

ERIE COUNTY LEGISLATURE  
MEETING NO. 17  
September 23, 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. Pauly.

Item 1- MS. PEOPLES moved to reconsider Comm. 16E-40. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 2 - MS. PEOPLES moved that Comm. 16E-40 be RECEIVED AND FILED. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. PEOPLES moved to approve the minutes of Meeting 16 of 1999. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 3 - Under his own motion, CHAIRMAN SWANICK took Comm. 17D-7 out of order.

FROM LABOR RELATIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 300

Re: Ratification of Collective Bargaining  
Agreement Between Administrators  
Association of ECC & County of Erie /ECC  
for 9/1/99 – 8/31/03. (Comm. 17D-7)

WHEREAS, the County of Erie/Erie Community College and the Administrators Association of Erie Community College, Local 3300 UAW Region 9 have reached an Agreement covering the working conditions, including wages and fringe benefits for

Administrative Employees of the College for the period September 1, 1999 through August 31, 2003; and

WHEREAS, the terms of said Agreement have been ratified by the membership of the Administrators Association and approved by the Board of Trustees of the Community College; and

WHEREAS, a summary of the proposed terms of said Agreement are attached hereto; and

WHEREAS, this Resolution is intended to supersede the Resolution passed September 9, 1999 as Item 16E-40.

NOW, THEREFORE, BE IT

RESOLVED, that this Agreement, which shall become effective the 1st day of September, 1999, except as otherwise specified by the terms of the Agreement, and which shall remain in full force and effect until the 31st day of August, 2003, be approved; and be it further

RESOLVED, that the County Executive be authorized to execute said Agreement; and be it further

RESOLVED, that certified copies of this Resolution will be forwarded to the Personnel Department, the Division of Labor Relations, the Division of Budget, Management and Finance, the Office of the Comptroller and the Erie Community College.

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

CARRIED UNANIMOUSLY.

#### **MISCELLANEOUS RESOLUTIONS**

Item 4 – MR. RANZENHOFER submitted a resolution Honoring Dale R. Honsberger for 50 Years of Dedicated Service to the Clarence Center Fire Company MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. HOLT presented a resolution Honoring Dr. Velma Marie Holt Republican Polling Inspector. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 6– MR. KUWIK presented a resolution to Irene Kelley Celebrating Her 70<sup>th</sup> Birthday. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. PEOPLES presented a resolution to Gwendolyn Hunt in Celebration of Head Start Awareness Month. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 8 – MS. MARINELLI presented a resolution Honoring the Mang Family and their contribution to the Establishment of the Village of Kenmore. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

### LOCAL LAWS

Item 9 – CHAIRMAN SWANICK directed that Local Law Intro 4 (Print #2) remain on the table.

### COMMITTEE REPORTS

Item 10 - MR. DUSZA presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 301

September 15, 1999

GOVERNMENT AFFAIRS  
COMMITTEE  
REPORT NO. 9

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

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

- |    |   |      |       |                |
|----|---|------|-------|----------------|
|    | Item  | Page | -1999 | (Comm. 14D-3)  |
| a. | <b>COUNTY ATTORNEY:</b> Notices of Claim.                                     |      |       |                |
|    | (5-0) Legislator Dusza absent. Chairman Swanick present as Ex-Officio Member. |      |       |                |
|    | Item  | Page | -1999 | (Comm. 14D-12) |
| b. | <b>COUNTY ATTORNEY:</b> Notices of Claim.                                     |      |       |                |
|    | (5-0) Legislator Dusza absent. Chairman Swanick present as Ex-Officio Member. |      |       |                |
|    | Item  | Page | -1999 | (Comm. 14M-8)  |
| c. | <b>OTB:</b> Minutes of Board of Directors Meeting Held 6/2 and 6/3/99.        |      |       |                |
|    | (5-0) Legislator Dusza absent. Chairman Swanick present as Ex-Officio Member. |      |       |                |

- d.      Item              Page                      -1999              (Comm. 16D-36)  
**COUNTY ATTORNEY:** Notices of Claim.  
(5-0) Legislator Dusza absent. Chairman Swanick present as Ex-Officio Member.
- e.      Item              Page                      -1998              (Comm. 16D-40)  
**DISS:** DISS - Internet Auctions & Internet Access to Purchasing.  
(5-0) Legislator Dusza absent. Chairman Swanick present as Ex-Officio Member.
- f.      Item              Page                      -1998              (Comm. 16E-4)  
**COMPTROLLER:** Response to Intro. 7-11 as Amemded 6/3/99.  
(5-0) Legislator Dusza absent. Chairman Swanick present as Ex-Officio Member.
- g.      Item              Page                      -1998              (Comm. 16M-27)  
**NYS INSURANCE DEPARTMENT:** Response to Intro. 14-3 Re: Increase in Workers  
Compensation Insurance Rates.  
(5-0) Legislator Dusza absent. Chairman Swanick present as Ex-Officio Member.
2.      Item              Page                      - 1999              (Comm. 16E-50)  
**COUNTY EXECUTIVE**  
WHEREAS, The New York State Archives and Records Administration (SARA) awarded Erie  
County a grant in the amount of \$37,029, and

