

ERIE COUNTY LEGISLATURE  
MEETING NO. 11  
June 3, 1999

The Legislature was called to order by Chairman Swanick.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Kuwik.

Minutes of the previous meeting were tabled.

MISCELLANEOUS RESOLUTIONS

Item 1 – MR. MARSHALL presented a resolution Congratulating Richard Kennedy for Being Named Boston Chamber of Commerce’s Citizen of the Year. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 2 – MR. LARSON presented a resolution Congratulating Robert O’Neill Upon his Retirement from Depew High School After 37 Years as a Teacher. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

Item 3 – MR. DUSZA presented a resolution Honoring Monsignor Anthony J. Jasinski on his Retirement. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 4 – MS. MARINELI presented a resolution Honoring Womanfocus for its Twenty Years of Service to the Community & Several Women For Positively Impacting the Lives of Many in WNY. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 5 – MS. MARINELLI presented a resolution Honoring Haven House for its Twenty Years of Service to the County of Erie & WNY. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 6 – MS. MARINELLI presented a resolution honoring St. Amelia School upon its Receipt of the United States Department of Education’s Blue Ribbon Award. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

Item 8 – CHAIRMAN SWANICK directed that Local Law Intro. No. 4 (Print #2) 1999 remain on the table.

Item 9 – MS. PEOPLES moved to take Local Law Intro No. 5 (Print #1) from the table for immediate consideration. MS. MARINELLI seconded.

**COUNTY OF ERIE**

**LOCAL LAW INTRODUCTION NO.   5   -1999**

**LOCAL LAW NO.        - 1999**

**A LOCAL LAW** requiring certain persons incarcerated in Erie County to pay the county of Erie for actual unreimbursed incarceration costs.

*BE IT ENACTED by the County Legislature of the County of Erie as follows:*

Section 1. Legislative intent. With the rise of incarceration costs at the Erie county holding center and the Erie county correctional facility, it is in the best interest of the county of Erie to require certain persons who are in county custody at either or both the Erie county holding center and the Erie county correctional facility, and who ultimately stand convicted of the crime which led to their incarceration, to pay the county of Erie for the actual unreimbursed costs of such incarceration. This local law is further intended to reduce incarceration costs by reducing frivolous sick call visits by inmates who use sick call as an opportunity for socialization, thereby diverting resources from genuinely ill inmates and increasing operating costs. This local law shall be reviewed after two years to determine its success in reducing costs.

§2. Definition. For purposes of this local law, the term “incarceration costs” shall mean the actual costs incurred by the county of Erie in housing a person at either or both the Erie

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county holding center or the Erie county correctional facility, but not limited to, room, board and educational expenses.

§3. Incarceration costs. Any person convicted of a crime shall pay the county of Erie the sum of forty dollars for each day or part thereof for the actual, unreimbursed, pre-conviction and post-conviction incarceration costs incurred in conjunction with the incarceration of such person in either or both the Erie county holding center or the Erie county correctional facility. The maximum amount charged shall in no event exceed two thousand five hundred dollars.

§4. Waiver of correctional facility costs. The superintendent of the Erie County Correctional Facility may waive all or part of the payment for incarceration costs at the Erie County Correctional Facility where, because of the indigence of the person ultimately convicted, the payment of said costs would work an unreasonable hardship on such person, upon that person's immediate family, or on any other person who is dependent on such individual for financial support. Presentation of evidence of receipt of public assistance benefits at the time of arrest shall be presumptive proof of indigence for purposes of this local law.

§5. Waiver of holding center costs. The sheriff or his designee may waive all or part of the payment for incarceration costs at the Erie County Holding Center where, because of the indigence of the person ultimately convicted, the payment of said costs would work an unreasonable hardship on such person, upon that person's immediate family, or on any other person who is dependent on such individual for financial support. Presentation of evidence of receipt of public assistance benefits at the time of arrest shall be presumptive proof of indigence for purposes of this local law.

§ 6. Medical co-pay. Each person incarcerated in the Erie county holding center or in the Erie county correctional facility shall pay a medical co-payment of two dollars for each visit

to a physician. Where an inmate has health insurance coverage which requires the payment of a higher co-payment, such higher co-payment shall be charged. Where an inmate is indigent and the treating physician determines that the physician visit is not frivolous, the co-payment shall be waived.

§7. Non-payment. In the event of non-payment of any costs which have not been waived, the county of Erie may seek to enforce payment in any manner permitted by law for enforcement of a debt.

§8. The sheriff and the director of the county correctional facility shall file reports with the clerk of the legislature and with the county executive on the first day of September two thousand and on the first day of September two thousand one concerning the progress of implementation of this local law.

§9. This local law shall take effect immediately and shall remain in effect until October 1, 2001.

CHARLES M. SWANICK  
MICHAEL A. FITZPATRICK  
GREGORY B. OLMA  
RAYMOND K. DUSZA  
JOHN W. GREENAN  
FREDERICK J. MARSHALL  
BARRY A. WEINSTEIN, MD  
DALE W. LARSON  
CARRIED UNANIMOUSLY.

EDWARD J. KUWIK  
JUDITH P. FISHER  
ALBERT DEBENEDETTI  
LYNN M. MARINELLI  
JEANNE Z. CHASE  
WILLIAM A. PAULY  
MICHAEL H. RANZENHOFER

Item 10 – MS. PEOPLES moved to take Local Law Intro No. 6 (Print #1) from the table for immediate consideration. MS. MARINELLI seconded.

**COUNTY OF ERIE**

LOCAL LAW NO. -

LOCAL LAW INTRO. NO. 6 - 1999

A LOCAL LAW in relation to the composition and terms of the members of the board of trustees of the department of central police services.

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

Section 1. Erie County Local Law number one of nineteen hundred fifty-nine, constituting the Erie county charter, as amended, is hereby further amended by amending article XI-D thereof to read as follows:

ARTICLE XI-D

DEPARTMENT OF CENTRAL POLICE SERVICES

§ 11-D-01. Department of central police services; commissioner.

§ 11-D-02. Powers and duties.

§ 11-D-03. Board of trustees.

§ 11-D-01. Department of central police services; commissioner. There shall be a department of central police services, the head of which shall be the commissioner of central police services. The commissioner [He] shall be appointed by the county executive, subject to confirmation by the county legislature, from a list of three qualified candidates provided by the central police services board of trustees. The commissioner shall serve at the pleasure of the county executive.

§ 11-D-02. Powers and duties. The commissioner of central police services shall:

a. Coordinate, administer, originate and promote programs of professional and technical services to police agencies in the county.

b. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

§ 11-D-03. Board of trustees. The county executive shall appoint a central police services board of trustees of seven members which shall set the policy for the department and advise on matters relating to programs of professional and technical services to police agencies in the county. Should the office of commissioner become vacant, the central police services board of trustees shall submit a list of three qualified candidates to the county executive. Such board shall be composed of the commissioner of police of the city of Buffalo or the designee thereof; the inspector, division of administration [records] and communications, Buffalo police department; the Erie county sheriff or the designee thereof; a member designee of the Erie county chiefs of police association; a designee of the county executive; a member of the Erie county legislature designated by the chairman of the legislature; and a designee of the association of Erie county governments, who is an elected official. Such board shall be responsible to the county executive.

Section 2. Erie County Local Law number one of nineteen hundred sixty, constituting the Erie county administrative code, as amended, is hereby further amended by amending article XI-D thereof to read as follows:

ARTICLE 11-D

DEPARTMENT OF CENTRAL POLICE SERVICES

§ 11-D-01 Department established.

§ 11-D-02 Commissioner; powers and duties.

§ 11-D-03 Board of trustees.

§ 11-D-01 Department established. There shall be a department of central police services as established by the Erie county charter.

§ 11-D-02 Commissioner; powers and duties. There shall be a commissioner of central police services to be appointed and with powers and duties pursuant to provisions of the Erie county charter.

§ 11-D-03 Board of trustees. There shall be a department of central police services board of trustees as established by the Erie county charter. Members of the board of trustees except the three ex-officio members shall be selected for two-year terms, except that the first designee of the county executive and the first designee of the chairman of the Erie county legislature are to be selected for one-year terms. The initial terms shall be deemed as commencing on January first, nineteen hundred seventy-three, regardless of the date of appointment. Any designated member may be designated for additional terms. Any designated member chosen to fill a vacancy created otherwise than by expiration of term shall be designated for the unexpired term of the member he is to succeed.

There shall be an initial organizational meeting of the board of trustees held during January of each year at which a chair [chairman], vice-chair [vice-chairman] and secretary shall be elected from among its members by a majority vote of a quorum consisting of at least four [five] members, this same number to constitute a quorum for conduct of any business at meetings of the board of trustees. The chair, vice-chair and secretary [chairman] shall serve for a term of one year [may be re-elected for another year, but after serving two consecutive terms, shall be ineligible to serve again as chairman until the expiration of the intervening year].

Section 3. This local law shall be effective immediately.

EDWARD J. KUWIK  
CRYSTAL D. PEOPLES  
GEORGE A. HOLT, JR.

CHARLES M. SWANICK  
MICHAEL A. FITZPATRICK  
JUDITH P. FISHER

GREGORY B. OLMA

ALBERT DEBENEDETTI

RAYMOND K. DUSZA

LYNN M. MARINELLI

JOHN W. GREENAN

JEANNE Z. CHASE

FREDERICK J. MARSHALL

WILLIAM A. PAULY

BARRY A. WEINSTEIN, MD

MICHAEL H. RANZENHOFER

DALE W. LARSON

CARRIED UNANIMOUSLY.

Item 11 – MS. PEOPLES moved to take Local Law Intro No. 7 (Print #1) from the table for immediate consideration. MS. MARINELLI seconded.

**COUNTY OF ERIE**

LOCAL LAW NO \_\_\_\_\_ - \_\_\_\_\_

LOCAL LAW INTRO. NO.   7  -1999

A LOCAL LAW amending Erie County local law number 5 of 1996 in relation to the regulation of smoking in Erie County.

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

Section 1. Paragraph i of subdivision b of section three of Erie county local law number five of nineteen hundred ninety six is amended by to read as follows:

i. Restaurants with Bars.

(a) Restaurants with Bars may allow Smoking in Bar Areas of the restaurant and in a designated area of the restaurant comprising no more than 20% of the total seating capacity of the restaurant.

(b) (Effective January 1, 1998): All dining areas, waiting areas and restrooms shall be smoke free. Smoking may be allowed within Bar Areas provided the Bar Area is not the sole patron waiting area, is not the sole means of entrance or exit to the establishment [or to the restrooms], and is separated from the seated dining area by a floor to ceiling partition or separated by at least a four foot space.

(c) For establishments constructed after December 31, 1997: Bar Areas of Restaurants may permit smoking as provided in clause (b) of this paragraph, provided that the Bar Area is not the sole entrance or exit to the restrooms.

Section 2. Paragraph iv of subdivision b of section three of Erie county local law number five of nineteen hundred ninety six is amended by to read as follows:

iv. Bowling Centers. [Effective January 1, 1998]:

(a) [No smoking is permitted in the "settee" area;] Smoking is prohibited within bowling centers, except:

i. Smoking may be permitted within bar areas of bowling centers;

ii. From the hours of 6:00 p.m. to closing, smoking may be permitted during bowling activities limited exclusively to adults.

