County Department of Senior Services currently has 51 congregate dining sites throughout Erie County, and

WHEREAS, Los Tainos Senior Citizens was included with the Father Belle Community Center, and

WHEREAS, Los Tainos Senior Citizens has moved their facility to 333 Trenton Avenue, Buffalo, New York, and

WHEREAS, the Erie County Department of Senior Services intends to enter into contract with Los Tainos Senior Citizens effective January 1, 1998 to operate a congregate dining site at this new location, and

WHEREAS, the Erie County Department of Senior Services currently subcontracts with ten (10) suburban communities to provide senior transportation as part of the Department's "Going Places" transportation system, and

WHEREAS, the Department intends to add the Town of Lancaster to its "Going Places" system effective January 1, 1998,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with Los Tainos Senior Citizens to provide congregate dining at 333 Trenton Avenue, Buffalo, New York in an amount not to exceed \$1,594 for the period January 1, 1998 to December 31, 1998, and be it further

RESOLVED, that the Congregate Dining Nutrition Grant, Project No. 805, for the period January 1, 1998 through December 31, 1998, be revised as follows:

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Change</u>	<u>Revised Budget</u>
830/310	Father Belle Community Center	\$3,649	\$-1,594	\$2,055
830/208	Los Tainos Senior Citizens	-0-	<u>+1,594</u>	1,594

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into subcontract with the Town of Lancaster to provide senior transportation under the "Going Places" transportation system for the period January 1, 1998 to December 31, 1998, and be it further

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

(4-0)

Item	Page	-1998	(Comm. 2E-11)
2. COUNTY EXECUTIVE:			

WHEREAS, the Erie County Department of Senior Services provides vans to community-based agencies to provide transportation for Senior Citizens, and

WHEREAS, the Department intends to provide a van to the following agencies to provide senior transportation during 1998,

St. Augustine's Community Center
Friends to the Elderly, Inc.
Friendship House

NOW, THEREFORE, BE IT

RESOLVED, that since no County funding is required, the Erie County Executive is authorized to renew the contracts with the following agencies for operation of the Transportation for Elderly Program vans for the period January 1, 1998 through December 31, 1998:

St. Augustine's Community Center
Friends to the Elderly, Inc.
Friendship House

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Attorney and the Department of Social Services.
(4-0)

3. Item Page -1998 (Comm. 2E-12)
COUNTY EXECUTIVE:

WHEREAS, the New York State Office for the Aging has made funding available to the Erie County Department of Senior Services for the Congregate Services Initiative Program (CSI) for the period April 1, 1997 to March 31, 1998 through the Community Services for the Elderly (CSE) grant, and

WHEREAS, the program's intent is to service well elderly by encouraging their involvement in the community, to enhance their dignity and to support their independence by providing transportation, nutrition-related service, information and referral, counseling and other varied informational services, and

WHEREAS, the funding will be used to replace two (2) Going Places vans which have high mileage, and are due for replacement, and to purchase nutrition-related equipment to improve services at various Senior centers, and

WHEREAS, the CSI Program will require 25% local county matching funds already available in the interfund transfers line of the Department of Senior Services Administrative Division, Budget, and

WHEREAS, no additional County funds are required for this grant,
and

WHEREAS, the budgets must be revised for the CSE grant project for the period 4/1/97 to 3/31/98, and the Title III-B Area Agency on Aging Project 703 for the period 1/1/97 to 12/31/97.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the CSE grant, Project No. 707, for the period April 1, 1997 to March 31, 1998 be revised as follows:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Revised Budget</u>
<u>REVENUE</u>				
617	State Aid-Community Services for the Elderly	\$775,046	\$+ 41,913	\$816,959
685	Interfund-Admin.	227,642	<u>13,959</u> \$+ 55,872	241,601
930	Motor Vehicles	-0-	\$+ 43,000	\$ 43,000
932	Furniture & Fixtures	-0-	<u>+ 12,872</u> \$+ 55,872	

and be it further

RESOLVED, that the budget for the AAA grant, project No. 703 for the period January 1 to December 31, 1997 be revised as follows:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Revised Budget</u>
<u>REVENUE</u>				
685	Interfund-Admin.	\$296,492	\$- 13,959	\$282,533

APPROPRIATIONS

805	Fringe Benefits	\$194,988	\$- 13,959	\$181,029
-----	-----------------	-----------	------------	-----------

and be it further

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

(4-0)

Item Page -1998 (Int. 2-12)

4. DEBENEDETTI, OLMA, MARSHALL, GREENAN & CHASE:
WHEREAS, federal and state social service regulations allow local municipalities a certain level of flexibility, and

WHEREAS, state and federal regulations provide counties with the ability to administer programs in a manner appropriate to local situations, and

WHEREAS, it is the duty of the county to explicitly and formally decide social service policy, and

WHEREAS, it appears that some of Erie County's decisions with respect to Social Service policy have been made exclusively by the County Executive, and

WHEREAS, such decisions should be made and/or confirmed by the Legislature, and

WHEREAS, the Erie County Legislature has never had the opportunity to approve or disapprove such policies, and

WHEREAS, such decisions are County policy and should not be considered administrative in nature, and

WHEREAS, Social Service policy decisions should receive formal approval by the Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that this Body believes Social Service policy decisions should be approved or disapproved formally in Legislative sessions and do not fall under the purview of the Executive branch of government, and be it further

RESOLVED, that this Body requests the appearance of the Commissioner of the Department of Social Services in committee to discuss past decisions and to review the department's efforts to remedy the above problem, and be it further

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

Fiscal Impact: None for resolution.

(3-1) Legislator Fisher in the negative.

GREGORY B. OLMA
VICE CHAIRMAN

Mr. HOLT requested that Resolve No. 4 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that Resolve No. 4 be referred back to committee.

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

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Subsequently, Resolve No. 4 was referred back to committee.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38

FEBRUARY 3, 1998

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR PAULY.

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

- | | Item | Page | -1997 | (Comm. 9D-13) |
|----|-----------------------------------------------------------------------------------------------------------------------------------|------|-------|---------------|
| a. | DPW: CMAQ Intersections - Williams Street, Town of Cheektowaga; Sweet Home Road, Town of Amherst & Hopkins Road, Town of Amherst. | | | |
| | (4-0) | | | |
| b. | WESTERN NEW YORK INTERNATIONAL TRADE COUNCIL: 1997-98 World Market Directory. | | | |
| | (4-0) | | | |
| c. | ECIDA: 1998 Proposed ECIDA Budget. | | | |
| | (4-0) | | | |

	Item	Page	-1998	(Comm. 1M-14)
d.	NFTA:	Minutes of Meeting Held 11/17/97.		
		(4-0)		

	Item	Page	-1998	(Comm. 1M-18)
e.	COLDEN TOWN BOARD:	Certified Copy of Resolution Re: Requesting Erie County to Secure Title to the B & P Railroad Tracts within Erie County & Rehab.		
		(4-0)		

	Item	Page	-1998	(Comm. 1M-23)
f.	ECIDA:	Notice of Meeting to be Held 1/14/98.		
		(4-0)		

	Item	Page	-1997	(Comm. 27D-14)
2.	DPW:			

WHEREAS, A project for the Reconstruction of Intersection of McKinley Parkway (CR 204), Bayview Road (CR 169) and Sowles Road (CR 162) Intersection, in the Town of Hamburg, Erie County, P.I.N. 5128.00, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the above project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI), Right-of-Way Incidental and Right-of-Way Acquisition Phases of the project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement.

NOW, THEREFORE, the County Legislature of the County of Erie duly convened does hereby

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance the full non-federal share of the cost of Preliminary Engineering (Design I-VI) Right-of-Way Incidental and Right-of-Way Acquisition Phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$9,200.00 is hereby appropriated from the 1994 Federal Aid Projects Program (in addition to the \$67,000.00 previously appropriated via Erie County Resolution Number 7D-31 adopted on May 9, 1996 for the subject project's Preliminary Engineering, Design I-VI, and the Right-of-Way Incidental Phases, relative to the execution of Agreement #D010804) and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the non-federal share of the costs of the project exceed the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the Erie County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that a copy of this resolution be filed with the New York State Commissioner of Transportation, it being understood that upon completion of the above project, the Commissioner shall transmit to the County a statement showing the actual costs and expenses of such work and shall notify the County of Erie of the amount, if any, to be returned to the County of Erie; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation.

(4-0)

Item	Page	-1997	(Comm. 27D-15)
3. DPW:			

WHEREAS, a project for the rehabilitation of New Road Bridge 186-2, over Ransom Creek, BIN 3-32636-0, Town of Amherst, Erie County, PIN 5754.03 funded for in Title 23, U.S. Code, as amended, calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the above project by making a commitment of 100% of the non-federal share of the Erie County costs of replacement of New Road Bridge 186-2, over Ransom Creek, in supplement to Resolution dated December 6, 1994, Communication Number 13D-15, authorizing the County to participate to the extent of the local share of the cost of Construction for a Federal Aid Highway project not on the State highway system, and

WHEREAS, that Resolution authorized the Erie County Executive to execute all necessary agreements on behalf of the County providing for the County's participation in the cost of the local share of the subject project; and

WHEREAS, it has been found necessary to increase the amount of the commitment of the County for the local share of the project; and

NOW, THEREFORE, BE IT

RESOLVED, that this authorization shall commit the County to an additional amount not to exceed \$1,930.00 for the local share of the cost of Preliminary engineering work incurred for the above subject project; and be it further

RESOLVED, that the additional money be allocated from the 1996 Federal Aid Program for the above noted purpose; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be filed with the New York State Commissioner of Transportation, it being understood that upon completion of the above project, the Commissioner shall transmit to the County a statement showing the actual costs and expenses of such work and shall notify the County of Erie of the amount, if any, to be returned to the County of Erie.