WHEREAS, the Division of Information and Support Services will utilize the grant to begin a pilot  
program to improve management of archival records, and

WHEREAS, the Erie County Legislature authorized the acceptance of the grant at its meeting of  
July 15, 1999, and

WHEREAS, the Division of Information and Support Services requires the creation of a position  
as provided for within the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full-time  
position of Senior Records Inventory Clerk, JG 8.

The following personnel detail is hereby submitted:

TITLE: Senior Records Inventory Clerk  
JG: 8  
Step: 0  
Annual Salary: \$28,047  
Annual Benefits: \$6,853

and be it further

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

(5-0) Legislator Dusza absent. Chairman Swanick present as Ex-Officio Member.

3. Item Page - 1999 (Comm. 16E-54)

**COUNTY EXECUTIVE**

WHEREAS, the technical support contract for IBM computers that host the county financial systems requires renewal, and

WHEREAS, the Legislature adopted a resolution (4E-3) approving the five year renewal of SFG and Govern software support on February 18, 1999, and

WHEREAS, IBM has offered reduced rates based on a three year renewal, and

WHEREAS funding has been provided for this purpose in the 1999 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of information and Support Services shall be authorized to enter a three (3) year service contract with IBM in the amount of \$48,269.18, and be it further,

RESOLVED, that the source of funding shall be the 1999 adopted budget of the Division of Information and Support Services (DAC 110 927510823) Repairs and Maintenance, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Comptroller, the Director of Information and Support Services and the Director of Budget and Management.  
(5-0) Legislator Dusza absent. Chairman Swanick present as Ex-Officio Member.

**GEORGE HOLT  
VICE-CHAIRMAN**

MR. DUSZA moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 11 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

RESOLUTION NO. 302

September 16, 1999

COMMUNITY ENRICHMENT  
COMMITTEE  
REPORT NO. 9

ALL MEMBERS PRESENT.

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

- Item Page -1998 (Comm. 14M-8)  
a. **SCHULTZ & WILLIAMS:** Buffalo Zoo Feasibility Study & Relocation Plan - Final Report.  
(5-0)

- b.           Item           Page                           -1998           (Comm. 16M-24)  
**ERNEST GETZONI:** Letter to Legislator Pauly Re: Buffalo Zoo.  
(5-0)
- c.           Item           Page                           -1998           (Comm. 17M-22)  
**COMMITTEE TO KEEP THE ZOO IN DELAWARE PARK:** Letter to Legislature  
Re: Keeping the Zoo in Delaware Park.  
(5-0)
- d.           Item           Page                           -1998           (Comm. 18M-5)  
**DAVID J. STEINWALD:** Letter to Legislator Fisher Re: The Buffalo Zoo.  
(5-0)
- e.           Item           Page                           -1998           (Comm. 20M-17)  
**BUFFALO ZOOLOGICAL SOCIETY:** Copy of Letter to Legislator Marinelli Re:  
Zoological Society's Selection of Schultz & Williams for Feasibility Study.  
(5-0)
- f.           Item           Page                           -1998           (Comm. 29M-15)  
**VILLAGE OF BLASDELL:** Certified Resolution Re: Opposition to Closing Blasdell  
Library.  
(5-0)
- g.           Item           Page                           -1999           (Int. 3-5)  
**DEBENEDETTI:** ECC Student Trustee.  
(5-0)
- h.           Item           Page                           -1999           (Comm. 5E-2)  
**SWANICK, PEOPLES, PAULY & DEBENEDETTI:** Copy of Letter to Niagara  
County Legislature Chairman Meal Re: Relocation of Buffalo Zoo to Niagara County.  
(5-0)
- i.           Item           Page                           -1999           (Comm. 5E-3)  
**SWANICK, PEOPLES, PAULY & DEBENEDETTI:** Copy of Letter to Buffalo  
Zoological Gardens Chairwoman Gioia Re: Relocation of Buffalo Zoo to Niagara  
County.  
(5-0)
- j.           Item           Page                           -1999           (Comm. 6M-20)  
**COMMITTEE TO SAVE THE FIRST WARD:** Letter to Legislator Fitzpatrick Re:  
Propposing the Relocation of the Buffalo Zoo First Ward.  
(5-0).
- Item           Page                           -1999           (Comm. 11M-5)

- k. **CHEEKTOWAGA TOWN CLERK:** 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.  
(5-0).