(b) [Smoking for dining areas of a bowling center shall be consistent with the applicable provisions of this local law

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governing Restaurants with Bars and Restaurants Without Bars]

Smoking is prohibited within the "settee" area;

(c) [Smoking may be permitted in the concourse area of a bowling center, provided that such area consists solely of adults in league or tournament play. Smoking may be permitted to continue with open bowling in progress in the remaining portion of the bowling center provided the open bowling allowed at that time is undertaken exclusively by adults, and adult league bowling patrons are separated from open bowling patrons by no less than four bowling lanes] Regardless of the bowling activities undertaken at the time, bowling centers must designate at least 25% of the concourse area as smoke free;

(d) [If a minor is present anywhere on the premises, no smoking shall be permitted in any area of the bowling center, unless the minors are provided a designated separate smoke free enclosed area] Signs indicating a warning that smoking may be permitted within bowling centers during the hours of 6:00 p.m. to closing shall be clearly, sufficiently and conspicuously posted at each entrance to a bowling center.

[(e) Regardless of the bowling activities undertaken at the time, a bowling center must designate at least 25% of the concourse area as smoke free.]

Section 3. Section seventeen of Erie county local law number five of nineteen hundred ninety six is amended by to read as follows:

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## Section 17. Review Committee.

No later than [January 1, 1999] January 1, 2001, the chairman of the legislature shall appoint and convene a review committee to evaluate this Local Law. The Review Committee will be comprised of a cross-section of the community and will include, but not be limited to, representatives of the Legislature, Erie County Department of Health, and other appropriate representatives. Within six months after appointment of the Review Committee, the Committee must provide the Legislature with its findings and/or recommendations with respect to this Local Law.

Section 4. This local law shall be effective the fifteenth day of July 1999.

CHARLES M. SWANICK

CRYSTAL D. PEOPLES

EDWARD J. KUWIK

MICHAEL A. FITZPATRICK

GEORGE A. HOLT, JR.

JUDITH P. FISHER

GREGORY B. OLMA

ALBERT DEBENEDETTI

RAYMOND K. DUSZA

LYNN M. MARINELLI

FREDERICK J. MARSHALL

JOHN W. GREENAN

JEANNE Z. CHASE

WILLIAM A. PAULY

BARRY A. WEINSTEIN, MD

MICHAEL H. RANZENHOFER

DALE W. LARSON

Items in [brackets] are deleted.

Underlined items are new.

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

Item 12 – MR. KUWIK presented the following and moved for immediate consideration.  
MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 189

May 25, 1999

PUBLIC SAFETY  
COMMITTEE  
REPORT NO. 6

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

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

- |    |   |      |       |             |
|----|---|------|-------|-------------|
|    | Item  | Page | -1999 | (Int. 7-18) |
| a. | <b>HOLT, PEOPLES, SWANICK, KUWIK, FITZPATRICK, FISHER, OLMA &amp; DEBENEDETTI:</b> Report on Effectiveness of Sex Offender Registration Laws in Buffalo & Erie County<br>ADDITIONAL SPONSERS: DUSZA & MARINELLI ET AL .<br>(6-0) Chairman Swanick present as ex-officio member. |      |       |             |

2. Item Page - 1999 (Comm. 10E-18)

**COUNTY EXECUTIVE**

RESOLVED, that the County accepts the donation of various concrete sewer pipes, vaults, cones and manholes from the City of Lackawanna for use by the Fire Safety Division, Department of Emergency Services for construction of a confined space fire training facility, and be it further

RESOLVED, that certified copies of the resolution be forwarded to the Office of the County Executive, the Department of Law, the office of Comptroller, the Division of Budget, Management and Finance and the Department of Emergency Services.

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

**EDWARD J. KUWIK  
CHAIRMAN**

MR. KUWIK moved the adoption. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 13 - MR. OLMAN presented the following and moved for immediate consideration.  
MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 190

May 25, 1999

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 7

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

1. Item Page - 1999 (Comm. 8E-21)

**COUNTY EXECUTIVE**

RESOLVED, that the County Executive is hereby authorized to enter into three (3) one year contracts with Housing Opportunities Made Equal, Inc., a private, not-for-profit corporation, for the provision of comprehensive fair housing services in conjunction with the Erie County Community Development Program; and be it further

RESOLVED, that the amount of the contract shall not exceed \$22,900 for the year 1999 program year, \$23,800 for the 2000 program year, and \$24,750 for the 2001 program year; and be it further

RESOLVED, that said contract authorization is contingent on the Erie County Community Development Block Grant Consortium receiving federal funds for the 1999-2002 community development program years; and be it further

RESOLVED, that the request for proposals provision of Section 19.08 of the Erie County Administrative Code has been complied with; and be it further

RESOLVED, that the source of such funds shall be Title I federal funds received as grants under the Housing and Community Development Act of 1974, as amended; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Division of Budget and Management, the Erie County Comptroller and the Department of Environment and Planning.

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

2. Item Page - 1999 (Comm. 10E-20)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has secured the services of Nussbaumer and Clarke, Inc. to provide engineering services which consist of structural analysis for plate and frame press, an engineer's report, steel support framing design and reproducible drawings; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement dated March 31, 1995 with Nussbaumer and Clarke, Inc. in the amount of \$4,700.00 which includes Change Order No. 1 (final) a decrease of \$3,100.00;

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated March 31, 1995 between the County of Erie, District No. 6 and Nussbaumer and Clarke, Inc. be formally closed-out in the final amount of \$4,700.00 which includes Change Order No. 1 (final) a decrease of \$3,100.00; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out the contract encumbrances in the Sewer Capital Account Sewer District No. 6 Fund No. 430, Project No. 519, between the County of Erie and Nussbaumer and Clarke, Inc. and return the unused portion of \$3,100.00 to Fund No. 430, Project No. 519, Department No. 840, Unallocated Account No. 891; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one (1) certified copy each to the Erie County Comptroller's office and Stephen Gawlik, Assistant County Attorney.

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

3. Item Page - 1999 (Comm. 10E-21)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has secured the services of Malcolm Pirnie, Inc. to provide engineering services needed for compliance with Federal Regulations, Title V, and 6NYCRR, Part 201 requirements related to sludge incineration; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement dated May 9, 1997 with Malcolm Pirnie, Inc., amount of \$7,900.00 which includes Change Order No. 1 (final), a decrease of \$2,000.00;

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated May 9, 1997 between the County of Erie/Southtowns Sewage Treatment Agency and Malcolm Pirnie, Inc. be formally closed-out in the final amount of \$7,900.00 which includes Change Order No. 1 (final), a decrease of \$2,000.00; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out the contract encumbrance in the Sewer Operating Fund No. 220, Project No. 853, Department No. 830; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one (1) certified copy each to the Director of Budget and Management, Erie County Comptroller's Office and Stephen Gawlik, Assistant County Attorney.

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

**GREGORY OLMA  
CHAIRMAN**

MR. OLMA moved the adoption. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 14 - MS. MARINELLI presented the following and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 191

May 27, 1999

COMMUNITY ENRICHMENT  
COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT WITH EXCEPTION OF LEGISLATORS FISHER AND PAULY.  
CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

Item Page -1998 (Comm. 27M-6)  
a. **TOWN OF COLLINS:** Opposed to Closing of the Town of Collins Public Library  
(4-0) Legislators Fisher and Pauly absent. Chairman Swanick Present as Ex-Officio  
Member.

Item Page -1999 (Comm. 1E-3)  
b. **MARSHALL:** Copy of Letter to Buffalo & Erie County Public Library Re: Library  
Services in the Town of Collins  
(4-0) Legislators Fisher and Pauly absent. Chairman Swanick Present as Ex-Officio  
Member.

Item Page -1999 (Comm. 7E-7)

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- c. **COMPTROLLER:** ECC Student Government Associations North, South & City Campuses 9/1/97 to 5/31/98  
(4-0) Legislators Fisher and Pauly absent. Chairman Swanick Present as Ex-Officio Member.

Item Page -1999 (Comm. 9D-2)

- d. **COMMISSION ON THE STATUS OF WOMEN:** Minutes of Meeting Held 4/14/99.  
(4-0) Legislators Fisher and Pauly absent. Chairman Swanick Present as Ex-Officio Member.

Item Page -1999 (Comm. 10D-5)

- e. **ECC:** Integration of SGA & Publications  
(4-0) Legislators Fisher and Pauly absent. Chairman Swanick Present as Ex-Officio Member.

Item Page -1999 (Comm. 10D-17)

- f. **ECC:** Response to Comptroller's Audit of the Student Government Associations 9/1/97 - 5/31/98  
(4-0) Legislators Fisher and Pauly absent. Chairman Swanick Present as Ex-Officio Member

Item Page -1999 (Comm. 10E-2)

- g. **COMPTROLLER:** Letter to ECC Student Trustee Re: Integrating ECC'S Student Government Associations  
(4-0) Legislators Fisher and Pauly absent. Chairman Swanick Present as Ex-Officio Member.

**AS AMENDED**

2. Item Page - 1998 (Int. 7-14)  
**LARSON**

WHEREAS, Many colleges throughout the nation have recognized the field of Sports Management as a legitimate and growing business and have begun to offer courses designed to help students to succeed in the lucrative enterprise, and

WHEREAS, Members of the Erie County Legislature have expressed a desire to see Erie Community College explore the provision of Sports Management as a new curriculum, and

WHEREAS, The provision of new and innovative courses at Erie Community College is one of the best ways to ensure that young men and women in our community have the broadest possible educational experience available to them, and

WHEREAS, The growing business of Sports Management is one example of how our community college can respond to the changing business climate and provide its students with cutting edge curriculum

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature restates its support for the consideration of the provision of Sports Management curriculum at Erie Community College, and be it further

RESOLVED, That the Erie County Legislature respectfully requests the presence of ECC Interim President William Mariani and Acting Vice President of Academic Affairs Dr. Sal Mannele to appear before the next meeting of the Community Enrichment Committee to discuss what steps have been taken to explore the provision of Sports Management curriculum at Erie Community College, and be it further

RESOLVED, That a certified copy of this resolution be forwarded to Mr. Mariani, Dr. Mannele and Erie Community College Board of Trustees.

(4-0) Legislators Fisher and Pauly absent. Chairman Swanick present as ex-officio member.

LYNN M. MARINELLI  
CHAIRPERSON

MS. MARINELLI moved the adoption. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 15 – MS. PEOPLES presented the following and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 192

May 27, 1999

FINANCE & MANAGEMENT  
COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FITZPATRICK.

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

Item Page -1999 (Comm. 7E-3)  
a. MARSHALL: Copy of Letter to Governor Pataki, Senator Bruno & Assemblymen  
Silver Re: Supporting Permanent Sales Tax Exemption on Clothing  
(4-0) Legislator Fitzpatrick absent.

Item Page -1999 (Comm. 7E-5)  
b. SWANICK: Response to Amherst Town Council Member Woodward Re: Eliminating  
Sales Tax on Clothing & Footwear  
(4-0) Legislator Fitzpatrick absent.

Item Page -1999 (Comm. 9M-4)

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- c. **PUTNAM COUNTY LEGISLATURE:** Certified Copy of Resolution Re: Opposing Permanent Elimination of Sales Tax on Clothing and Foot Wear  
(4-0) Legislator Fitzpatrick absent.