(4-0)

Item	Page	-1997-	(Comm. 27D-16)
4. DPW:			

WHEREAS, the New York State Department of Transportation has prepared plans for the reconstruction of Niagara Falls Boulevard and Sheridan Drive in the Town of Amherst, which includes work involving necessary betterment to storm drainage systems utilized by Erie County, and

WHEREAS, it is necessary to reconstruct a Town of Amherst main storm drainage sewer outlet and an Erie County Bailey Avenue concrete box culvert as part of this storm drainage system, and

WHEREAS, our calculated share of the Amherst storm sewer outlet system, based on the volume of storm water we contribute to the system, is \$133,744.00, and

WHEREAS, it will be necessary to enter into an agreement with the New York State Department of Transportation to provide our share of funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie agrees to pay the New York State Department of Transportation for the Erie County share of storm drainage improvements on this reconstruction project in an amount presently estimated to be \$133,744.00, and be it further

RESOLVED, that this amount of \$133,744.00 be allocated from the 1994 Road Construction Design Federal Aid Program (\$66,744.00) and the 1996 Federal Aid Program (\$67,000.00) for construction costs, and be it further

RESOLVED, that the County Executive be authorized to execute the necessary agreements for these betterments, and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner, Highways.

(4-0)

Item	Page	-1997	(Comm. 27E-18)
5.	COUNTY EXECUTIVE:		

WHEREAS, the County of Erie has been authorized by the Foreign Trade Zone Board, United States Department of Commerce, to establish, operate and maintain a foreign trade zone with multiple subzones and sites, and

WHEREAS, the Erie County Industrial Development Agency is an economic development agency with expertise in the area of operating foreign trade zones, and

WHEREAS, the County of Erie has determined that it is in the best interest of the County to authorize the Erie County Industrial Development Agency to administer this program,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency for the purpose of administering the County's foreign trade zone program, and be it further

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

(4-0)

Item	Page	-1998	(Comm. 2D-8)
6. DPW:			

WHEREAS, A project for the replacement of two (2) Erie County Bridges; the Two Rod Road Bridge (BR 547-1) over a Tributary of Cayuga Creek, BIN 3-36801-0, Town of Alden and the Strickler Road Bridge (BR 269-2) over a Tributary of Beeman Creek, BIN 3-32663-0, in the Town of Clarence, PIN 5754.88, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Project Scoping & Design I-VI) and Right-of-Way Incidentals Phases of the Project or portions thereof, with the Federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement, and

WHEREAS, it has been found necessary to increase the amount of the commitment of the Municipality for the local share of the project.

NOW, THEREFORE, the Legislature duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie, hereby, approves the above subject project, and be it further

RESOLVED, that the County Legislature of the County of Erie, hereby, authorizes the County of Erie to pay the non-Federal share of the cost of Preliminary Engineering (Phases I-IV and ROW Incidentals) for the subject project or portions of the subject project that are not on the State Highway System, and be it further

RESOLVED that the sum of \$19,000.00 is hereby appropriated from the 1997 Federal Aid Program (in addition to \$21,400 previously appropriated for these project phases via Erie County Resolution No.18D-29 adopted September 19, 1996) and made available to cover the cost of the County of Erie's participation in the above phases of the project, and be it further

RESOLVED, that in the event the non-Federal share costs of these project phases exceed the amount appropriated, the County of Erie shall convene its legislature as soon as possible to appropriate said excess amount immediately upon the notification by the Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is, hereby, authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and the Municipality's first instance funding of the non-federal share of project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be filed with the New York State Commissioner of Transportation, it being understood that upon completion of the above project, the Commissioner shall transmit to the County a statement showing the actual costs and expenses of such work and shall notify the County of Erie of the amount, if any, to be returned to the County of Erie.

(4-0)

Item	Page	-1998	(Comm. 2D-9)
7. DPW:			
WHEREAS, the Department of Public Works received bids on January 13, 1998 for the Erie County Rath Building Sub-basement Asbestos Abatement, Phase II project, and			

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Erie County Rath Building Sub-basement Asbestos Abatement, Phase II project:

ASBESTOS ABATEMENT WORK

Penn Environmental	\$ 39,900.00
--------------------	--------------

ELECTRICAL WORK

Modern Tech	\$ 24,950.00
-------------	--------------

GENERAL CONSTRUCTION WORK

Mader Construction Corp.	\$ 55,020.00
Total for all contracts:	\$119,870.00

and be it further

RESOLVED, that the sum of \$17,000.00 be allocated to a construction contingency fund and DPW overhead 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 sum of \$13,400.00 be allocated for project monitoring, a professional service involving mandated air testing and project monitoring, by Watts Engineers, the project designer, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the following capital bond accounts: 1991 Asbestos Abatement, SFG No. 594, Fund 410; 1995 Asbestos Abatement, SFG No. 712, Fund 410; and 1996 Asbestos Abatement, SFG No. 744, Fund 410, for a total amount of \$157,270.00, and be it further

RESOLVED, that the amount of \$7,000.00 be allocated to cover the maximum amount of a bonus/penalty payment to the contractors permitted by the contracts, and be it further

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

(4-0)

Item	Page	-1998	(Comm. 2D-11)
8. DPW:			

WHEREAS, the firm of Okie Engineering was engaged by Erie County to design the Erie Community College - North, South & City, HVAC Improvements, and

WHEREAS, the contract was on a time and material basis, not to exceed \$75,000.00, and

WHEREAS, the Department of Public Works directed Okie Engineering to make several changes in the scope of work during the Construction Document Phase, Erie Community College, North Steam Line Replacement, and

WHEREAS, the additional design work was billed for on a time and material basis,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue Okie Engineering a change order in the amount of \$3,500.00, and be it further

RESOLVED, that funding for this change order shall be from the 1997 ECC N Steam Line Rehabilitation Bond Account, SFG No. 812, Fund 480, and be it further

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

(4-0)

Item Page -1998 (Comm. 2D-12)

9. DPW:

WHEREAS, the Department of Public Works received bids on December 30, 1997, for the Fire Training Academy, Miscellaneous Improvements, and

WHEREAS, the Architect/Engineer and the Department of Public Works are recommending award to the lowest responsible bidders, and

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Fire Training Academy, Miscellaneous Improvements:

MASONRY WORK

Raymond E. Kelley, Inc.	
Base Bid	\$ 93,700.00

ROOFING WORK

Weaver Metal & Roofing, Inc.	
Base Bid	\$ 59,500.00

GENERAL CONSTRUCTION WORK

MGR Constructors, Inc.	
Base Bid	\$ 19,500.00

MECHANICAL WORK

MJ Mechanical Services, Inc.	
Base Bid	\$ 15,820.00

Total for all contracts: \$188,520.00

and be it further

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

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

RESOLVED, that the sum of \$3,000.00 be allocated for testing, inspection, and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further

RESOLVED that the sum of \$10,000.00 be allocated for Project Engineer and Department of Public Works salary expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Fire Training Academy Bond Funds, SFG No. 669, Fund 410, in the total amount of \$226,520.00, and be it further

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner.
(4-0)

Item	Page	-1998	(Comm. 2D-18)
10. DPW:			
WHEREAS, architectural/engineering services are required for the Erie County Public Health Lab Relocation, and			

WHEREAS, the firm of EI Associates presently has a General Architectural/Engineering Contract with the County of Erie to provide design services, and

WHEREAS, the firm of EI Associates provided the architectural/engineering services for the Project Initiation Report for the Erie County Public Health Lab Relocation,

WHEREAS, the 1998 Public Health Laboratory Adopted Budget contains the amount of \$978,000 in Account 830, Contractual Expense, representing the County's share of the cost of relocating the Public Health Laboratory, and

WHEREAS, State Aid is available to cover 35% of these costs,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to EI Associates for a fee in an amount not to exceed \$70,000.00 relative to the architectural/ engineering design services required for the Erie County Public Health Lab Relocation, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the 1998 EC Health Lab Operating Budget, and be it further.

RESOLVED, that State Aid in Account 578, State Aid for Laboratories is hereby increased by \$526,615 and this amount is hereby appropriated in General Fund 110, Project 951, Department 272, Public Health Laboratory, Account 830, Contractual Expense, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner and one copy to the Erie County Health Department.