- | Item  | Page | -1999 | (Comm. 12M-6) |
|---|------|-------|---------------|
| 1. <b>ASSEMBLY SPEAKER SILVER:</b> Acknowledgement of Receipt of Resolution Re: T.A.P. Funding.<br>(5-0). |      |       |               |

- | Item   | Page | -1999 | (Comm. 16D-4) |
|--|------|-------|---------------|
| m. <b>BUFFALO &amp; ERIE COUNTY PUBLIC LIBRARY:</b> Internet Access at Buffalo & Erie County Public Library – A Position Statement<br>(5-0). |      |       |               |

2. 

Item	Page	-1999	(Comm. 16E-55)
<b>COUNTY EXECUTIVE</b>			

WHEREAS, the Buffalo and Erie County Public Library has been informed by the Clarence Public Library that the target date for completion of their new library may be the latter half of 2000; and

WHEREAS, Erie County's portion of the costs for the "opening day" collection of the new Library is \$200,000; and

WHEREAS, funds are available in the Contingency Account to provide Erie County's share of furnishing and equipping the Town of Clarence Public Library.

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary transactions are hereby authorized:

General Fund - 110

<u>Dept.</u>	<u>Acct. No.</u>	<u>Account Title</u>	<u>Amount</u>	<u>Action</u>
320	886-4200	Interfund-Library	\$200,000	Increase
310	893	County Contingency	\$200,000	Decrease

Library Operating Fund - 820

<u>Dept</u>	<u>Acct. No.</u>	<u>Account Title</u>	<u>Amount</u>	<u>Action</u>
420	938	Library Books and Media	\$200,000	Increase
420	686-3200	Interfund-Subsidy	\$200,000	Increase

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Buffalo and Erie County Public Library, the Office of the Comptroller, the Division of Budget, Management and Finance and First Assistant County Attorney, Alan P. Gerstman.  
(5-0).

**LYNN MARINELLI  
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 303

September 16, 1999

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 9

ALL MEMBERS PRESENT.

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

- |    |  |      |       |                |
|----|--|------|-------|----------------|
|    | Item   | Page | -1999 | (Comm. 14D-19) |
| a. | <b>DPW:</b> EC Family Court Building – Bid Package #1.<br>(5-0).   |      |       |                |
|    | Item   | Page | -1999 | (Comm. 14M-4)  |
| b. | <b>PRICEWATERHOUSE-COOPERS:</b> NFTA Financial Statements 3/31/99 & 3/31/98.<br>(5-0).   |      |       |                |
|    | Item   | Page | -1999 | (Comm. 14M-10) |
| c. | <b>ECIDA:</b> Notice of Board of Directors Meeting to be Held 7/21/99.<br>(5-0).   |      |       |                |
|    | Item   | Page | -1999 | (Comm. 14M-13) |
| d. | <b>INSTITUTE FOR LOCAL GOVERNANCE &amp; REGIONAL GROWTH:</b> A<br>Regional Economic Development Database: Action Plan & Pilot Project.<br>(5-0). |      |       |                |

- |    |   |      |       |                |
|----|---|------|-------|----------------|
|    | Item  | Page | -1999 | (Comm. 14M-14) |
| e. | <b>INSTITUTE FOR LOCAL GOVERNANCE &amp; REGIONAL GROWTH</b> : Economic Database.<br>(5-0).                        |      |       |                |
|    | Item  | Page | -1999 | (Comm. 16D-42) |
| f. | <b>DPW</b> : ECMC Cardiac Cath Laboratory Renovations.<br>(5-0).  |      |       |                |
|    | Item  | Page | -1999 | (Comm. 16M-5)  |
| g. | <b>THE CENTER FOR COOPERATIVE ECONOMIC GROWTH</b> : Inaugural Session.<br>(5-0).                                  |      |       |                |
|    | Item  | Page | -1999 | (Comm. 16M-7)  |
| h. | <b>NFTA</b> : Minutes of Board Meeting Held 6/21/99.<br>(5-0).  |      |       |                |
|    | Item  | Page | -1999 | (Comm. 16M-9)  |
| i. | <b>TOWN OF CHEEKTOWAGA</b> : Interim Report – Genesee Street Corridor Enhancement & Gateway Project.<br>(5-0).    |      |       |                |
|    | Item  | Page | -1999 | (Comm. 16M-15) |
| j. | <b>ASSOCIATE BUILDERS &amp; CONTRACTORS</b> : Response to Intro. 14-2 (1999).<br>(5-0).                           |      |       |                |
|    | Item  | Page | -1999 | (Comm. 16M-16) |
| k. | <b>NFTA</b> : 17A Report & Capital Expenditure Reports for First Quarter of Fiscal Year Ending 3/31/00.<br>(5-0). |      |       |                |
|    | Item  | Page | -1999 | (Comm. 16M-19) |
| l. | <b>NFTA</b> : Notice of Proposed Rulemaking.<br>(5-0).  |      |       |                |
|    | Item  | Page | -1999 | (Comm. 16M-23) |
| m. | <b>NFTA</b> : Minutes of Board Meeting Held 7/19/99.<br>(5-0).  |      |       |                |