2. Item Page - 1999 (Comm. 10E-7)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Charter requires that the Comptroller conduct audits of County operations in accordance with standards published by the Comptroller General of the United States, and

WHEREAS, the Comptroller General requires that all municipalities conducting audits under GAO standards have an external quality control review at least once every three years, and

WHEREAS, the last external quality review of the Comptroller's internal audit function conducted in May 1996, and

WHEREAS, the Comptroller prepared and forwarded a request for proposal to local CPA firms, and after a review of responses by a three-member committee, recommended the selection of Lumsden and McCormick LLP as the lowest bidder,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the firm of Lumsden and McCormick LLP for a quality control review of the Comptroller's audit process at a cost of \$5,200, and

RESOLVED, that the cost of this contract will be charged to the Comptroller's 1999 Budget Account 821, Dues and Fees, and

RESOLVED, that certified copies of this resolution be provided the County Executive, Comptroller and County Attorney.

(4-0) Legislator Fitzpatrick absent.

3. Item Page - 1999 (Comm. 10E-9)  
**COUNTY EXECUTIVE**

WHEREAS, the Division of Budget, Management and Finance did receive a request from Kenneth Kron, who owns property adjoining the above County owned parcel of land to purchase this parcel, and

WHEREAS, the other two (2) adjoining property owners have indicated they would not be interested in acquiring this parcel of land, and

WHEREAS, the parcel was reviewed and approved for sale by the Advisory Review Committee,

NOW, THEREFORE BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Kenneth Kron and Carmella Kron, 451 Adams Avenue, Angola, New York 14006 for the sum of One Thousand and 00/100 Dollars (\$1,000.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York being part of Farmlot 81, Township 8, Range 9, and according to a map filed in the Erie County Clerk's Office under Map Cover 1344 is known as sublots 3034-3035, and further described on Erie County Tax Maps as Section, Block and Lot No. 250.110-919 (453 Adams Avenue 40.00 x

100.00). Intending to convey all land acquired by Erie County as Serial No. 1375 in the County In Rem Tax Foreclosure Action No. 152, and be it further

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

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

(4-0) Legislator Fitzpatrick absent.

4. Item Page - 1999 (Comm. 10E-10)  
**COUNTY EXECUTIVE**

WHEREAS, the Division of Budget, Management and Finance did receive a request from James and Constance Waczkowski, who own property adjoining the above County owned parcel of land to purchase this parcel, and

WHEREAS, the other two (2) adjoining property owners have indicated that they do not have an interest in acquiring this parcel of land, and

WHEREAS, the parcel was reviewed and approved for sale by the Advisory Review Committee,

NOW, THEREFORE BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to James Waczkowski and Constance Waczkowski, 154 Arthur Avenue, Angola, New York 14006 for the sum of Five Hundred and 00/100 Dollars (\$500.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York being part of Farmlot 87, Township 8, Range 9, and according to a map filed in the Erie County Clerk's Office under Map Cover 1129 is known as Sublots 7059-7060 and further described on Erie County Tax Maps as Section, Block and Lot No. 250.130-438 (Arthur Avenue 40.00 x 100.00). Intending to convey all land acquired by Erie County as Serial No. 2245 in the County In Rem Tax Foreclosure Action No. 139, and be it further

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

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

(4-0) Legislator Fitzpatrick absent.

5. Item Page - 1999 (Comm. 10E-11)  
**COUNTY EXECUTIVE**

WHEREAS, the Division of Budget, Management and Finance did receive a request from Marlene Zielinski, who owns property adjoining the above County owned parcel of land to purchase this parcel, and

WHEREAS, the only other adjoining owner has indicated that he does not have an interest in acquiring this parcel of land, and

WHEREAS, the parcel was reviewed and approved for sale by the Advisory Review Committee,

NOW, THEREFORE BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Marlene Zielinski, 9667 Northfield Street, Angola, New York 14006 for the sum of Five Hundred and 00/100 Dollars (\$ 500.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York being part of Farmlot 85, Township 8, Range 9 and according to a map filed in the Erie County Clerk's Office under Map Cover 1117 is known as Sublots 4891-4893 and further described on Erie County Tax Maps as Section, Block and Lot No. 250.14-4-35 (Northfield Street 60.00 x 100.00). Intending to convey all land acquired by Erie County as Serial No. 787 in the County In Rem Tax Foreclosure Action No. 143, and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Comptroller and the County Attorney.  
(4-0) Legislator Fitzpatrick absent.

6. Item Page - 1999 (Comm. 10E-12)

**COUNTY EXECUTIVE**

WHEREAS, National Fuel Gas Distribution Corporation has asked the County of Erie for a Right of Way over, under and/or through the County Owned parcel located at S-6400 Schultz Road, Hamburg, New York, SBL# 194.000-3-48, and

WHEREAS, this Right of Way, if granted, would be used to lay, maintain, alter, operate, relocate, remove, extend and change the size of a pipeline or pipelines and to install cathodic protection devices, cable, regulators, connections, meters, valves, fittings, and accessories and do such other activity as is necessary and/or convenient for system maintenance, transportation and distribution of gas, over, under and/or through Grantor's lands, in the Town of Hamburg, County of Erie and State of New York, and

WHEREAS, the Erie County Advisory Review Committee has determined that this Right of Way can be granted, and

WHEREAS, the Grantee agrees to repair any damage which may result from its acts in laying, maintaining, altering, operating, relocating, changing, extending, relaying and removing said pipeline(s), and

WHEREAS, the Grantee, its successors and assigns, is further granted the right, from time to time, to lay any additional pipelines within the Right of Way, and

WHEREAS, the Grantee, its successors and assigns, shall have unimpaired ingress, egress and access to and from the right of way together with the right to make installations to furnish gas service from such pipeline(s) as is/are necessary and/or convenient to the exercise of the rights granted herein, and

WHEREAS, the Grantor agrees not to permit or create any permanent obstruction of any kind within the right of way, and

WHEREAS, the Grantor retains full use and enjoyment of said premises, provided such use shall not interfere with or obstruct the rights herein granted, and

WHEREAS, the Grantee agrees to indemnify, defend and hold harmless Grantor, its successors and assigns, from any and all liability, cost, expense or claim arising out of or connected with Grantee's presence on Grantor's property or the exercise of Grantor's rights hereunder, and

WHEREAS, the rights herein granted are divisible and assignable in whole or in part, and

WHEREAS, the terms, covenants and provisions of this right of way shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to deliver to the National Fuel Gas Distribution Corporation, 10 Lafayette Square in Buffalo, New York in consideration of One and 00/100 Dollars (\$1.00) a Right of Way of an area being 15 feet in width adjacent to the southerly highway bounds of Schultz Road with the right to lay, maintain, alter, operate, relocate, remove, extend and change the size of a pipeline or pipelines and to install cathodic protection devices, cable, regulators, connections, meters, valves, fittings, and accessories and do such other activity as is necessary and/or convenient for system maintenance, transportation and distribution of gas, over, under and/or through Grantor's lands, in the Town of Hamburg, County of Erie and State of New York, bounded or described as follows:

Northerly by Schultz Road; Easterly by T. Mutusik; Southerly by W. Greiner and Westerly by Heltz Road as referenced in Deed Liber 10909, Page 7738, Lot 37, Township 9, Range 8, and be it further

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget, Management and Finance, the County Comptroller and the County Attorney.  
(4-0) Legislator Fitzpatrick absent.

7. Item Page - 1999 (Comm. 10E-24)  
**COUNTY EXECUTIVE**

WHEREAS, the Division of Budget, Management and Finance received a request from the Town of Hamburg regarding the referenced parcels, and

WHEREAS, these parcels were reviewed and approved for sale by the Advisory Review Committee, and

WHEREAS, these parcels will be used by the Town of Hamburg Community Development Department as part of their Hometown Housing Program,

NOW, THEREFORE BE IT RESOLVED, that the following parcels of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Town of Hamburg, S-6100 South Park Avenue, Hamburg, New York 14075 for the sum of One Thousand Two Hundred and 00/100 Dollars (\$1,200.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 13, Township 9, Range 8 of the Holland Land Company's Survey and according to a map filed in the Erie County Clerk's Office under Map Cover No. 712 is known as Sublot 245 in Block 2 and further described on Erie County Tax Maps as Section, Block and

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Lot No. 170.660-3-22 (Harvard Street 31.00 x 118.00) Intending to convey all land acquired by Erie County as Serial No. 1441 in In Rem Tax Foreclosure Action No. 152,

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 13, Township 9, Range 8 of the Holland Land Company's Survey and according to a map filed in the Erie County Clerk's Office under Map Cover No. 712 is known as Sublot 244 in Block 2 and further described on Erie County Tax Maps as Section, Block and Lot No. 170.660-3-23 (Harvard Street 31.00 x 118.00) Intending to convey all land acquired by Erie County as Serial No. 1442 in In Rem Tax Foreclosure Action No. 152,

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 13, Township 9, Range 8 of the Holland Land Company's Survey and according to a map filed in the Erie County Clerk's Office under Map Cover No. 712 is known as Sublot 243 in Block 2 and further described on Erie County Tax Maps as Section, Block and Lot No. 170.660-3-24 (Harvard Street 31.00 x 118.00) Intending to convey all land acquired by Erie County as Serial No. 1443 in In Rem Tax Foreclosure Action No. 152, and be it further

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

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

(4-0) Legislator Fitzpatrick absent.

**CRYSTAL PEOPLES  
CHAIRPERSON**

MS. PEOPLES moved the adoption. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 16 - MR. HOLT presented the following and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 193

May 27, 1999

SOCIAL SERVICES  
COMMITTEE  
REPORT NO. 4

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

**COUNTY EXECUTIVE**

**WHEREAS**, the Erie County Legislature has already authorized the Department of Senior Services to execute a \$17,500 contract with Lisa Gebauer Smith, R.D. for the period January 1, 1999 through December 31, 1999 to provide nutrition education, nutrition counseling and congregate dining monitoring services for the Congregate Dining Nutrition Program, and

**WHEREAS**, the Department has always reimbursed Lisa Gebauer Smith for local mileage while providing these nutrition education, nutrition counseling, and congregate dining monitoring services for the Congregate Dining Nutrition Program, and

**WHEREAS**, the Department wishes to continue reimbursing Lisa Gebauer Smith for local travel for the period January 1, 1999 to December 31, 1999.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the budget for the Congregate Dining Nutrition Programs, III-C I grant be revised as follows: that the County Executive be authorized to reimburse Lisa Gebauer Smith, R.D. for local mileage as part of the current contract, and be it further

**RESOLVED**, that the Department of Senior Services is hereby authorized to amend the contract to allow reimbursement for local mileage, and be it further

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

(5-0)

2. Item Page - 1999 (Comm. 10E-5)

**COUNTY EXECUTIVE**

**WHEREAS**, the Department of Youth Services operates a 59 bed detention facility which experiences a growth in population during the summer months, and

**WHEREAS**, it is necessary to maintain adequate nursing coverage on all shifts.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that authorization is hereby provided to add one position of Registered Nurse - RPT, J.G. 8, to work 30 hours per week, in the budget of the Youth Services Detention Facility, and be it further

**RESOLVED**, that the Department is authorized to transfer funds to cover the cost of an additional regular part-time nurse as follows:

Department of Youth Services  
Division of Detention  
Fund 110 - Project 251

**Appropriation**  
Acct. 821

Dues and Fees

Decrease  
\$13,495

Increase

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Acct. 800	Personal Services		\$10,795
Acct. 805	Fringe Benefits		2,700
		Total	\$13,495

and be it further

**RESOLVED**, that the County Executive is authorized to create the above listed position on the condition that the State of New York provide revenues of at least \$6,747 based on a reimbursement schedule of 50% for a local youth and 100% for an out-of-state youth receiving secure detention services, and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office, Department of Personnel and the Department of Youth Services.