(4-0)

Item	Page	-1998	(Comm. 2E-9)
11.	COUNTY EXECUTIVE:		

WHEREAS, the Department of Public Works, Division of Highways, is presently experiencing a shortage of funds in Account 817 (Highway Supplies); due to severe weather conditions experienced January through April 1997, and

WHEREAS, additional salting and plowing on state roads is recoverable by contract with New York State, and

WHEREAS, the Division of Highways has realized unanticipated revenues in Account 474 (State Aid-Snow Plowing) exceeding \$300,000.00 and a surplus in turnover savings in Account 802 exceeding \$100,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that appropriations in Account 817 (Highway Supplies) be increased by \$400,000.00 to provide for the payment of materials purchased in 1997 to combat snow and ice, the source of funds being unanticipated revenues in the amount of \$300,000.00 in Account 474 (State Aid-Snow Plowing) and a transfer of funds in the amount of \$100,000.00 from Account 802 (Turnover Savings), the annual budget for these accounts having being realized, and be it further

RESOLVED, that a certified copy of this resolution be sent to the Director of Budget, Management and Finance and the Deputy Commissioner of Public Works, Division of Highways.

(4-0)

MICHAEL A. FITZPATRICK
Chairman

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS:

ITEM 16 - Ms. PEOPLES presented the following resolution and requested that it be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Int. 3-1 From: Legs. Swanick, Peoples, Kuwik, Fisher, Olma, Dusza & Marinelli Re: Project Labor Agreement (PLA) for County Stadium Renovations

ITEM 17 - Mr. GREENAN presented the following resolution and requested that it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Int. 3-2 From: Legs. Greenan, Chase, Larson, Weinstein, Ranzenhofer & Marshall Re: Update by Central Police Services on Progress with Countywide Mobile Computer Terminal Project

ITEM 18 - Mr. WEINSTEIN presented the following resolution and requested that it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Int. 3-3 From: Legs. Weinstein, Chase, Larson, Greenan, Ranzenhofer & Marshall Re: The Donation of County Computers for Education Purposes

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39 Re: Creation of Committee to Study
 Feasibility of Erie County Regional
 Asset Fund (Int. 3-4)

WHEREAS, Erie County is blessed with an abundance of cultural, recreational and civic organizations and activities, and

WHEREAS, These facilities and activities are open and accessible to all county residents regardless of what municipality in which they reside, as well as all guests to the area, making them truly regional assets, and

WHEREAS, The preservation and enhancement of these regional assets is crucial to Erie County's future, and

WHEREAS, The Erie County Legislature has consistently been a leader in regional thinking and action, as evidenced by the allocation of \$3 million in 1997 for consolidation efforts between the county and its three cities, the allocation of an additional \$2.7 million in 1998 for consolidation and regionalization efforts with the towns and villages of Erie County, and the approved 1998 budget items of \$2 million for War Memorial Auditorium demolition, \$2 million for Cobblestone District development, and \$500,000 to begin planning for a new Convention Center, and

WHEREAS, Another critical component of this Honorable Body's regionalism effort must be the fostering of the area's regional assets, and

WHEREAS, One method regions have used to accomplish this goal is through the development of a regional asset fund in order to dedicate funds for those civic, cultural and recreational organizations and activities which benefit the residents of a region,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby establish a committee to study the feasibility of creating a regional asset fund in Erie County dedicated to the preservation and enhancement of civic, recreational, and cultural entities and facilities that will be widely used and provide an economic and quality of life benefit to the people of Erie County and Western New York without unduly burdening individual municipalities, and be it further

RESOLVED, That said committee shall consist of nine members of the region's governmental, business, civic, cultural and recreational community; all of whom shall be appointed by the Chairman of the Erie County Legislature, and be it further

RESOLVED, That said committee - which is advisory in nature - shall have as its mission to completely and thoroughly:

- ✓ *pass* → • Define the administering structure of said fund, including the makeup of any administrative agency or board recommended ~~Define~~
- Define possible existing funding sources for said fund, including any negative impact of diverting those funds from their existing allocation,
- Determine in what amount said fund should be financed,
- Determine eligibility criteria for projects and agencies involved in regionally beneficial activities,

and be it further,

RESOLVED, That said committee shall report its findings in writing to this Honorable Body within 60 days of its first meeting for review and possible action by this Honorable Body, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Erie County Executive Dennis Gorski, Erie County Budget Director Kenneth Kruly, Erie County Comptroller Nancy Naples, and University at Buffalo Institute for Local Governance and Regional Growth Director John Sheffer (Beck Hall, South Campus, SUNY Buffalo, 3435 Main St. Building 9, Buffalo, NY 14214).

Fiscal Impact: None for resolution.

CHARLES M. SWANICK
GEORGE A. HOLT, Jr.

JUDITH P. FISHER
LYNN M. MARINELLI

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

CARRIED UNANIMOUSLY.

ITEM 20 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Mr. GREENAN seconded.

✓ Int. 3-5 From: Legs. Chase, Weinstein, Larson, Greenan, Ranznehofer & Marshall Re: Support for Senate Bill S.2430 and Assembly Bill A.2419

Chairman SWANICK directed that Int. 3-5 be referred to the FINANCE AND MANAGEMENT COMMITTEE.

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Ranznehofer, Weinstein, DeBenedetti 7. Noes - Pauly, Dusza, Fisher, Fitzpatrick, Holt, Kuwik, Marinelli, Olma, Peoples, Swanick - 10.

DEFEATED.

Subsequently, Int. 3-5 was referred to the FINANCE AND MANAGEMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 40 Re: Authorizing Deloitte & Touche to Perform County's 1997 and 1998 Single Audit (Int. 3-6)

WHEREAS, the federal government has enacted changes to the Single Audit Act of 1984, and

✓ WHEREAS, the County's independent accountants, KPMG P&A Marwick LLP, notified the Comptroller and Audit Committee that for them to audit the federal programs administered by the County they will require an additional \$74,000 for the 1997 and 1998 audits, and

WHEREAS, The Comptroller and Audit Committee have reviewed the new federal guidelines contained in the new OMB Circular A-133 and OMB's Compliance Supplement and, after extensive discussions by the Comptroller with other municipalities and accounting firms and discussions between Committee members and the Office of Budget and Management, it is the opinion of the Audit Committee that a 100 percent increase in the single audit cost is unwarranted, and

WHEREAS, After advising KPMG Peat Marwick LLP that the Committee would not support their request for a increase in their contract with the County, KPMG Peat Marwick LLP exercised their right to terminate their audit engagement contract with Erie County, and

WHEREAS, The accounting firm of Deloitte & Touche LLP submitted the second lowest bid to the Audit Committee for the audit of the County's financial statements and Single Audit for fiscal years 1995 – 1998, and

WHEREAS, Due to the lateness of the request by KPMG Peat Marwick for an increase in their contract, the Audit Committee and the Comptroller are of the opinion that the release of a new RFP, evaluation of proposals and selection of a new auditor would significantly delay the 1998 audit, and

WHEREAS, The accounting firm of Deloitte & Touche LLP has advised the Audit Committee that they are available to conduct the 1997 and 1998 audits, and

WHEREAS, Deloitte & Touche has agreed to audit the County's financial statements and conduct the single audit in accordance with OMB Circular A-133 for \$128,500 for 1997 and \$134,000 for 1998, and

WHEREAS, The current proposal of Deloitte & Touche is \$14,500 less than their original proposal, and

WHEREAS, Deloitte's proposal will result in a increase in the single audit cost for 1997 and 1998 of \$48,500 (\$21,500 for 1997 and \$27,000 for 1998) as compared to KPMG Peat Marwick's request for a increase of \$74,000,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby waive the request for proposal process required by Administrative Code Section 19.02, and does authorize the County Executive to enter into a contract with the firm of Deloitte & Touche LLP for the audit of Erie County's financial statements, to include the requirements of the Single Audit (OMB A-133) for 1997 and 1998, as follows

	Financial Audit	Single Audit
1997	\$60,000	\$68,500
1998	60,000	74,000

and be it further

RESOLVED, That the Comptroller's dues and fees appropriations for 1998, 110-914120821 are increased by \$21,500 and Interfund Revenue-Department of Social Services 110-9141206852000 is increased by \$21,500, and be it further

RESOLVED, that the Department of Social Services Interfund Expense-Comptroller 120-8801200 is increased by \$21,500 and Federal Aid Revenue-Social Services Admin 120-596 is increased by \$21,500, and be it further

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

Fiscal Impact: None to county, all funds federally reimbursed.

CRYSTAL D. PEOPLES

FREDERICK J. MARSHALL

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41 Re: Increasing the Level of State Aid
to Erie Community College (ECC)
(Int. 3-7)

✓✓ WHEREAS, the mission of Erie Community College (ECC) is ^{to} develop and provide high-quality, low-cost, post-secondary educational programs, community outreach activities and related services which are geographically accessible to County residents, and

✓ WHEREAS, revenues to support ECC's operating budget comes from three primary sources, including direct student tuition, state aid and the annual sponsor (county) contribution, and

WHEREAS, the ECC budget is an enrollment driven budget as approximately 70% of the college's operating revenues are influenced by student enrollment figures, including direct tuition revenues and state aid, which is calculated on a three years weighted average, and

WHEREAS, the sponsor (county) contribution for the 1997-98 ECC budget is \$11,474,777, or 17.8%, of the total ECC budget, representing the highest percentage of the total ECC budget, in terms of sponsor contribution, in five years, and

✓ WHEREAS, additionally, Erie County will contribute more than ~~X~~ \$2.5 million in capital debt service payments for ECC in 1998, and

WHEREAS, Over the past five years, Erie County has worked diligently toward increasing ECC's county contribution, in spite of the increasing demands state mandated programs have imposed on the operating budgets of urban counties in New York State, including Erie County, and

WHEREAS, As an urban county, Erie County has had to bear a disproportionately large share of the costs associated with these state mandated programs, while working concurrently to support a multi-campus community college, and

WHEREAS, Toward maintaining a quality and accessible community college system, Erie County and ECC are further challenged by the intense competition experienced in Western New York with sixteen other colleges and universities, and

WHEREAS, a special committee has been established to recommend college budget short and long-term revenue enhancements and cost reduction efficiencies, and

WHEREAS, Demographic trends, a relatively stagnant local economy and increased competition have all contributed to declining student enrollments over the past five years, thereby having an adverse influence on tuition and state aid revenues, and

WHEREAS, While increasing the level of state aid is helpful, currently \$1900 per Full Time Equivalent (FTE), representing 30.2% of the total budget, Erie County and the other urban county sponsors need additional assistance in order to maintain quality and accessible community college programming, and

WHEREAS, For 1997-98 college fiscal year, New York State could increase its level of aid to ECC by 9.8%, representing \$6,324,089, without exceeding the 40% total budget contribution, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby memorialize the New York State Legislature to draft and adopt the appropriate legislation which accomplishes the following two goals:

- **HOLDING HARMLESS ECC FROM ANY STATE AID LOSSES WHICH MAY RESULT FROM DECLINING STUDENT ENROLLMENTS FACTORED INTO BASIC STATE AID FORMULA;**
- **INCREASING THE LEVEL OF BASIC STATE AID TO ECC AND OTHER URBAN COUNTY SPONSORS, INCLUDING LANGUAGE ESTABLISHING BASIC STATE AID AT A LEVEL OF "NO LESS THAN 40% OF THE TOTAL COLLEGE BUDGET," REFERENCING THE 1997-98 ECC BUDGET, THIS PROVISION INCREASE THE LEVEL OF STATE AID BY \$6,324,089, OR 9.8%.**

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the New York State Governor George E. Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, the members of the Western New York Legislative Delegation, the Chairs of the State Senate and Assembly Standing Committee on Higher Education, ECC Interim President William Mariani and ECC Board of Trustees Chairman Dr. Richard Quinn.

Fiscal Impact: Positive for Erie County.

✓ CHARLES M. SWANICK CRYSTAL D. PEOPLES LYNN M. MARINELLI

Chairman SWANICK directed that the names of Legislators Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeRenedetti, Dusza, Chase and Greenan be added as co-sponsors.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42 Re: Support for Nurses Monitoring Program
 (Int. 3-8)

WHEREAS, Studies indicate between seven and ten percent of the general population is affected by an addictive disease, this means between 19,000 and 30,000 RN's and LPN's in New York State may need help, and

WHEREAS, Currently nurses must surrender their license when it is determined they have a problem with alcohol or other substance abuse which results in many nurses hiding their disease since they fear permanent job loss, and

WHEREAS, The Peer Assistance Program, which promotes early detection and reporting, would offer nurses the same opportunity Physicians now have to receive needed treatment and rehabilitation at an early stage and offers a sober individual permission to return to the medical field and function in an effective and safe manner, and

WHEREAS, A returning nurse is monitored by a colleague who volunteers or receives a fee for maintaining contact with a recovering nurse and reporting information on whether the nurse demonstrates appropriate abstinence and behavior,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature hereby supports bill S3200/A5556 which establishes a fair method of early intervention and treatment with a system which monitors nurses affected with an addictive disease when they are ready to return to work, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the State Senate and Assembly to pass bill S3200/A5556 and Governor Pataki to sign these bills into law, and be it further

RESOLVED, That certified copies of this resolution be forwarded to the Western New York Delegation of State Representatives, Governor George E. Pataki, the New York State Nurses Association and CWA Nurses United AFL-CIO Local 1168.

Fiscal impact: To be determined.

JUDITH P. FISHER

CRYSTAL D. PEOPLES

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43 Re: Pediatric Care at Erie County Medical Center (Int. 3-9)

WHEREAS, Erie County Medical Center is a major health care provider to the people of Erie County, and

WHEREAS, Efficient pediatric health and mental health care is essential to the promise of a bright future for our children, and

WHEREAS, ECMC is currently seeking state approval to add a pediatric psychiatric unit for children ages 6 through 12,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature has made the availability of quality health care to Erie County residents a priority and is interested in learning more about the services ECMC now provides and is planning to provide, especially in the area of pediatric care, and be it further

RESOLVED, That this Honorable Body does hereby request the presence of ECMC CEO, Paul Candino at a future meeting of the Health/Mental Health Committee to discuss pediatric health/mental health care at ECMC as it is today and any planned changes in the services they will be providing, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Paul J. Candino, ECMC CEO and Health Commissioner Arnold N. Lubin, M.D.

Fiscal Impact: None for resolution.

JUDITH P. FISHER

CRYSTAL D. PEOPLES

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

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

CARRIED UNANIMOUSLY.

ITEM 25 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44 Re: Preserving Our State's Historical
Residences Through Support of the
Historical Home Ownership Assistance
Act, A.6661 (Int. 3-10)

→ WHEREAS, the State of New York has a tremendous number of historical buildings representing the history and culture of New York, and

WHEREAS, Erie County has a great number of historic homes representing a broad spectrum of our local history and culture, including the grand homes in the City of Buffalo to the practical farm houses throughout our country-side, and

WHEREAS, many of these houses fall into a state of disrepair due to the lack of incentives for the owner to restore or maintain the building to all of its beauty, and

WHEREAS, many of these houses fall victim to a wrecking ball or to a corporation not interested in preserving the heritage of a community because they have no appeal to prospective home owners, and

WHEREAS, legislation recently introduced in the State Legislature (A.6661) offers an incentive to current or to future home owners of these historical homes to preserve or restore the home to its original state by offering a credit against personal income tax equal to 20% of the qualified rehabilitation expenditures made by the taxpayer with respect to a qualified historic home. The taxpayer's credit shall not exceed \$50,000 or \$25,000 in the case of a married individual filing a separate return, and

WHEREAS, if the credit for any taxable year exceeds the taxpayer's tax for that year, the excess credit may be carried over into the following year or year^s and

WHEREAS, for the home owner to qualify for this program they must meet the following criteria:

- * expenditures are in connection with the certified rehabilitation of a qualified historic home and,
- * must be the owners primary place of residence and,
- * if the structure was not used for trade or business and,
- * at least 5% of the expenditures were used for the restoration of the exterior and,
- * a certification made in accordance with a contract between the U.S. Secretary of the Interior, the State Commissioner of Parks, Recreation and Historic Preservation which authorizes the commissioner or the local government to certify the rehabilitation of the building, and

WHEREAS, the purchaser of a rehabilitated home may also qualify for the tax credits.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby memorialize the members of the State Legislature to pass and Governor Pataki to sign Assembly Bill A.6661, and be it further

RESOLVED, that this bill will provide taxpayers/homeowners with an economic incentive to help revitalize older neighborhoods by providing a state tax credit for restoring and/or rehabilitating or purchasing a historic home, while at the same time increasing assessments on these home or returning these often abandoned or delinquent properties to the tax roles, and be it further

RESOLVED, that certified copies be sent to Governor George E. Pataki, the Western New York State Legislature delegation, Director Kenneth C. Kruly, Division of Budget, Management and Finance, and to the Greater Buffalo Association of Realtors,

Fiscal Impact: none for Erie County

JEANNE Z. CHASE FREDERICK J. MARSHALL JOHN W. GREENAN
BARRY A. WEINSTEIN, M.D. DALE W. LARSON MICHAEL H. RANZENHOFER

Ms. PEOPLES offered an amendment as follows:

Add the following WHEREAS clause following the 8th WHEREAS clause:

WHEREAS, Similar legislation has been introduced at the federal level as the Historic Homeownership Assistance Act (S.496/H.R.1134)

Add the following RESOLVE clause following the 1st RESOLVE clause:

RESOLVED, That this Honorable Body does hereby memorialize the United States Congress to pass and President Bill Clinton to sign into law the Historic Homeownership Assistance Act (S.496/H.R.1134), and be it further

Add the following to the 3rd RESOLVE clause:....United States President Bill Clinton, the Western New York Congressional delegation, and to the Preservation Coalition of Erie County (49 Illinois St., Buffalo, NY 14203).

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

CARRIED UNANIMOUSLY.

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

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

CARRIED UNANIMOUSLY.

ITEM 26 - Ms. PEOPLES presented the following resolution and requested that it be referred to the ENERGY AND ENVIRONMENT COMMITTEE.

GRANTED.