(6-0)Swanick Present as Ex-Officio Member.

3. Item Page - 1999 (Comm. 10E-13)

**COUNTY EXECUTIVE**

**WHEREAS**, the Erie County Legislature has already appropriated funds for the Weatherization and Referral And Packaging (WRAP-SOFA) program and the Home Energy Assistance Program (HEAP) for the period October 1, 1998 to September 30, 1999, and

**WHEREAS**, Senior Services desires to revise the WRAP-SOFA and HEAP grant budgets to reflect actual needs,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the WRAP-SOFA grant, Project 904, be revised as follows:

		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
<u>APPROPRIATIONS</u>				
800	Personal Services	\$112,167	\$- 3,000	\$109,167
824	Travel & Mileage	1,500	+ 2,300	3,800
880/5100	Interfund Expenses	2,800	+ 700	3,500
	TOTAL CHANGES		\$ --0--	

and be it further

**RESOLVED**, that the HEAP grant, Project 820, be revised as follows:

		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
<u>APPROPRIATIONS</u>				
<u>Account</u>	<u>Description</u>			
800	Personal Services	\$182,188	\$- 3,000	\$179,188
805	Fringe Benefits	41,214	- 1,500	39,714
810	Office Supplies	1,400	+ 500	1,900
880/5100	Interfund Expenses	13,100	+ 4,000	17,100
	TOTAL CHANGE		\$ --0--	

and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's office and the Department of Senior Services.  
(5-0)

4. Item Page - 1999 (Comm. 10E-23)  
**COUNTY EXECUTIVE**

**WHEREAS**, the Erie County Legislature has already appropriated funds for the Retired Senior Volunteer Program (RSVP) grant for the period July 1, 1998 to June 30, 1999, and

**WHEREAS**, The Corporation for National Service has appropriated additional federal funds, and

**WHEREAS**, the Department of Senior Services desires to revise the above grant budgets to reflect the actual needs of the grants,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive is authorized to accept an additional \$2,148 in Federal funds for the RSVP Grant, and be it further

**RESOLVED**, that the budget for the RSVP grant for the period July 1, 1998 to June 30, 1999, Project 817, be revised as follows:

		<u>CURRENT</u>	<u>CHANGES</u>	<u>AMENDED</u>
		<u>BUDGET</u>		<u>BUDGET</u>
<b>REVENUES</b>				
<u>Account</u>	<u>Description</u>			
664	Federal Aid	\$71,616	\$ +2,148	\$73,764
	<b>TOTAL CHANGE TO REVENUES</b>		<u>\$ +2,148</u>	
<b>APPROPRIATIONS</b>				
<u>Account</u>	<u>Description</u>			
800	Personal	\$95,543	\$-12,000	\$83,543
805	Fringes	28,759	- 3,141	25,618
810	Office Supplies	300	+ 200	500
822	Rental Charges	2,600	+ 800	3,400
826	Other Expenses	10,700	+ 1,500	12,200
932	Furn.& Fixtures	0	+ 1,000	1,000
933	Lab & Tech Equip	0	<u>+13,789</u>	13,789
	<b>TOTAL CHANGE TO APPROPRIATIONS</b>		<u>\$ +2,148</u>	

and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services.  
(6-0)Swanick Present as Ex-Officio Member.

ERIE COUNTY LEGISLATURE  
**GEORGE A. HOLT, JR.**  
**CHAIR**

MR. HOLT moved the adoption. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 17 - MR. FITZPATRICK presented the following and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 194

May 27, 1999

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 6

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

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

- |    |      |      |       |               |
|----|------|------|-------|---------------|
| a. | Item | Page | -1999 | (Comm. 10M-3) |
|----|------|------|-------|---------------|
- NFTA: Metro Cash Flow Statements 4/1/98 – 3/31/99 & Projected Cash Flow Statements 4/1/99 – 3/31/00.  
(6-0) Chairman Swanick present as ex-officio member.

- |    |      |      |        |                                    |
|----|------|------|--------|------------------------------------|
| 2. | Item | Page | - 1999 | <b>AS AMENDED</b><br>(Comm. 6D-24) |
|----|------|------|--------|------------------------------------|
- DPW**

WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Renovations to Erie County Holding Center in an amount not to exceed \$227,600.00, and

WHEREAS, during the course of work, it was discovered that unforeseen conditions and additional work requested by Sheriff Patrick Gallivan would require an additional \$98,500.00 funding to the construction contingency,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund and DPW overhead be increased from \$25,000.00 to \$123,500.00 with authorization for the Commissioner of Public Works to approve change orders, 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 Comptroller's Office be authorized to make payments from the following account: ECHC Inmate Commissary Fund in the amount of \$98,500.00 be transferred into ECHC Improvements, Project 753, Fund 410, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget, Management and Finance; one copy to the Office of the Comptroller and one copy to the Sheriff's Department.

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

3. Item Page - 1999 (Comm. 10D-16)  
DPW

WHEREAS, the Department of Public Works received bids on May 5, 1999 for Elma Meadows Masonry; Como & Ellicott Creek Parks General Construction Work; and Elma Meadows Roofing, and

WHEREAS, the Architect 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:

ROOF REPLACEMENT - ELMA MEADOWS

All Weather Roofing	\$ 50,124.00
Base Bid	

GENERAL CONSTRUCTION WORK

MGR Constructors, Inc.	\$105,800.00
Base Bid	

MASONRY RESTORATION

Progressive Weatherproofing	<u>\$ 33,365.00</u>
Base Bid	

Total for all contracts:	\$189,289.00
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and be it further,

RESOLVED, that the sum of \$33,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction 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 \$1,500.00 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 Comptroller's Office be authorized to make payments for all of the above from the 1999 Parks & Recreation O&M Budget, Fund 110, Dept. 640, Account 823, Repairs & Maintenance, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget, Management & Finance; one copy to the Office of the Comptroller; and one copy to the Department of Parks & Recreation.

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

4. Item Page - 1999 (Comm. 10D-18)  
DPW

WHEREAS, the Department of Public Works received bids on April 27, 1999, for the Buffalo & Erie County Library, Asbestos Abatement - Phase V, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract for the Buffalo & Erie County Library, Asbestos Abatement - Phase V:

ASBESTOS ABATEMENT

Arrie Corporation	
Base Bid	\$56,135.00

and be it further,

RESOLVED, that the sum of \$10,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the sum of \$22,000.00 be allocated for project monitoring with required air monitoring during construction by Watts Engineers, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 1997 Asbestos Abatement Bond Account, Project No. 805, Fund 410, and be it further,

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RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the of the Commissioner; one copy to the Division of Budget, Management and Finance; and one copy to the Office of the Comptroller.

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

**AS AMENDED**

(Comm. 10D-19)

5. Item Page - 1999

**DPW**

WHEREAS, the Department of Public Works received bids on May 6, 1999 for the Erie County Rath Building - Site Rehabilitation, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidders for the Erie County Rath Building - Site Rehabilitation,

NOW THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into contracts for the Erie County Rath Building site rehabilitation as follows:

GENERAL CONSTRUCTION WORK

STS Construction	
Base Bid	960,000
Alt. Bid No.1	+ 66,300
Alt. Bid No.2	+ 54,000
Alt. Bid No.5	+ 9,500
Alt. Bid No.8	+ 3,150
Alt. Bid No.3	+ 10,000
Total:	\$1,102,950

MECHANICAL WORK

Mollenberg Betz, Inc.	
Base Bid	290,800
Alt. Bid No. 5	+ 22,800
Alt. Bid No. 6	+ 5,500
Alt. Bid No. 7	+ 5,000
Total:	\$ 324,100

ELECTRICAL WORK

CIR Electric	
Base Bid	28,700
Alt. Bid No.1	+ 700
Alt. Bid No. 2	+ 1,300
Total:	\$ 30,700

Total for all contracts: \$1,457,750

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and be it further,

RESOLVED, that the sum of \$80,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction 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 \$5,000 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 \$20,000 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 sum of \$30,000 be allocated for Architectural/ Engineering Services necessary to complete the project, and be it further,

RESOLVED, that the Comptrollers Office be authorized to make payments for all of the above from the following accounts:

-- DPW O &M Budget, Project 912, Account 823 Fund 110, encumbered in DP 31005	850,000
-- Code Compliance Project 830, Fund 410	375,000
-- DPW O & M Budget Project 912, Fund 110, Account 823 encumbered in DP 24022	30,000
-- Code Compliance Project 748, Fund 410	80,501
-- Renovations Project 565, Fund 410	231,522
-- Code Compliance Project 593, Fund 410	12,727
-- Code Compliance Project 668, Fund 410	13,000
-- in the total amount of	\$1,592,750

and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner and one copy to the Office of Budget, Management and Finance and one copy to the Comptrollers Office

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

6. Item Page - 1999 (Comm. 10D-20)

**DPW**

WHEREAS, the Erie County Legislature directed that the Commissioner of Public Works negotiate a project Labor Agreement (PLA) with the various unions for the Court Facilities Capital Project and investigate the advantages and disadvantages of same to the County, and

WHEREAS, said agreement has been negotiated and an independent study has determined that there is an advantage to the County to have a PLA for this project,

NOW, THEREFORE, BE IT,

RESOLVED, that the project Construction Managers – Ciminelli-Cowper Co., Inc. and Turner Construction Company - are authorized to enter into the subject PLA with the various unions (the Building & Construction Trades Department, AFL-CIO; the Building and Construction Trades Council of Buffalo, New York & Vicinity, AFL-CIO; Plumbers & Pipefitters Local Union #22 and Sprinkler Fitters Local Union #669), and be it further,

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

(5-1). Legislator Ranzenhofer voted in the negative. Chairman Swanick present as ex-officio member.

**MICHAEL FITZPATRICK  
CHAIRMAN**

MR. FITZPATRICK moved the adoption. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

Item 18 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

Re: Need for Sufficient Fire Protection Throughout Erie County and Volunteer Firefighter Recruitment in Suburban Communities – 1999 Rec. and Ret. Prog. (Int. 11-1)

WHEREAS, Erie County’s three cities, Buffalo, Lackawanna and Tonawanda, maintain, on at least a partial basis, paid fire fighting forces, and

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WHEREAS, in suburban communities, fire companies are volunteer in nature and are supported through contractual agreements with municipalities and/or through individual taxing authorities, and

WHEREAS, the city of Buffalo's fire fighting force oversees the largest geographic area within Erie County, and must protect the single-largest group of people, by population, and

WHEREAS, while remaining the backbone of suburban and rural towns for generations, it has been the case that Erie County's volunteer fire fighting forces have been in need of additional support, and

WHEREAS, those volunteer fire companies now have members of a higher average age, and have memberships that are much smaller than in past years, and

WHEREAS, proposals have surfaced recently that suggest that, in order to bolster suburban fire companies fire fighting abilities, that paid firefighters from the city of Buffalo be sent to suburban and rural communities to fight fires, and

WHEREAS, such proposals contend that the city of Buffalo currently has too many firefighters – and is essentially “overstaffed” – and could well afford to release some members of its fire fighting force to suburban communities whose volunteer fire companies have a shortage of members, and

WHEREAS, this proposal would also mandate that municipal entities which govern suburban fire companies that receive assistance from city fire fighters reimburse the city of Buffalo for the cost of the fire assistance provided to those communities, and

WHEREAS, the proposal to send Buffalo city firefighters to suburban municipalities is fundamentally flawed, because:

- a. Contrary to the proposal's contention, the city of Buffalo's fire fighting force is **not** overstaffed. According to city officials, in recent years, the city has operated its fire protection service with adequate coverage. What's more, considering the age and condition of housing stock in several portions of the city of Buffalo, any diminution of those forces could seriously jeopardize public safety in the city of Buffalo.
- b. The proposal as currently discussed would strip the city of Buffalo of approximately 25% of its current fire protection.
- c. The plan to have suburban fire companies reimburse the city of Buffalo for these services simply amounts to an increase in property taxes for suburban residents. In addition to that tax increase, suburban residents will receive no permanent solution to its firefighter recruitment problem, and as time passes, will become more dependent on city firefighters for the service.

and

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WHEREAS, suburban fire companies in Erie County have a long and proud history of providing top of the line, cost effective fire protection services to local residents, and

WHEREAS, in past years, the County of Erie, through collaborative efforts with volunteer fire companies and the Department of Emergency Services, has been successful in recruitment efforts concerning volunteer firefighters, and

WHEREAS, while suburban fire companies' member enrollment is currently on the decline, past recruitment efforts attracted more than 1,300 additional volunteer firefighters to local fire companies, demonstrating that a common-sense recruitment effort, handled collaboratively by the county and by suburban fire companies, can be successful in Erie County, and

WHEREAS, establishment of this 1999 Recruitment and Retention Program for volunteer fire fighting agencies will involve additional corporate sponsorship, and will include the production and distribution of an educational video for group presentations, and will utilize other forms of advertisement such as brochures, posters, banners, radio and television advertisements, and advertisements on the Internet, and

WHEREAS, in consideration of the fact that transforming currently volunteer fire fighting organizations, as they exist today, into paid fire fighting agencies would cost an additional \$100 million per year, the Legislature, in conjunction with the Gorski administration, has a clear interest in providing assistance toward the initiation of a volunteer firefighter recruitment effort that will expand fire company membership without such a dramatic increase to local property taxpayers,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to ensuring adequate and sufficient fire protection services for residents throughout Erie County, and be it further

RESOLVED, that this Honorable Body does hereby oppose the current proposal to send Buffalo firefighters to suburban towns as an unnecessary additional burden upon suburban property taxpayers, and as a very serious threat to general public safety in the city of Buffalo, and be it further

RESOLVED, that this Honorable Body does hereby authorize the Erie County Executive to initiate within his administration, principally through the Department of Emergency Services, a plan to enhance volunteer firefighter enrollment in suburban municipalities throughout Erie County, and be it further

RESOLVED, that this Honorable Body does hereby authorize the establishment of the Erie County Fire Services Task Force, to be comprised of members representing the Erie County Executive, the Erie County Legislature (both Majority and Minority caucuses), the Erie County Department of Emergency Services, and representatives of paid and volunteer fire agencies throughout Erie County to develop strategies toward enhancing fire fighting efforts in Erie County, and be it further

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 935, Department 670 – Department of Emergency Services – (DAC: 110935670826), for the purposes of the establishment of a plan to enhance volunteer firefighter enrollment in suburban municipalities throughout Erie County, and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Commissioner of Emergency Services, 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, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman, Emergency Services Commissioner Michael Walters, Buffalo Mayor Anthony Masiello, the Office of the Buffalo City Clerk, and to each of the Volunteer Fire Companies within Erie County.

Fiscal Impact: Impact of Plan to Use City Firefighters for Suburban Duty Would be Extremely Negative for Suburban Taxpayers; Impact of County Proposal: \$50,000

MS. PEOPLES moved the adoption of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 19 - MR. WEINSTEIN presented the following and requested that it be referred to the SOCIAL SERVICES COMMITTEE.

GRANTED.

Intro 11-2 From LEGISLATORS WEINSTEIN & HOLT Re: Time Delay in Medicaid Intake Interviews with Hospital Discharge Planning Personnel.

Item 20 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

Re: Funding for the Sheriff's Department D.A.R.E. Program. (Int. 11-3)

WHEREAS, Drug Abuse Resistance Education (D.A.R.E.) is a program offered by specially trained Erie County Sheriff officers that gives elementary and high school students the skills they need to avoid involvement in drug, alcohol, and tobacco use, and

WHEREAS, D.A.R.E. is a highly acclaimed program that benefits 35 million school children around the world and 26 million in the United States, and

WHEREAS, Erie County Sheriff D.A.R.E. instructors provide thousands of area students with 1,305 D.A.R.E. lectures annually, and

WHEREAS, research shows that for every dollar spent on drug abuse prevention, communities can save \$4 to \$5 in costs for drug abuse treatment and counseling, and

WHEREAS, the Sheriff's Department has identified a shortfall in funding for the D.A.R.E. program, and will require additional funds, 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 \$20,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 931, Department 150 – (DAC 110931150826) – Other Expenses, and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Erie County Sheriff, are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, 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, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First

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Assistant County Attorney Alan Gerstman, Sheriff Patrick M. Gallivan and to Michael Benson,  
Chief Administrative Officer, Erie County Sheriff Department .

Fiscal Impact: Appropriation of 1999-budgeted funds.

MS. PEOPLES moved the adoption of the resolution. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 21 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

Re: Funding for Computer Equipment for Kenmore-Tonawanda Public Libraries. (Int. 11-4)

WHEREAS, the Kenmore / Tonawanda Public Libraries have identified a shortfall in funding for computer equipment and children's educational software programs, and will require additional funds, and

WHEREAS, these funds will be used to purchase three (3) Gateway computers and three (3) printers, including one (1) computer and one (1) printer each for the Brighton, Kenilworth, and Sheridan Parkside Libraries, and children's educational software programs for all of the Kenmore / Tonawanda Branch Libraries (the Brighton, Greenhaven, Kenilworth, Kenmore, and Sheridan Parkside Libraries), 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 \$8,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 820, Project 973, Department 420 – Buffalo & Erie County Public Library as follows: Transfer \$7,374 to Lab & Tech Equipment (DAC 820973420933) Brighton, Kenilworth, and

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Sheridan Parkside Libraries; Transfer \$676 to Library Books & Media (DAC 820973420938)

Brighton, Greenhaven, Kenilworth, Kenmore, and Sheridan Parkside Libraries, and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Acting Director of the Buffalo & Erie County Public Libraries, 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, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman, Diane Chrisman, Acting Director Buffalo & Erie County Public Libraries, Becky Mahoney, Chairman of the Library Board of Trustees, Ken Stone, Deputy Director / Chief Financial Officer Buffalo & Erie County Public Libraries, and Jeff Mahaney, Director Kenmore Branch Libraries (160 Delaware Road, Kenmore, NY 14217).

Fiscal Impact: Appropriation of 1999-budgeted funds.

MS. MARINELLI moved the adoption of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 22 – MR. DUSZA presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

Re: Funding for a Community Organization. (Int. 11-5)

WHEREAS, the Legislature set aside funds in the 1999 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 \$5,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Neighborhood Information Center, Inc.	830/0741	\$5,000
<b>TOTAL</b>		<b>\$5,000</b>

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, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, Jim Cotter – Administrative Assistant Department of Budget, Management and Finance, Jennifer Anger – Administrative Assistant Erie County Legislature, and three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) copy to Stanley Wrobel, Executive Director, (Neighborhood Information Center, Inc., 1170 Broadway, Buffalo, New York 14212.)

**Fiscal Impact:** Appropriation of 1999-budgeted funds.

MR. DUSZA moved to amend the resolution. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Legislature set aside funds in the 1999 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 \$26,250 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>
Neighborhood Information Center, Inc.	830/0741	\$5,000
African Cultural Center	N/A	\$3,000
Allentown Association, Inc.	830/0620	\$3,250
Buffalo Green Fund	830/0619	\$15,000
<b>TOTAL</b>		<b>\$26,250</b>

and be it further

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

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RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, Jim Cotter – Administrative Assistant Department of Budget, Management and Finance, Jennifer Anger – Administrative Assistant Erie County Legislature, and three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) copy each to Stanley Wrobel, Executive Director, (Neighborhood Information Center, Inc., 1170 Broadway, Buffalo, New York 14212,) Agnes Baines, Director, (African Cultural Center, 350 Masten Avenue, Buffalo, NY 14209,) Vera Villani, Director, (Allentown Association, Inc., 234 Allen Street, Buffalo, New York 14201,) and Bette Blum, Executive Director (Buffalo Green Fund, 11 Mayfair Lane, Buffalo, New York 14201.)

**Fiscal Impact:** Appropriation of 1999-budgeted funds.

MR. DUSZA moved the adoption of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 23 – MS. MARINELLI presented the following and requested that it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro 11-6 From LEGISLATORS SWANICK, MARINELLI, HOLT, DEBENEDETTI, DUSZA, OLMA, & FISHER Re: Support for a Felony Animal Cruelty Bill.

Item 24 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

Re: Amherst Agricultural District – Erie County  
#17 8-Year Review. (Int. 11-7)

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on June 16, 1999 at 7:30 p.m. at the North Amherst Fire Hall, 2200 Tonawanda Creek Road, W. Amherst, NY 14228, concerning the 8-year review of the Amherst Agricultural District, Erie county #17, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to publish said Notice of Public Hearing in the newspaper having general circulation within the Amherst Agricultural District, to so notify the affected municipality and any property owners affected by any proposed modifications (additions/deletions) to the Amherst Agricultural District.

FISCAL IMPACT: NONE

MS. PEOPLES moved the adoption of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 25 - MS. PEOPLES presented the following and requested that it be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro 11-8 From LEGISLATORS PEOPLES, FISHER, & CHASE Re: Report on Progress of the 100<sup>th</sup> Anniversary Commemoration of the Pan American Exposition.

Item 26 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

Re: Creation of a Rural Economic Development Revitalization Program. (Int. 11-9)

**WHEREAS**, rural New York State lags behind the rest of the state in employment growth and income, with no signs of improvement in the near future, and

**WHEREAS**, to stimulate economic development in these impoverished areas, an expansion of an already established grass-roots effort to build local capacity in urban areas is needed, and

**WHEREAS**, this legislation expands the eligible activities to include those that are well suited to rural areas, their resources and needs. For example, fruit trees reach the end of their life cycle and need to be replaced but, new trees do not produce for the first several years, thereby justifying low cost financing for the owners, and

**WHEREAS**, one of the major components of the bill would provide matching funds of up to \$100,000 to local development corporations for grassroots assistance for value-added small and new businesses, and

**WHEREAS**, all financing would be from existing money, appropriated and otherwise available within the Empire State Economic Development Fund.

June 3, 1999ERIE COUNTY LEGISLATURE**NOW, THEREFORE BE IT,**

**RESOLVED**, revitalization of the state's rural economy is essential to New York's economic health and state assistance in this regard is necessary for this achievement, and be it further

**RESOLVED**, this legislation expands farmer eligibility but does not provide for an increased appropriation and this Honorable Body does hereby memorialize the New York State Legislature to pass and Governor Pataki to sign into law S.4312-A, and be it further

**RESOLVED**, that a certified copy of this resolution be forwarded to Governor George Pataki and all of the Western New York state delegation.