Int. 3-11 From: Legs. Swanick, Peoples, Marshall & Et Al Re: Concord Agricultural District Recertification

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45 Re: Legislature Personnel Adjustments
(Int. 3-12)

WHEREAS, the Legislature has determined that personnel adjustments are necessary, and

WHEREAS, the Legislature must approve a resolution to effectuate these adjustments,

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature does hereby approve the deletion of an existing position entitled CLK TYP (RPT) LEG, position # 001703, effective February 2, 1998, and be it further

RESOLVED, that the Legislature does hereby approve the addition of one (1) position entitled SR CLK TYPIST LEG [JG 4, Step 5 - NEW position] to Function 4000, effective February 2, 1998, and be it further

RESOLVED, that a variable minimum Step 5 is hereby established for this NEW position of SR CLK TYPIST LEG [Job Group 4], and be it further

RESOLVED, that the Legislature does hereby approve the transfer of \$17,370.00 from the 1998 County Contingency, [DAC 110923310893], to the Legislature's 1998 Personal Services, [DAC 110905100800], to fund the net cost of this personnel adjustment, and be it further

RESOLVED, that the Clerk of the Legislature, the Department of Personnel, and the Division of Budget, Management & Finance are hereby authorized to complete all necessary paperwork to effectuate these personnel changes, effective February 2, 1998, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Dennis T. Gorski, Personnel Commissioner Leonard Lenihan, Budget Director Kenneth Kruly, and First Assistant County Attorney Alan Gerstman.

Fiscal Impact:None. All funds necessary to effect this change are within the 1998 adopted budget.

CHARLES M. SWANICK CRYSTAL D. PEOPLES FREDERICK J. MARSHALL

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 46 Re: Funding for Preservation, Public
Safety, Youth & Senior Services in
Our Local Communities (Int. 3-13)

WHEREAS, the Legislature set aside funds in the 1998 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, preserving our regional landmarks is essential to maintaining the wealth of beauty and history found in Erie County, and

WHEREAS, firefighters selflessly risk their own safety to provide emergency, fire and medical services to residents in need of their assistance, and

WHEREAS, the Village of Sloan offers various worthwhile programs and activities to children, who will one day be the future of Erie County, and to seniors who have already given so much to our community, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$14,500 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Preservation Coalition of Erie Co.	n/a	\$ 3,000
Central Terminal Restoration Corp.	n/a	\$ 5,000
Sloan Active Hose Co.	830/0632	\$ 1,500
Village of Sloan Youth & Sr. Programs	n/a	\$ 5,000
 TOTAL		 \$14,500

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Tim Tielman, Preservation Coalition of Erie County, 49 Illinois St., Buffalo, NY 14203, Scott Field, Central Terminal Restoration Corp., 1081 Broadway, Buffalo, NY 14212, Chief Robert Jaroszewski, Sloan Active Hose Co., 55 Gates Ave., Sloan, NY 14212, and Hon. Kenneth Pokorski, Mayor, Village of Sloan Youth & Senior Programs, Village of Sloan, 425 Reiman St., Sloan, NY 14212

Fiscal Impact: Appropriation of 1998-budgeted funds.

GREGORY B. OLMA

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

CARRIED UNANIMOUSLY.

ITEM 29 - Mr. WEINSTEIN presented the following resolution and requested that it be referred to the FINANCE AND MANAGEMENT COMMITTEE.

GRANTED.

Int. 3-14 From: Leg. Weinstein Re: Study Bill, Property Tax Exemption for Persons with Disabilities

ITEM 30 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Mr. GREENAN seconded.

Int. 3-15 From: Legs. Marshall, Chase, Greenan, Larson, Ranzenhofer & Weinstein Re: Repeal of Omnibus Budget Transfer Authority

Chairman SWANICK directed that Int. 3-15 be referred to the FINANCE AND MANAGEMENT COMMITTEE.

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Ranzenhofer, Weinstein, DeBenedetti - 7. Noes - Pauly, Dusza, Fisher, Fitzpatrick, Holt, Kuwik, Marinelli, Olma, Peoples, Swanick - 10.

DEFEATED.

Subsequently, Int. 3-15 was referred to the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 31 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Mr. GREENAN seconded.

Int. 3-16 From: Legs. Marshall, Chase, Greenan, Larson, Ranzenhofer & Weinstein Re: Request for Accurate Timely Information Pertaining to Budget Transfers & Designations

Chairman SWANICK directed that Int. 3-16 be referred to the FINANCE AND MANAGEMENT COMMITTEE.

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Ranzenhofer, Weinstein, DeBenedetti - 7. Noes - Pauly, Dusza, Fisher, Fitzpatrick, Holt, Kuwik, Marinelli, Olma, Peoples, Swanick - 10.

DEFEATED.

Subsequently, Int. 3-16 was referred to the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 32 - Mr. KUWIK presented the following resolution and moved for immediate consideration. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 47 Re: Support for State Legislation
 Making Sexual Predator Information
 Available on the Internet (Int. 3-17)

WHEREAS, legislation best known as Megan's Law was passed by the New York State Legislature and signed into law by Governor George Pataki in 1996, and

WHEREAS, the purpose of this legislation was to compel the New York State Department of Corrections to keep and maintain a subdirectory of "sexually dangerous predators" on file within its offices, and

WHEREAS, said subdirectory would provide information as to the predator's exact address and photograph, in addition to his or her name, physical description, mode of operation, type of victim targeted, and a description of special conditions imposed on the predator, and

WHEREAS, pursuant to the law, said subdirectory is distributed once annually to local police departments for distribution to the general public by request in writing, and states that the subdirectory "may be computer accessible," and

WHEREAS, legislation sponsored in the New York State Assembly (A.8897) amends the current law by compelling the Department to make the subdirectory computer accessible, and

WHEREAS, in addition, A.8897 would compel the Department to make available at all times on the Internet the subdirectory, via the Department's Homepage, and would also compel the Department to similarly make available the sexual predator subdirectory maintained pursuant to Section 188-q of the New York State Correction Law, and

WHEREAS, given the clear and unambiguous the need for communities and parents to protect children, in addition to the enhanced accessibility to computer technology, it is clearly in the interests of government and citizens to make this information as accessible to the public as possible,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby put itself on record in support of Assembly Bill A.8897, and does hereby call upon the State Assembly to pass this legislation, and be it further

RESOLVED, that this Honorable Body does further call upon the State Senate to consider and approve its companion legislation, S.5949, and does call upon Governor Pataki to sign said legislation into law, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, Assembly Corrections Committee Chairman Daniel Feldman, Senate Corrections Committee Chairman , and to the Western New York Delegation to the State Assembly and Senate.

Fiscal Impact: To be determined.

EDWARD J. KUWIK

RAYMOND K. DUSZA

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48 Re: Funding for Services in Local
Communities (Int. 3-18)

WHEREAS, the Legislature set aside funds in the 1998 Erie County Budget for use by worthy community organizations and governmental agencies, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Friends of the Woods Ltd.	830/0382	\$1,000
Neighborhood Information Ctr.	830/0741	\$6,000
 TOTAL		 \$7,000

and be it further,

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$4,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 942, Department 640 - Parks, Recreation and Forestry - Parks (DAC: 110942640914821), for the purposes of amending the County's contract for the Pulaski Day Parade, and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Stanley Wrobel, Executive Director Neighborhood Information Center, Inc., 1170 Broadway, Buffalo, NY 14212, Mike Papero, President, Friends of the Woods, 556 Como Park Blvd. Cheektowaga, NY 14227, and to Ed Reska, Treasurer, General Pulaski Association, S-4654 Kingswood Lane, Hamburg, NY 14075.

Fiscal Impact: Appropriation of 1998-budgeted funds.

RAYMOND K. DUSZA

Mr. DUSZA offered an amendment as follows:

In the 1st RESOLVE clause change "\$7,000" to "\$9,000" and "\$6,000" to "\$8,000".

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

ITEM 34 - Mr. FITZPATRICK presented the following resolution and requested that it be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

✓✓ Int. 3-19 From: Legs. Fitzpatrick & Weinstein Re: Requesting ^E ^A State Authorization for a Pilot Program for Casino Gambling in Downtown Buffalo

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

CARRIED UNANIMOUSLY.

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$ 50,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Polish Community Ctr.	830/0362	\$50,000
TOTAL		\$50,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Polish Community Center, 1081 Broadway, Buffalo, NY 14212

Fiscal Impact: Appropriation of 1998-budgeted funds.

CHARLES M. SWANICK

CRYSTAL D. PEOPLES

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

CARRIED.

Legislator Olma abstained.

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Woodlawn Community Revitalization Corp., Stanley Figiel, Executive Director, 4127 Fairview Pkwy., Blasdell, NY 14219, Village of Blasdell Centennial Parade, Barbara Cesar, Village Administration, 121 Miriam Ave., P.O. Box 2180, Blasdell, NY 14219, Village of Blasdell National Night Out, Barbara Cesar, Village Administration, 121 Miriam Ave., P.O. Box 2180, Blasdell, NY 14219, and Lackawanna B.O.Y.S. Assoc., Chuck Marsillo, President, 153 Roland Ave., Lackawanna, NY 14218.

Fiscal Impact: Appropriation of 1998-budgeted funds.

EDWARD J. KUWIK

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51 Re: In Support of Peace and Justice in
the Southern States of Mexico
(Int. 3-22)

✓ ✓ WHEREAS, since January 1994, the policy of the Mexican government toward the people of Chiapas has failed to bring about peace in the region, and

✓ ✓ ✓ WHEREAS, the complicity of Mexican government authorities in the December 22, 1997 massacre of 45 Mayan men, women and children in Acteal, Chiapas, Mexico remains unsolved, and

✓ WHEREAS, soldiers from the Mexican Federal Army continue to harass and terrorize peasants by interrogating them, and ransacking their homes and killing their farm animals, and

✓ WHEREAS, there are facts that signal a continuation of the policies that led to the December 22, 1997 massacre, such as on January 13, 1998, when soldiers fired into a group of Tzeltal and Tzotzil demonstrators and a young woman was killed and an infant and young boy were injured, and

WHEREAS, investigations reveal that United States military aid is being used for counterinsurgency activities directed against the indigenous people in Southern Mexico, and

WHEREAS, at least 13 graduates from the School of the Americas (SOA), who are now top Mexican military officials, have played a key role in the repression of the indigenous people of the Southern Mexican states, and

WHEREAS, this Honorable Body publicly condemned the SOA on July 3, 1997 and urged Congress to support its closure.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record as condemning the violence which has plagued Chiapas and Southern Mexico, and be it further

RESOLVED, that this Honorable Body urges our local Congressional delegation to sign on to Representative Joseph P. Kennedy's II "Dear Colleague" letter dated January 12, 1998, and be it further

RESOLVED, that certified copies of this resolution be sent to President Bill Clinton, House Speaker Newt Gingrich and our local Congressional delegation.

Fiscal Impact: None for resolution.

GREGORY B. OLMA

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

Chairman SWANICK directed that a Roll Call be taken.

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

CARRIED UNANIMOUSLY.

ITEM 38 - Mr. DEBENEDETTI presented the following resolution and moved for immediate consideration. Mr. MARSHALL seconded.

Int. 3-23 From: Leg. DeBenedetti Re: Improper Action by County Executive on Legislative Appropriation

Chairman SWANICK directed that Int. 3-23 be referred to the FINANCE AND MANAGEMENT COMMITTEE.

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

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Subsequently, Int. 3-23 was referred to the FINANCE AND MANAGEMENT COMMITTEE.

SUSPENSIONS OF THE RULES:

ITEM 39 - Mrs. FISHER moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 3M-18 From: Erie County Mental Hygiene Community Services Board Letter to Legislator Fisher Re: Erie County Managed Care Program

Chairman SWANICK directed that Comm. 3M-18 be referred to the HEALTH COMMITTEE.

ITEM 40 - Mrs. FISHER moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 3M-19 From: North Pearl Street Block Club Re: Freedom of Information Request to the Department of Social Services

Chairman SWANICK directed that Comm. 3M-19 be referred to the HEALTH COMMITTEE.

ITEM 41 - Mr. PAULY moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Int. 3-24 From: Leg. Pauly Re: Support of a Self-Determining Process for Puerto Rico

Chairman SWANICK directed that Int. 3-24 be referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS:

FROM CHAIRMAN SWANICK

ITEM 42 - (Comm. 3E-1) 1998 Committee Assignments

RECEIVED & FILED.

FROM THE COMPTROLLER

ITEM 43 - (Comm. 3E-2) Letter to Legislator Peoples Re: Buffalo Bills Lease

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM CHAIRMAN SWANICK

ITEM 44 - (Comm. 3E-3) 1998 Committee Assignments - Revised

RECEIVE, FILE & PRINT.

COMMUNITY ENRICHMENT

Chair: Lynn Marinelli
V. Chair: Judith Fisher
Members: George Holt, Jr.
William Pauly
Dale Larson
Clerk: Theresa Kennedy

ECONOMIC DEVELOPMENT

Chair: Michael Fitzpatrick
V. Chair: George Holt, Jr.
Members: Edward Kuwik
William Pauly
John Greenan
Clerk: Jeremy Rosen

GOVERNMENT AFFAIRS

Chair: Ray Dusza
V. Chair: George Holt
Members: Lynn Marinelli
John Greenan
Fred Marshall
Clerk: Tom Santa Lucia

HEALTH/MENTAL HEALTH

Chair: Judith Fisher
V. Chair: Crystal Peoples
Members: Ray Dusza
Barry Weinstein
Mike Ranzenhofer
Clerk: Robert Graber

MICHAEL

ENERGY & ENVIRONMENT

Chair: Gregory Olma
V. Chair: Edward Kuwik
Members: Ray Dusza
William Pauly
John Greenan
Clerk: Patrick Foster

FINANCE & MANAGEMENT

Chair: Crystal Peoples
V. Chair: Edward Kuwik
Members: Mike Fitzpatrick
Mike Ranzenhofer
Dale Larson
Clerk: Brian Kelley

PUBLIC SAFETY

Chair: Edward Kuwik
V. Chair: Ray Dusza
Members: Lynn Marinelli
Dale Larson
Jeanne Chase
Clerk: Patricia Jaworowicz

SOCIAL SERVICES

Chair: George Holt, Jr.
V. Chair: Gregory Olma
Members: Judith Fisher
Jeanne Chase
Fred Marshall
Clerk: Patrick Foster

CHARLES M. SWANICK
Chairman

RECEIVED, FILED & PRINTED.

FROM THE COMPTROLLER

ITEM 45 - (Comm. 3E-4) Letter to Legislature Re: Buffalo Bills Lease

FROM LEGISLATOR MARSHALL

ITEM 46 - (Comm. 3E-5) Letter to Budget Director Requesting Information Regarding 1997 Budget Designations

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

FROM CHAIRMAN SWANICK

ITEM 47 - (Comm. 3E-6) Letter to Clerk of Legislature Re: Reappointment of Legislator Marinelli to Erie County Development Coordination Board

RECEIVE, FILE & PRINT.

Dear Madame Clerk:

Pursuant to the provisions of Section 3.08-A of the Erie County Administrative Code, and in my capacity as Chairman of the Erie County Legislature, I hereby re-appoint Legislator LYNN M. MARINELLI to serve as a member of the Erie County Development Coordination Board for 1998.

Very truly yours,
CHARLES M. SWANICK
Chairman
Erie County Legislature

RECEIVED, FILED & PRINTED.

ITEM 48 - (Comm. 3E-7) Letter to NFTA Re: Legislator Marinelli Continuing to Serve on the NFTA's Hublink Board

RECEIVED & FILED.

ITEM 49 - (Comm. 3E-8) Letter to Clerk of Legislature Re: Calling Special Meeting 2/9/98

RECEIVE, FILE & PRINT.

January 27, 1998

Laurie A. Manzella, Clerk
Erie County Legislature
25 Delaware Avenue - 7th Floor
Buffalo, New York 14202

Dear Ms. Manzella:

Pursuant to Rule 2 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on MONDAY, FEBRUARY 9, 1998, AT 10:00 O'CLOCK in the morning of that day in the Erie County Legislative Chambers, 25 Delaware Avenue, 7th Floor, Buffalo, New York.

The purpose of this meeting will be to consider and act upon the following:

Comm. 2D-10 [1998] regarding *COURT FACILITIES PROJECT*.

At this Special Meeting, and in accordance with Rule No. 28 of the Erie County Legislature's Rules of Order, I will convene a Committee of the Whole to discuss this matter.

The Committee of the Whole will convene at 10:00 a.m. until 12:00 p.m. [noon], recess, and reconvene on Tuesday, February 10, 1998, at 10:00 a.m. until noon.

Presentations from Architectural/Engineering and Construction Management firms will be made during these two sessions of the Committee of the Whole.

Thank you.

Sincerely,
CHARLES M. SWANICK
Chairman
Erie County Legislature

RECEIVED, FILED & PRINTED.

FROM LEGISLATOR MARINELLI

ITEM 50 - (Comm. 3E-9) Letter to Cultural Advisory Board -
SUNYAB Re: Invitation to Attend Community Enrichment Committee Meeting

ITEM 51 - (Comm. 3E-10) Letter to Buffalo & Erie County Public Library Re: Invitation to Attend Community Enrichment Committee Meeting

ITEM 52 - (Comm. 3E-11) Letter to Alcohol & Drug Dependency Services, Inc. Re: Teen Drug Use & Abuse

ITEM 53 - (Comm. 3E-12) Letter to Personnel Commissioner Re: Update on County's EAP Service System

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

FROM LEGISLATOR GREENAN

ITEM 54 - (Comm. 3E-13) Notice of Absence from Government Affairs Committee Meeting 1/29/98

RECEIVED & FILED.

FROM LEGISLATOR MARSHALL

ITEM 55 - (Comm. 3E-14) Minority's Appointment to Audit Committee for Erie County

RECEIVE, FILE & PRINT.

Dear Madame Clerk:

Please be advised that I will serve as the Minority's appointment to the Audit Committee for Erie County.

Yours truly,
FREDERICK J. MARSHALL
Minority Leader

RECEIVED, FILED & PRINTED.

FROM LEGISLATOR MARINELLI

ITEM 56 - (Comm. 3E-15)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 52 Re: Lease for Legislative Office Space

RESOLVED, that the Erie County Executive is hereby authorized to sign a Lease Agreement between THOMAS EOANNOU, 42 Tillinghast Place, Buffalo, NY 14216 and Erie County Legislator LYNN M. MARINELLI for Legislative Office Space.

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

CARRIED.

Legislator Marinelli abstained.