Fiscal Impact: None for resolution.

MS. PEOPLES moved to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

WHEREAS, rural New York State lags behind the rest of the state in employment growth and income, with no signs of improvement in the near future, and

WHEREAS, to stimulate economic development in these impoverished areas, an expansion of an already established grass-roots effort to build local capacity in urban areas is needed, and

WHEREAS, this legislation expands the eligible activities to include those that are well suited to rural areas, their resources and needs. For example, fruit trees reach the end of their life cycle and need to be replaced but, new trees do not produce for the first several years, thereby justifying low cost financing for the owners, and

WHEREAS, one of the major components of the bill would provide matching funds of up to \$100,000 to local development corporations for grassroots assistance for value-added small and new businesses, and

WHEREAS, all financing would be from existing money, appropriated and otherwise available within the Empire State Economic Development Fund.

**NOW, THEREFORE BE IT,**

**RESOLVED**, revitalization of the state's rural economy is essential to New York's economic health and state assistance in this regard is necessary for this achievement, and be it further

**RESOLVED**, That this Honorable Body does hereby memorialize the New York State Legislature to pass and New York State Governor George Pataki to sign into law S.4312A / A.3984B for the purpose of expanding farmer eligibility in the rural economic development revitalization program without increasing said appropriation, and be it further

**RESOLVED**, that a certified copy of this resolution be forwarded to Governor George Pataki and all of the Western New York state delegation.

Fiscal Impact: None for the resolution

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

CARRIED UNANIMOUSLY.

Item 27 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

Re: Creating a Microbusiness Loan Fund to  
Improve the Economy by Stimulating Business of  
Locally Grown Products. (Int. 11-10)

**WHEREAS**, agriculture and agribusiness are vital to a stable economy, especially in rural areas troubled by high unemployment, and

**WHEREAS**, as a legislative body, we need to stimulate new and small business development relating to the use of agricultural and forest products and materials grown and produced in New York State, and

**WHEREAS**, by establishing an agribusiness development microenterprise revolving loan fund, not-for-profit corporations located in our community would be eligible to apply to the corporation in response to a request for proposals, for a grant of up to one hundred thousand dollars, and

**WHEREAS**, an advisory committee, composed of three university based experts on microbusiness development, appointed by the Governor, Speaker of the Assembly and the Temporary President of the Senate would review applications and recommend the designation of entities to administer a local agricultural microenterprise revolving fund, and

**WHEREAS**, loans would be made by the local funds for providing start-up funds, working capital, and the acquisition of machinery and equipment for eligible business enterprises in amounts not to exceed ten thousand dollars for each loan.

**NOW, THEREFORE BE IT,**

**RESOLVED**, the Erie County Legislature is committed to stimulating the Western New York economy and we are dedicated to assisting the small agribusiness community, and be it further

**RESOLVED**, this Honorable Body does hereby memorialize the New York State Legislature to pass and Governor Pataki to sign into law S.4316 to create a microbusiness revolving loan fund to stimulate business enterprises, and be it further

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**RESOLVED**, that a certified copy of this resolution be forwarded to Governor George Pataki and all of the Western New York state delegation.

Fiscal Impact: None for resolution.

MS. PEOPLES moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

WHEREAS, agriculture and agribusiness are vital to a stable economy, especially in rural areas troubled by high unemployment, and

WHEREAS, as a legislative body, we need to stimulate new and small business development relating to the use of agricultural and forest products and materials grown and produced in New York State; and

WHEREAS, by establishing an agribusiness development microenterprise revolving loan fund, not-for-profit corporations located in our community would be eligible to apply to the corporation in response to a request for proposals, for a grant of up to one hundred thousand dollars, and

WHEREAS, an advisory committee, composed of three university based experts on microbusiness development, appointed by the Governor, Speaker of the Assembly and the Temporary President of the Senate would review applications and recommend the designation of entities to administer a local agricultural microenterprise revolving fund, and

WHEREAS, loans would be made by the local funds for providing start-up funds, working capital, and the acquisition of machinery and equipment for eligible business enterprises in amounts not to exceed ten thousand dollars for each loan.

NOW, THEREFORE BE IT,

**RESOLVED**, the Erie County Legislature is committed to stimulating the Western New York economy and we are dedicated to assisting the small agribusiness community, and be it further

**RESOLVED**, That this Honorable Body does hereby memorialize the New York State Legislature to pass and New York State Governor George Pataki to sign into law S.4316 / A.4188A to create a microbusiness revolving loan fund to stimulate business enterprises, and be it further

**RESOLVED**, that a certified copy of this resolution be forwarded to Governor George Pataki and all of the Western New York state delegation.

Fiscal Impact: None

MS. PEOPLES moved the adoption of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 28 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

Re: Extending Eligibility for Agricultural Non Point Source Abatement Monies Through the Environmental Protection Fund. (Int. 11-11)

**WHEREAS**, the New York State Department of Environmental Conservation is in the process of developing a permit process for nutrient management for concentrated animal feeding operations, and

**WHEREAS**, concentrated animal feeding are livestock farms that will be required to develop a nutrient management plan and implement best management practices for agricultural waste disposal, and

**WHEREAS**, upon receiving a concentrated animal feeding operations permit, these farms will no longer be eligible for agricultural nonpoint source abatement assistance as the farm will be considered a point source, and

**WHEREAS**, this legislation will enable farms to avoid a financial penalty for compliance with the forthcoming regulation by allowing the farm owner to apply for agricultural nonpoint source abatement funding, and

**NOW, THEREFORE BE IT,**

**RESOLVED**, the Erie County Legislature is committed to stimulating the Western New York agricultural economy and we are dedicated to assisting the small agribusiness community, and be it further

**RESOLVED**, this legislation expands farmer eligibility but does not provide for an increased appropriation and this Honorable Body does hereby memorialize the New York State Legislature to pass and Governor Pataki to sign into law S.3068B, and be it further

**RESOLVED**, that a certified copy of this resolution be forwarded to Governor George Pataki and all of the Western New York state delegation.

Fiscal Impact: None for resolution.

MS. PEOPLES moved to amend the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

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WHEREAS, the New York State Department of Environmental Conservation is in the process of developing a permit process for nutrient management for concentrated animal feeding operations, and

WHEREAS, concentrated animal feeding are livestock farms that will be required to develop a nutrient management plan and implement best management practices for agricultural waste disposal, and

WHEREAS, upon receiving a concentrated animal feeding operations permit, these farms will no longer be eligible for agricultural nonpoint source abatement assistance as the farm will be considered a point source, and

WHEREAS, this legislation will enable farms to avoid a financial penalty for compliance with the forthcoming regulation by allowing the farm owner to apply for agricultural nonpoint source abatement funding, and

NOW, THEREFORE BE IT,

RESOLVED, the Erie County Legislature is committed to stimulating the Western New York agricultural economy and we are dedicated to assisting the small agribusiness community, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York State Legislature to pass and New York State Governor George Pataki to sign into law S.3086B / A.5749B to expand fanner eligibility for nonpoint source abatement monies through the environmental protection fund without increasing the appropriation to said fund, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor George Pataki and all of the Western New York state delegation.

Fiscal Impact: None

MS. PEOPLES moved the adoption of the resolution as amended. MR. OLMA seconded.

CARRIED UNANIMOUSLY.

Item 29 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

Re: Establishing a Farmland Viability Program.  
(Int. 11-12)

WHEREAS, the Erie County Legislature is committed to improving the viability of New York State's agricultural industry, thus preserving the economy as a whole and the environment in our rural communities by preventing farms from going out of business, and

**WHEREAS**, the establishment of a Farmland Viability program would improve the profitability, efficiency and farm income of participating farms, and

**WHEREAS**, financial assistance will be available for two purposes: to provide technical assistance to participating farmers to devise a strategy to ensure that the farm will remain in agriculture over the long term and the actual implementation of such a plan, and

**WHEREAS**, County Agricultural and Farmland Protection Boards with an approved farmland protection plan may also apply for financial assistance. Grants for applicants receiving an agricultural assessment shall not exceed seventy five percent of the cost of the project and farmland protection boards may not exceed fifty percent of the implementation cost, and

**NOW, THEREFORE BE IT,**

**RESOLVED**, the Erie County Legislature is committed to ensuring the longevity of local farms and protecting them from suburban sprawl through the establishment of a Farmland Viability Program, and be it further

**RESOLVED**, this Honorable Body does hereby memorialize the New York State Legislature to pass and Governor Pataki to sign into law S.3089, and be it further

**RESOLVED**, that a certified copy of this resolution be forwarded to Governor George Pataki and all of the Western New York state delegation.

Fiscal Impact: None for resolution.

MS. PEOPLES moved to amend the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

**WHEREAS**, the Erie County Legislature is committed to improving the viability of New York State's agricultural industry, thus preserving the economy as a whole and the environment in our rural communities by preventing farms from going out of business, and

**WHEREAS**, the establishment of a Farmland Viability program would improve the profitability, efficiency and farm income of participating farms, and

**WHEREAS**, financial assistance will be available for two purposes: to provide technical assistance to participating farmers to devise a strategy to ensure that the farm will remain in agriculture over the long term and the actual implementation of such a plan, and

**WHEREAS**, County Agricultural and Farmland Protection Boards with an approved farmland protection plan may also apply for financial assistance. Grants for applicants receiving an agricultural assessment shall not exceed seventy five percent of the cost of the project and farmland protection boards may not exceed fifty percent of the implementation cost, and

**NOW, THEREFORE BE IT,**

RESOLVED, the Erie County Legislature is committed to ensuring the longevity of local farms and protecting them from suburban sprawl through the establishment of a Farmland Viability Program, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York State Legislature to pass and New York State Governor George Pataki to sign into law S.3089 / A.5747, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor George Pataki and all of the Western New York state delegation.

Fiscal Impact: None for resolution.

MS. PEOPLES moved the adoption of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 30 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

Re: Support for State Approval of 1999-2000  
CHIPS Funding. (Int. 11-13)

**WHEREAS**, A large portion of the county's \$13.1 million road repair overlay program is financed by revenue received through the state's Consolidated Highway Improvement Program (CHIPs), and

**WHEREAS**, Erie County anticipates receiving approximately \$4.6 million in CHIPs aid, and

**WHEREAS**, The completion of the full 1999 county overlay program could be delayed due to the fact that the 1999-2000 State Budget has not been adopted, and

**WHEREAS**, The Erie County region has a short construction season which could further jeopardize the completion of the announced 1999 county highway program, and

**WHEREAS**, For time to time, the State Legislature has, from time to time, adopted emergency or temporary appropriation bills in order to keep the state government in operation or to ensure that state-financed programs and services do not cease

**NOW, THEREFORE, BE IT**

**RESOLVED**, That the Erie County Legislature expresses its desire to see the completion of the full 1999 county overlay program this construction season, and be it further

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**RESOLVED**, That the Erie County Legislature does hereby call upon Governor George Pataki and the New York State Senate and Assembly to approve an emergency spending bill that would appropriate the full amount of anticipated CHIPS aid to Erie County and to all county governments, and be it further

**RESOLVED**, That a certified copy of this resolution be forwarded to Governor Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, and to the members of the Western New York State Legislative Delegation.

Fiscal Impact: Receipt of approximately \$4.6 million in state aid.

MS. PEOPLES moved to amend the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

WHEREAS, A large portion of the county's \$13.1 million road repair overlay program is financed by revenue received through the state's Consolidated Highway Improvement Program (CHIPs), and

WHEREAS, Erie County anticipates receiving approximately \$4.6 million in CHIPs aid, and

WHEREAS, The completion of the full 1999 county overlay program could be delayed due to the fact that the 1999-2000 State Budget has not been adopted, and

WHEREAS, The Erie County region has a short construction season which could further jeopardize the completion of the announced 1999 county highway program, and

WHEREAS, On February 18, 1999 this Honorable Body unanimously passed Intro. 4-6, opposing Governor Pataki's cut of approximately \$26 million to CHIPS funding statewide included in his proposed 1999-2000 budget, and

WHEREAS, For time to time, the State Legislature has, from time to time, adopted emergency or temporary appropriation bills in order to keep the state government in operation or to ensure that state-financed programs and services do not cease

NOW, THEREFORE, BE IT

**RESOLVED**, That the Erie County Legislature expresses its desire to see the completion of the full 1999 county overlay program this construction season, and be it further

**RESOLVED**, That the Erie County Legislature does hereby call upon Governor George Pataki and the New York State Senate and Assembly to approve an emergency spending bill that would appropriate the full amount of anticipated CHIPS aid to Erie County and to all county governments, and be it further

**RESOLVED**, That this Honorable Body does reaffirm its opposition to Governor Pataki's proposed \$26 million cut to CHIPS funding, and does continue to call upon the New York State Legislature to make full restoration of CHIPS funding a part of the final 1999-2000 New York State budget, and be it further

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RESOLVED, That a certified copy of this resolution be forwarded to Governor Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, and to the members of the Western New York State Legislative Delegation.

Fiscal Impact: Receipt of approximately \$4.6 million in state aid.

MS. PEOPLES moved the adoption of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE.

Item 31 – MS. PEOPLES moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 8E-18. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

RE: Two Mile Creek Greenway – Easement Agreement with Niagara Mohawk Power Corporation.

WHEREAS, the County of Erie has been awarded \$342,000 in Federal Intermodal Surface Transportation Efficiency Act Enhancement Funds to construct the Two Mile Creek Greenway bicycle path from the Riverwalk in the City of Tonawanda to Sheridan Park in the Town of Tonawanda, and

WHEREAS, the County of Erie has also dedicated \$286,000 in capital bond funds in the 1997 and 1998 Erie County capital budgets to provide a local match to the construction of this bicycle path, and

WHEREAS, the Two Mile Creek Greenway will be partially located on lands owned by the Niagara Mohawk Power Corporation.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to enter into all necessary and appropriate easement agreements with the Niagara Mohawk Power Corporation necessary to construct, maintain and operate the Two Mile Creek Greenway on lands owned by the Niagara Mohawk Power Corporation as generally located on Exhibit A to this resolution, and be it further

RESOLVED, that \$11,200.00 (SFG Fund 410, Project 796, Account 957 within the Department of Environment and Planning) be made available and payable to the Niagara Mohawk Power Corporation as reimbursement for said easement, and be it further

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RESOLVED, that certified copies of the resolution be forwarded to the Commissioner of Environment and Planning, the Erie County Comptroller and the Director of Budget and Management.

MS. PEOPLES moved the adoption of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 32 - MR. MARSHALL moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Intro. 7-11. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 206

RE: Using Interactived Computer Technology to Purchase Supplies

WHEREAS, the rapidly growing Internet is providing businesses and governments new technologies to conduct everyday operations, and

WHEREAS, many of these advanced technologies are providing its users with an alternative method for saving money, and

WHEREAS, the State of Pennsylvania recently contracted with an on-line auction company to buy supplies for the state, and

WHEREAS, this on-line auction company will solicit bids from vendors via the Internet, and

WHEREAS, in the state's first major Internet auction, Pennsylvania was able to purchase enough bulk aluminum to put new license plates on nearly every car, and

WHEREAS, this \$2.4 million aluminum purchase saved Pennsylvania taxpayers more than \$220,000 (11%) on this one purchase, and

WHEREAS, Erie County already requests bids for supplies through local and nationwide print advertising, and

WHEREAS, the county's procedure for soliciting bids should be expanded to include Internet auctions and or Internet access to help Erie County save money.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does here by express its desire to expand the county's current purchasing procedures to include Internet auctions and or Internet access to county contracts, and be it further

RESOLVED, that the Bureau of Purchase Diretor, John Doyle, County Comptroller Nancy Naples and the County Attorney's Office are requested to implement this program as soon as possible, and be it further

RESOLVED, that a certified copy be sent to Purchase Director John Doyle, County Comptroller Nancy Naples and County Attorney Kenneth Schoetz .

RESOLVED, that a certified copy be sent to Purchase Director John Doyle, Comptroller Nancy Naples and County Attorney Kenneth Schoetz.

Fiscal Impact: to be determined.

MS. PEOPLES moved the to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the rapidly growing Internet is providing businesses and governments new technologies to conduct everyday operations, and

WHEREAS, many of these advanced technologies are providing its users with an alternative method for saving money, and

WHEREAS, the State of Pennsylvania recently contracted with an on-line auction company to buy supplies for the state, and

WHEREAS, this on-line auction company will solicit bids from vendors via the Internet, and

WHEREAS, in the state's first major Internet auction, Pennsylvania was able to purchase enough bulk aluminum to put new license plates on nearly every car, and

WHEREAS, this \$2.4 million aluminum purchase saved Pennsylvania taxpayers more than \$220,000 (11%) on this one purchase, and

WHEREAS, Erie County already requests bids for supplies through local and nationwide print advertising, and

WHEREAS, the county's procedure for soliciting bids should be expanded to include Internet auctions and or Internet access to help Erie County save money.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does here by express its desire to expand the county's current purchasing procedures to include Internet auctions and or Internet access to county contracts, and be it further

RESOLVED, That Bureau of Purchase Director John Doyle, County Comptroller Nancy Naples and County Attorney Kenneth Schoetz file a report with the clerk of the Erie County Legislature within 60 days of passage of this resolution detailing the feasibility of expanding the county's current purchasing procedures to include internet auctions and or internet access to county contracts and be prepared to appear at a meeting of the Legislature's Government Affairs

Committee to discuss said report and a possible implementation schedule if appropriate, and be it further

RESOLVED, that a certified copy be sent to Purchase Director John Doyle, Comptroller Nancy Naples and County Attorney Kenneth Schoetz.

Fiscal Impact: to be determined.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIRMAN SWANICK

Item 33 – (Comm. 11E-1) Copies of Letters from Senator Schumer to Chairs of the International Joint Commission Re: Pub. Hearings to Discuss Plans to Ship Lake Water.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 34 – MS. PEOPLES presented the following and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

Re: Personnel – Position Reclassification.  
(Comm. 11E-2)

WHEREAS, in the 1999 Erie County Budget, Department of Personnel, Account Number 1430.00, there is a position of Principal Clerk, Job Group VI, position number 047500, and

WHEREAS an extensive job audit of the duties and responsibilities of this position indicate that the incumbent is performing at the level of an Administrative Clerk, Job Group VII, and

WHEREAS, in order to appropriately classify this position and to compensate the employee at the appropriate rate of pay, the Commissioner of Personnel is recommending that

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the Principal Clerk Job Group VI position be reclassified to Administrative Clerk, Job Group VII, and

WHEREAS, sufficient funds are available in the Department's salary account and no additional funds will be necessary,

NOW THEREFORE BE IT

RESOLVED, that one position of Principal Clerk, Job Group VI, position number 047500, be reclassified to Administrative Clerk, Job Group VII, and be it further

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

MS. PEOPLES moved to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

WHEREAS, in the 1999 Erie County Budget, Department of Personnel, Account Number 1430.00, there is a position of Principal Clerk, Job Group VI, position number 047500, and

WHEREAS an extensive job audit of the duties and responsibilities of this position indicate that the incumbent is performing at the level of an Administrative Clerk, Job Group VII, and

WHEREAS, in order to appropriately classify this position and to compensate the employee at the appropriate rate of pay, the Commissioner of Personnel is recommending that the Principal Clerk Job Group VI position be reclassified to Administrative Clerk, Job Group VII, and

WHEREAS, sufficient funds are available in the Department's salary account and no additional funds will be necessary,

NOW THEREFORE BE IT

RESOLVED, that one position of Principal Clerk, Job Group VI, position number 047500, be reclassified to Administrative Clerk, Job Group VII, effective June 1, 1999, and be it further

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

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 35 – (Comm. 11E-3) Emergency Services – Federal\State Disaster Aid Snow Emergency – January 1999 Funding Acceptance.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 36 – (Comm. 11E-4) Health – Infant Mortality Review Program 7/1/99 – 9/30/00.

Item 37 – (Comm. 11E-5) Health – “Eat Well, Play Hard” Youth Physical Activity & Nutrition Improvement Initiative 7/1/99 – 6/30/00.

Item 38 – (Comm. 11E-6) Health – Lease Agreement for 394, 398 – 400 South Park Avenue Buffalo, NY.

Item 39 – (Comm. 11E-7) Health – Lease Agreement for Women, Infants & Children’s (WIC) Program Distribution Site 546 Abbott Road – Buffalo, NY.

Item 40 – (Comm. 11E-8) Health – Personnel Adjustment.

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

Item 41 – (Comm. 11E-9) Contract with the City of Lackawanna for Environmental Remediation to Develop a New Industrial Park.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 42 – (Comm. 11E-10) Town of North Collins Public Library – “Opening Day” Costs.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 43 – (Comm. 11E-11) Senior Services – Authorization to Accept Additional Title VII Grant Funds & Enter Into Subcontract.

Item 44 – (Comm. 11E-12) Senior Services – Authorization to Accept Additional Title V Grant Funds & Amend Contracts.

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

Item 45 – (Comm. 11E-13) Emergency Services – Sub-Lease Agreement with Cellular One (Southwestern Bell Mobile Systems, Inc.)

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 46 – (Comm. 11E-14) Social Services – Automotive Skills Training Contracts.

Item 47 – (Comm. 11E-15) Social Services – Supervisory Staff Reallocation.

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

Item 48 - (Comm. 11E-16) District Attorney – Authorization to Amend Victim\Witness Assistance Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 49 – (Comm. 11E-17) Part-Time Receptionist in the Highway Division.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 50 – (Comm. 11E-18) Health – Staffing Adjustment.

Received and referred to the HEALTH COMMITTEE.

Item 51 – (Comm. 11E-19) ECSD No. 4 – Easement Grant to Village of Depew.

Item 52 – (Comm. 11E-20) ECSD No. 4 – Contract No. 22L Close-Out CMH Company Inc.

Item 53 – (Comm. 11E-21) ECSD Nos. 1, 4 & 5 Engineering Service Agreement for Northern Region Admin. Bldg. Extension & Site Improv. Duchscherer Oberst Design.

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

Item 54 – (Comm. 11E-22) Request for Leg. Action that will Authorize EC to Accept a Renewal Grant from H.U.D. to provide Rental Assistance & Supp. Svcs for Homeless.

Item 55 – (Comm. 11E-23) Request for Leg. Action to Increase Appropriation to Restoration Society, Inc. by \$75,000 in 100% NYS Community Support Services.

Item 56 – (Comm. 11E-24) Request for Leg. Action to Increase the Appropriation to Living Opportunities of Depaul by \$28,000 in NYS Mental Health Reinvestment.