FROM LEGISLATORS FITZPATRICK & WEINSTEIN

✓✓ ~~XE~~ ITEM 57 - (Comm. 3E-16) Letter to Governor Pataki Re: The Possibility of Locating a Municipally Owned Casino Gambling Enterprise in Downtown Buffalo

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 58 - (Comm. 3E-17) Appointments & Reappointments to the ECSD No. 3 Board of Managers

ITEM 59 - (Comm. 3E-18) Appointments & Reappointments to the ECSD No. 2 Board of Managers

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

ITEM 60 - (Comm. 3E-19) Reappointments to the Erie County Traffic Safety Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

ITEM 61 - (Comm. 3E-20) Youth Services - Authorization to Contract
Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 62 - (Comm. 3E-21) Erie County Sewer Construction Projects Annual Change Order Report

Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

ITEM 63 - (Comm. 3E-22) Health Department Revised Tuberculosis Control Outreach Program 2/1/98-1/31/99

ITEM 64 - (Comm. 3E-23) Health Department - Supplemental Aid to Localities Grant Medical Examiner's Toxicology Laboratory 2/1/98-1/31/99

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

ITEM 65 - (Comm. 3E-24) Erie County Purchase Policies & Procedures Under General Municipal Law 104-b

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 66 - (Comm. 3E-25) Senior Services - Authorization to Revise RSVP Grant Budget & Enter Into Subcontracts

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 67 - (Comm. 3E-26) ECSD No. 2 - Lake Bay Grove Pumping Station Replacement - Contract 42 Contract Close Out

ITEM 68 - (Comm. 3E-27) NYS Department of Labor Occupational Safety & Health Hazard Abatement Board Grant Application - \$115,000

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

ITEM 69 - (Comm. 3E-28) Health - HIV/STD Support Services 1/1/98 - 3/31/99

Received and referred to the HEALTH COMMITTEE.

ITEM 70 - (Comm. 3E-29)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53 Re: Extension of the One-Percent
 Sales Tax

RESOLUTION
of the

Legislature of Erie County, amending the Erie County Sales and Use Tax Resolution which imposes taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to continue the imposition of the additional 1% rate of tax, pursuant to Chapter ~~1~~ of the Laws 1998.

Be it enacted by the Legislature of the County of Erie, as follows:

Section 1. The first sentence of section two of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax. On and after March first, nineteen hundred eighty-nine, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March first, nineteen hundred eighty-nine, and ending February twenty-eighth, nineteen hundred [ninety-eight] ninety-nine, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivisions (h) and (i) of section three of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, are hereby amended to read as follows:

(h) With respect to the additional tax of 1 percent imposed for the period commencing March 1, 1989, and ending February 28, [1998] 1999 the provisions of subdivisions (a), (b), (c), (d), (e), (f), and (g) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (d), and (e) to an effective date shall be read as referring to March 1, 1989, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1988, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1989.

Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1989, any transaction which may not be subject to the additional tax imposed effective on that date.

(i) The taxes imposed under subdivisions (a), (c) and (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after March first, nineteen hundred [ninety-eight] ninety-nine. With respect to the tax rate of 3 percent effective March first, nineteen hundred [ninety-eight] ninety-nine, the provisions of subdivisions (b), (c), (d), (e) and (f) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (b), (c), (d) and (e) to an effective date shall be read as referring to March first nineteen hundred [ninety-eight] ninety-nine, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February twenty-eight, nineteen hundred [ninety-eight] ninety-nine. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March first, nineteen hundred [ninety-eight] ninety-nine any transaction which may not be subject to the lowered tax rate in effect on that date.

Section 3. Section four of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this resolution, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March first, nineteen hundred eighty-nine, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or (ii) if items are used as such or incorporated into a structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section 2, (D) of any tangible personal property, however acquired, where not acquired for the purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section 2 have been performed, (E) of any telephone answering service described in subdivision (b) of section two, and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first nineteen hundred [ninety-eight] ninety-nine, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first nineteen hundred [ninety-eight] ninety-nine, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, nineteen hundred [ninety-eight], ninety-nine, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, nineteen hundred [ninety-eight] ninety-nine, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, nineteen hundred [ninety-eight], ninety-nine, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or creator shall not be deemed a taxable use by such person.

Section 4. Subdivision (D) of clause (1) of Section 11 of the Erie County Sales and Use Tax Resolution, being resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

(D) With respect to the additional tax of one percent imposed effective for the period beginning March first, nineteen hundred eighty-nine, and ending February twenty-eight, nineteen hundred [ninety-eight] ninety-nine, in respect to the use of property used by the purchaser in this County prior to March first, nineteen hundred eighty-nine.

Section 5. This enactment shall take effect March first, nineteen hundred ninety-eight.

Ms. PEOPLES offered an amendment as follows:

Insert the Chapter No. "11".

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

CARRIED UNANIMOUSLY.

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Marshall, Pauly, Ranzenhofer, Weinstein, DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Kuwik, Marinelli, Olma, Peoples, Swanick - 14. Noes - Chase, Greenan, Larson - 3.

CARRIED.

FROM THE COUNTY EXECUTIVE

ITEM 71 - (Comm. 3E-30) Lease Agreement 2282 Elmwood Avenue
Received and referred to the HEALTH COMMITTEE.

✓ ITEM 72 - (Comm. 3E-31) 1998-99 Proposed State Budget & Its Impact
on County Finances

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 73 - (Comm. 3E-32) Position Change Report 1/98

✓ ITEM 74 - (Comm. 3E-33) Position Change Report 11/97

✓ ITEM 75 - (Comm. 3E-34) Position Change Report 12/97

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

COMMUNICATIONS FROM THE DEPARTMENTS:

FROM LAW

ITEM 76 - (Comm. 3D-1) Notices of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 77 - (Comm. 3D-2) Notice of County Executive's Public Hearing
- Reference Int. 1-9

RECEIVE, FILE & PRINT.

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the
above captioned Resolution Reference Int. 1-9, which was adopted by the
Erie County Legislature on January 8, 1998.

Please post for the information of anyone who may be interested in attending this hearing.

Very truly yours,
KENNETH A. SCHOETZ
County Attorney
by: ALAN P. GERTSMAN
1st Assistant
County Attorney

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Erie County Executive Dennis T. Gorski will hold a public hearing on Wednesday, January 21, 1998 at 11:00 a.m., concerning appropriations from the County contingency fund for the following purpose:

LEGISLATURE PERSONNEL ADJUSTMENT \$72,792.00

DIVISION OF PURCHASE PERSONNEL ADJUSTMENT \$ 3,078.00

The hearing will be held in the Erie County Executive Conference Room on the 16th floor of the Rath Building, 95 Franklin Street, in the City of Buffalo.

On January 8, 1998 the Erie County Legislature adopted Resolution Reference Number Int. 1-9 authorizing this action. Copies of the proposed resolution are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

RECEIVED, FILED & PRINTED.

FROM ERIE COUNTY MEDICAL CENTER

ITEM 78 - (Comm. 3D-3) Board of Managers Annual Meeting 1/22/98

Received and referred to the HEALTH COMMITTEE.

FROM LAW

ITEM 79 - (Comm. 3D-4) Notice of Approval by County Executive of Comm. 26E-13, Int. 27-7 & Int. 27-9

RECEIVE, FILE & PRINT.

Dear Ms. Manzella:

Enclosed herein are copies of the above Resolution for your files.

Please post for the information of anyone who may be interested in these Resolutions.

Very truly yours,
KENNETH A. SCHOETZ
County Attorney

by: ALAN P. GERSTMAN
1st Assistant
County Attorney

A Public Hearing was held on the foregoing Erie County Resolution Comm. 26E-13, on December 31, 1997 due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, Dennis T. Gorski, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 31st day of December, 1997.

DENNIS T. GORSKI

A Public Hearing was held on the foregoing Erie County Resolution Int. 27-7, on December 31, 1997 due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, Dennis T. Gorski, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 31st day of December, 1997.

DENNIS T. GORSKI

A Public Hearing was held on the foregoing Erie County Resolution Int. 27-9, on December 31, 1997 due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, Dennis T. Gorski, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 31st day of December, 1997.

DENNIS T. GORSKI

RECEIVED, FILED & PRINTED.

ITEM 80 - (Comm. 3D-5) Notice of Approval by County Executive of Int. 27-6

RECEIVE, FILE & PRINT.

Dear Ms. Manzella:

Enclosed herein are copies of the above Resolution for your files.

Please post for the information of anyone who may be interested in these Resolutions.

Very truly yours,
KENNETH A. SCHOETZ
County Attorney
by: ALAN P. GERSTMAN
1st Assistant
County Attorney

A Public Hearing was held on the foregoing Erie County Resolution Int. 27-6, on January 7, 1998 due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, Dennis T. Gorski, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 7th day of January, 1998.

DENNIS T. GORSKI

RECEIVED, FILED & PRINTED.

ITEM 81 - (Comm. 3D-6) Notice of County Executive's Public Hearing
- Reference Int. No. 2-7 & 2-9

RECEIVE, FILE & PRINT.

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Resolution Reference Int. 2-7 and Int. 2-9, which was adopted by the Erie County Legislature on January 22, 1998.