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

Item 57 – (Comm. 11E-25) ECC 1999-2000 Tentative Budget.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 58 – (Comm. 11D-1) Notice of County Executive's Approval of Intro. 6-8.

Received, filed and printed.

May 20, 1999

Ms. Laurie Manzella  
Clerk Of The Legislature  
25 Delaware Avenue  
7th Floor  
Buffalo, New York 14202

**RE: Resolution Reference Int. 6-8**

Dear Ms. Manzella:

Enclosed herein is a copy of the above Resolutions for your files.

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

Very truly yours,

KENNETH A. SCHOETZ  
Erie County Attorney

By: Alan P. Gerstman  
1<sup>st</sup> Assistant County Attorney

APG/sl

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 6-8, on Tuesday April 13, 1999 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 Resolutions this 15<sup>th</sup> day of April, 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 6-8, on Tuesday, April 13, 1999 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 DISAPPROVE and VETO said Resolution this \_\_\_\_ day of \_\_\_\_, 1999.

FROM ECMC

Item 59 – (Comm. 11D-2) Notice of Board of Managers Finance Committee Meeting to be Held 6/4/99.

Item 60 – (Comm. 11D-3) Notice of Board of Managers Regular Meeting to be Held 6/10/99.

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

FROM THE COUNTY ATTORNEY

Item 61- (Comm. 11D-4) Notice of County Executive's Public Hearing Re: Comm. 8E-14, Intros. 9-2 & 9-4, Comm. 9E-5, & Intros. 10-5 & 10-8.

Received, filed and printed.

May 21, 1999

Ms. Laurie Manzella  
Clerk Of The Legislature  
25 Delaware Avenue  
7<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Notice of Public Hearing  
Resolutions Reference Comm. 8E-14, Intro. 9-2,  
Intro. 9-4, Comm. 9E-5, Intro. 10-5 and Intro. 10-8**

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Resolutions Comm. No. 8E-14, Comm. 9E-5, Intro. 10-5 and Intro. 10-8 which were adopted by the Erie County Legislature on May 20, 1999 and Intro. 9-2 and Intro. 9-4 which were adopted on May 6, 1999.

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

Very truly yours,

KENNETH A. SCHOETZ  
Erie County Attorney

By: Alan P. Gerstman  
1<sup>st</sup> Assistant County Attorney

APG/sl Encl.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT Erie County Executive Dennis T. Gorski, will hold a public hearing on Tuesday, June 1, 1999 at 10:00 a.m., concerning appropriations from the County contingency fund and unanticipated revenue in the general fund for the following purposes:

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DEPARTMENT OF LAW - LEGAL AID PUBLIC DEFENDER	\$33,560.00
WILLIAMSVILLE BUSINESS & PROFESSIONAL ORGINIZATION	\$ 1,550.00
WILLIAMSVILLFIHUTCHINSON HOSE CO.	\$ 1,500.00
SUMMERFARE MUSICAL THEATRE CO.	\$ 1,077.00
AMHERST MUSEUM	\$ 1,000.00
WILLIAMSVILLE BICENTENNIAL	\$ 1,500.00
AMHERST YOUTH BOARD	\$ 1,000.00
AMHERST SAXOPHONE QUARTET	\$ 500.00
AMHERST ADULT DAY SERVICES	\$ 500.00
AMHERST SYMPHONY ORCHESTRA	\$ 500.00
ERIE COUNTY COUNCIL FOR THE PREVENTION OF ALCOHOL & SUBSTANCE ABUSE, INC.	\$ 250.00
SUPPORTIVE SERVICES CORPORATION	\$15,000.00
INTERNATIONAL INSTITUTE OF BUFFALO	\$ 2,000.00
SHERIFF'S DEPARTMENT - (PERSONAL SERVICES)	\$20,000.00
DEPARTMENT OF PARKS, RECREATION AND FORESTRY	\$ 8,000.00
DEPARTMENT OF ENVIRONMENT & PLANNING - RE TENTION FACILITY	\$30,000.00
AKRON/NEWSTEAD YOUTH CENTER, INC.	\$ 1,800.00
DRUM CORPS INTERNATIONAL, INC.	\$ 3,500.00
MSGR. JAMES A. HEALY FOUNDATION, INC.	\$ 1,500.00

The hearing will be held in the Eric County Executive's Conference Room on the 16<sup>th</sup> floor of the Rath Building, 95 Franklin Street, in the City of Buffalo.

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On May 6, 1999 the Erie County Legislature adopted Resolutions Reference Intro. 9-2 and Intro. 9-4 and on May 20, 1999, Comm. No. 8E-14, Comm. 9E-5, Intro. 10-5 and Intro. 108 authorizing these actions. Copies of the proposed resolutions are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7<sup>th</sup> floor of 25 Delaware Avenue, in the City of Buffalo, New York.

DENNIS T. GORSKI  
ERIE COUNTY EXECUTIVE

Item 62 – (Comm. 11D-5) Notice of County Executive’s Approval of Intros. 7-3, 7-14, 7-15, Comm. 7E-30, Intros. 8-7, 8-8, 8-9, & 8-10.

Received, filed and printed.

May 25,1999

Ms. Laurie Manzella  
Clerk Of The Legislature  
25 Delaware Avenue  
7<sup>th</sup> Floor  
Buffalo, New York 14202

RE: Resolutions Reference Intro. 7-3, Intro. 7-14, Intro. 7-15, Comm. 7E-30,  
Intro. 8-7, Intro. 8-8, Intro. 8-9, Intro. 8-10

Dear Ms. Manzella:

Enclosed herein is a copy of the above Resolutions for your files.

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

Very truly yours,

KENNETH A. SCHOETZ  
Erie County Attorney

By: Alan Gerstman  
1<sup>st</sup> Assistant County Attorney

APG/sl

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 7-3, on Tuesday May 11, 1999 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 13<sup>th</sup> day of May, 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 7-3, on Tuesday, May 11, 1999 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 DISAPPROVE and VETO said Resolution this \_\_\_\_ day of \_\_\_\_ 1999.

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A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 7-14, on Tuesday May 11, 1999 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 13<sup>th</sup> day of May, 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 7-14, on Tuesday, May 11, 1999 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 DISAPPROVE and VETO said Resolution this \_\_\_ day of \_\_\_\_ 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 7-15, on Tuesday May 11, 1999 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 13<sup>th</sup> day of May, 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 7-15, on Tuesday, May 11, 1999 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 DISAPPROVE and VETO said Resolution this \_\_\_ day of \_\_\_\_ 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Comm. 7E-30, on Tuesday May 11, 1999 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 13<sup>th</sup> day of May, 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Comm. 7E-30, on Tuesday, May 11, 1999 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 DISAPPROVE and VETO said Resolution this \_\_\_ day of \_\_\_\_ 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 8-7, on Tuesday May 11, 1999 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 13<sup>th</sup> day of May, 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 8-7, on Tuesday, May 11, 1999 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 DISAPPROVE and VETO said Resolution this \_\_\_ day of \_\_\_\_ 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 8-8, on Tuesday May 11, 1999 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 13<sup>th</sup> day of May, 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 8-8, on Tuesday, May 11, 1999 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 DISAPPROVE and VETO said Resolution this \_\_\_ day of \_\_\_\_ 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 8-9, on Tuesday May 11, 1999 due notice thereof having been published in the official newspapers of the County of Erie,

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and after due deliberation thereon, I, Dennis T. Gorski, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution, this 13<sup>th</sup> day of May, 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 8-9, on Tuesday, May 11, 1999 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 DISAPPROVE and VETO said Resolution this \_\_\_ day of \_\_\_ 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 8-10, on Tuesday May 11, 1999 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 13<sup>th</sup> day of May, 1999.

A Public Hearing was held on the foregoing Erie County Resolution Reference Intro. 8-10, on Tuesday, May 11, 1999 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 DISAPPROVE and VETO said Resolution this \_\_\_ day of \_\_\_ 1999.

FROM THE BOARD OF ELECTIONS

Item 63 – MS. PEOPLES presented the following and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

Re: Transfer of Funds in the Erie County Board of Elections 1999 Budget. (Comm. 11D-6)

WHEREAS, in January, the Board of Elections received a State grant to fund an imaging conversion project, and

WHEREAS, this system has allowed the Board of Elections to electronically image all incoming voter registration applications, and

WHEREAS, an additional hard drive system is required to add these images into our online system, and

WHEREAS, once complete, registration records will be immediately accessible to Board employees and the general public, and

WHEREAS, funds exist in the 1999 departmental budget of the Erie County Board of Elections to purchase this system; and therefore, there is no additional cost to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature determines that there is a need to maintain adequate and up-to-date equipment at the Board of Elections to secure the accuracy of the electoral process, and be it further

RESOLVED, that this Honorable Body does hereby authorize the sum of \$15,000 to be transferred from Account 826 - Other Expenses to Account 933 - Lab and Technical Equipment and be it further

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

Fiscal Implications: None

MS. PEOPLES moved the adoption of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

FROM DPW

Item 64 - (Comm. 11D-7) Increase to Construction Contract 1998 Overlay "A" Program Project No. Chips OP-98A Various Towns.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECMC

Item 65 - (Comm. 11D-8) Agenda for Board of Managers Finance Committee Meeting to be Held 6/4/99 & Financial Statements for 4/30/99.

Received and referred to the HEALTH COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 66 - (Comm. 11D-9) Notices of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NYS DEPT. OF TAXATION & FINANCE

Item 67 - (Comm. 11M-1) Acknowledgement of Receipt of Letter from Chairman Swanick Re: Sales & Use Tax Exemption on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM WEST VALLEY CITIZEN TASK FORCE

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Item 68 - (Comm. 11M-2) Copy of Letter to Secretary, Department of Energy Re: DOE Presence at West Valley.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ASSEMBLYMAN SMITH

Item 69 - (Comm.11M-3) Acknowledgement of Receipt of Resolution.

Received and filed.

FROM THE NFTA

Item 70 - (Comm. 11M-4) Minutes of Annual Board Meeting Held 4/19/99.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE CHEEKTOWAGA TOWN CLERK

Item 71- (Comm. 11M-5) Cert. Copy of Reso. Re: To Memorialize Buffalo & Erie County Pub. Library Board, Co. Exec. & Leg. to Take Action to Ensure So. Branch is not Closed.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CONGRESSMAN REYNOLDS

Item 72 - (Comm. 11M-6) Acknowledgement of Receipt of Resolution.

Received and filed.

FROM GREATER BUFFALO COMMUNITY WELLNESS COUNCIL

Item 73 - (Comm. 11M-7) June 1999 – Community Wellness Calendar.

Received and referred to the HEALTH COMMITTEE.

FROM ASSEMBLYMAN SMITH

Item 74 – (Comm. 11M-8) Acknowledgement of Receipt of Resolution.

Received and filed.

FROM ASSEMBLYMAN BURLING

Item 75 – (Comm. 11M-9) Acknowledgement of Receipt of Resolution.

Received and filed.

MEMORIAL RESOLUTIONS

Item 76 – Legislator Ranzenhofer requested that when the Legislature adjourn, it do so in memory of Chester Fogel and Jeana Kern.

ADJOURNMENT

Item 77 – 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, June 17, 1999**. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature **adjourned until Thursday, June 17, 1999 at 2 P.M. Eastern Standard Time.**

LAURIE MANZELLA  
CLERK