✓ Please post for the information of anyone who may be interested in attending this hearing. ^E_A

Very truly yours,
KENNETH A. SCHOETZ
County Attorney
by: ALAN P. GERTSMAN
1st Assistant
County Attorney

NOTICE OF PUBLIC HEARING

✓ NOTICE IS HEREBY GIVEN that Erie County Executive Dennis T. Gorski will hold a public hearing on Wednesday, February 4, 1998 at 10:00 a.m., concerning appropriations from the County contingency fund for the following purpose:

SUPPORTIVE SERVICES CORPORATION \$12,000.00

DEPARTMENT OF SOCIAL SERVICES FAMILY VIOLENCE INITIATIVES
TOWN OF TONAWANDA POLICE DEPARTMENT \$22,838.00

YMCA/WM. EMSLIE AGENCY CONSORTIUM \$74,537.00

The hearing will be held in the Erie County Executive's Library Room on the 16th floor of the Rath Building, 95 Franklin Street, in the City of Buffalo.

On January 22, 1998 the Erie County Legislature adopted Resolution Reference Number Int. 2-7 and Int. 2-9. Copies of the Resolutions are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

DENNIS T. GORSKI

RECEIVED, FILED & PRINTED.

FROM CLERK OF THE LEGISLATURE

ITEM 82 - (Comm. 3D-7) Special Meeting Notice 2/9/98

RECEIVE, FILE & PRINT.

To: All Erie County Legislators
From: Laurie A. Manzella, Clerk of the Legislature
Subject: SPECIAL MEETING NOTICE

PLEASE TAKE NOTICE that pursuant to Rule 2 of the Rules of Order of the Erie County Legislature and under the direction of Chairman Charles M. Swanick, there will be a **SPECIAL MEETING** of the Erie County Legislature on MONDAY, FEBRUARY 9, 1998, at 10:00 o'clock in the morning of that day in the Erie County Legislative Chambers, 25 Delaware Avenue, 7th Floor, Buffalo, New York.

The purpose of this meeting will be to consider and act upon the following: [copy attached]

Comm. 2D-10 [1998] regarding *COURT FACILITIES PROJECT*.

At this Special Meeting, and in accordance with Rule No. 28 of the Erie County Legislature's Rules of Order, Chairman Swanick will convene a Committee of the Whole to discuss this matter.

The Committee of the Whole will convene at 10:00 a.m. until 12:00 p.m. [noon], recess, and reconvene on Tuesday, February 10, 1998, at 10:00 a.m. until noon.

Presentations from Architectural/Engineering and Construction Management firms will be made during these two sessions of the Committee of the Whole.

Thank you.

RECEIVED, FILED & PRINTED.

FROM ERIE COMMUNITY COLLEGE

ITEM 83 - (Comm. 3D-8) Notice of Meeting Held 1/28/98

ITEM 84 - (Comm. 3D-9) Notice of Special Meeting Held 1/7/98

The above two items were RECEIVED & FILED.

FROM SENIOR SERVICES

✓ ITEM 85 - (Comm. 3D-10) Response of Legislator Marinelli Re: Older Americans Act

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 86 - (Comm. 3D-11) Minutes of Meeting Held 12/17/97

FROM ERIE COUNTY MEDICAL CENTER

ITEM 87 - (Comm. 3D-12) Notice of Cancellation of Meeting Held
2/8/98

The above two items were RECEIVED & FILED.

FROM DPW

ITEM 88 - (Comm. 3D-13) Center Road CR 571 Storm Drainage
Improvement Project Town of West Seneca

ITEM 89 - (Comm. 3D-14) Agreement with NYSDOT Rowley Road Bridge
319-1 Bin 3-32700-0 Over Cayuga Creek Town of Cheektowaga

ITEM 90 - (Comm. 3D-15) Utilization of Certain County Roads by
NYSDOT Mile Block Road CR 546 & Cain Road CR 491 NYS Project Route 249
Bin 1-06113-0 Over Big Sister Creek

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

FROM SOCIAL SERVICES

ITEM 91 - (Comm. 3D-16) Final Audit Report of Parents Anonymous of
Buffalo & Erie County for the 12 Month Period Ending 12/31/96

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 92 - (Comm. 3D-17)

Ms. PEOPLES moved for immediate consideration. Mr. HOLT seconded.
CARRIED UNANIMOUSLY.

RESOLUTION NO. 54 Re: Downtown Pedestrian Transit Mall
Special District, Adoption of
Corrected Mall District Services
Charge Roll for 1998

WHEREAS, on December 18, 1997, at the 27th Session of the Legislature of Erie County, our previously submitted resolution regarding the mall district service charges for 1998 was approved (27D-11), and

✓ WHEREAS, it has subsequently been discovered that an incorrect tape of the City of Buffalo roll had been relayed to our department by the City of Buffalo Tax Assessor for spreading of the charge roll, and

WHEREAS, a new spread of the charge roll has been prepared using the correct roll.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby accepts the corrected spread for the 1998 pedestrian/transit mall district service charges, and be it further

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

FROM ERIE COUNTY PRESERVATION BOARD

ITEM 93 - (Comm. 3M-1) Buffalo Inner-Harbor Waterfront Project
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CITY OF BUFFALO DEPARTMENT OF ADMINISTRATION & FINANCE

ITEM 94 - (Comm. 3M-2) Letter to Budget Director Re: Release of \$600,000 for Demolition in the City of Buffalo

FROM GREATER BUFFALO CONVENTION & VISITORS BUREAU

ITEM 95 - (Comm. 3M-3) Audited Financial Statements of the CVB for the Period Ending 6/30/97

FROM THE BUFFALO^L_A ZOO

ITEM 96 - (Comm. 3M-4) 11/97 Financial Report

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

FROM NFTA

ITEM 97 - (Comm. 3M-5) Minutes of Meeting Held 12/15/97

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM NYS ASSEMBLYMAN FELDMAN

ITEM 98 - (Comm. 3M-6) Copy of Resolution Re: In Support of Mandatory Testing of Inmates Involved in Altercations that May Have Exposed a Correctional Employee to Disease

FROM ERIE COUNTY MENTAL HYGIENE COMMUNITY SERVICE BOARD

ITEM 99 - (Comm. 3M-7) Letter to Legislator Fisher Re: Invitation to Attend Future Meeting of Erie County Mental Hygiene Community Services Board

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

FROM NYS ASSEMBLYMAN REYNOLDS

ITEM 100 - (Comm. 3M-8) Acknowledgement of Receipt of Resolution.
RECEIVED & FILED.

FROM COMMUNITY WELLNESS COUNCIL

✓ ITEM 101 - (Comm. 3M-9) Notice of Meeting to be Held 2/26/98

FROM AMERICAN CANCER SOCIETY

ITEM 102 - (Comm. 3M-10) Letter in Support of County Executive's Proposed Tax on Tobacco Products

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

FROM ERIE COUNTY WATER AUTHORITY

ITEM 103 - (Comm. 3M-11) ECWA's Unaudited Comparative Financial Statements for the Year's Ended 12/31/97 & 1996

FROM NYSDEC

ITEM 104 - (Comm. 3M-12) Fact Sheet - 3M O-Cel-O Sponge Facility

ITEM 105 - (Comm. 3M-13) State Update - Dunlop Tire Corporation & Polymer Application Update

FROM MELINDA HOLLAND, CLEAN SITES

ITEM 106 - (Comm. 3M-14) Summary of Meeting Held 12/16/97, Summary of Meeting Held 1/7/98 Revised & Notice of Meeting Held 1/20/98

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

FROM ECIDA

ITEM 107 - (Comm. 3M-15) Notice of Meeting to be Held 2/11/98

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM NYSDEC

ITEM 108 - (Comm. 3M-16) Fact Sheet - River Road & Cherry Farm
Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

FROM THE WELLNESS INSTITUTE

ITEM 109 - (Comm. 3M-17) Invitation to Attend Meeting to be Held
2/10/98

Received and referred to the HEALTH COMMITTEE.

MEMORIAL RESOLUTIONS:

ITEM 110 - Ms. PEOPLES moved that when this Legislature adjourns,
it do so out of respect to the memory of JOHNNIE JACKSON, deceased. Mr.
MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 111 - Mr. DUSZA moved that when this Legislature adjourns, it
do so out of respect to the memory of WALLACE GIBSON, deceased. Ms.
PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 112 - Mr. LARSON moved that when this Legislature adjourns, it
do so out of respect to the memory of ROBERT SMITH, deceased. Mr.
MARSHALL seconded.

CARRIED UNANIMOUSLY.

ADJOURNMENT:

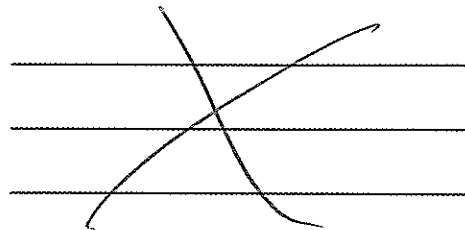
ITEM 113 - At this time, there being no further business to
transact, the Chairman announced that the Chair would entertain a Motion
to Adjourn.

Ms. PEOPLES moved that the Legislature adjourn until 2:00 P.M., Thursday, FEBRUARY 19, 1998. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, FEBRUARY 19, 1998 at 2:00 P.M., Eastern Standard Time.

LAURIE A. MANZELLA
Clerk

A large handwritten 'X' mark is drawn over three horizontal lines. The 'X' is formed by two intersecting diagonal strokes. The horizontal lines are evenly spaced and extend across the width of the 'X'.