2.     Item           Page                   - 1999           (Comm. 14D-20)  
       **DPW**

WHEREAS, a project for the Replacement of the North Forest Bridge 294-2 over Ellicott Creek, BIN 3-32671-0, in the Town of Amherst, Erie County, PIN 5753.70 (the "Project") is eligible

for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

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

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

RESOLVE, that the County Legislature of the County of Erie hereby approves the Project; and be it further

RESOLVED that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay 100% of its share of the non-federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$106,200.00 is hereby appropriated as follows: \$85,195.00 from the 1996 Federal Aid Projects (SFG 727) and \$21,005 from the 1994 County Road Federal Aid & Construction Program (SFG 688), in addition to \$190,000 previously appropriated for the project's Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases via Erie County Resolution No. 12D-6 adopted on the 7th day of July, 1994 and Resolution No. 8D-16 adopted on the 11th day of May, 1995, and made available to cover the cost of participation in the above phases of the Project; and be it further

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

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project

and providing for the administration the Project and the Municipality's first instance funding of the non-Federal share of the project costs and permanent funding of the local share of Federal-aid and State-aid eligible project costs and all project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one certified copy to the Erie County Comptroller.  
(5-0).

**AS AMENDED**  
(Comm. 16D-38)

3.     Item           Page                   - 1999  
       **DPW**

WHEREAS, the Department of Public Works received bids on September 1, 1999 for the Erie County Family Court Facility, Bid Packages 1 thru 5, and

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

WHEREAS, your Honorable body previously approved the following consultants for this project:

1. Foit-Albert Associates - design of new building
2. Hamilton Houston Lownie Architects, PC - design of renovation
3. Turner Construction Co. - Construction Manager of new building
4. Ciminelli-Cowper Co. - Construction Manager for renovation
5. Ross Wilson - inspection services -- new building and renovation

and,

WHEREAS, your Honorable Body previously approved fees and design contingencies for the above named consultants in an amount not to exceed \$6,866,000.00,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Erie County Family Court Facility-Bid Packages 1 thru 5:

BID PACKAGE NO. 1

EXCAVATIONS/FOUNDATIONS

Louis P. Ciminelli Construction Co.,

Base Bid	\$3,045,000.00
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BID PACKAGE NO. 2

UNDERGROUND PLUMBING

H.B. Plumbing, Inc.

Base Bid	\$ 179,800.00
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BID PACKAGE NO. 3

STRUCTURAL STEEL

Amthor Steel Co.

Base Bid	\$2,590,000.00	
Alternate Bid SS-1	<u>\$ 18,000.00</u>	\$2,608,000.00

BID PACKAGE NO. 4

CONSTRUCTION MATERIALS TESTING

CME Associates, Inc.

Base Bid	\$ 48,210.00
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BID PACKAGE NO. 5

PRE CAST/GRANITE PANELS

Global Precast

Base Bid	\$2,197,000.00	
Alternate Bid PG-2	<u>\$ 32,000.00</u>	<u>\$2,229,000.00</u>

Total of all contracts: \$8,110,010.00

and be it further,

RESOLVED, that the amount of \$85,000.00 be allocated to cover the maximum amount of bonus/liquidated damages to the contractors permitted by the contract, and be it further,

RESOLVED, that the sum of \$400,000.00 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 amount of the contingency, and be it further,

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

RESOLVED, that the Commissioner of Public Works is authorized to accept or not accept Alternate EF-7 to Bid Package #1 (Excavations/Foundations) depending on the results of additional testing, and be it further,

RESOLVED, that if the Commissioner of Public Works decides to accept Alternate EF-7, that the contract with Louis P. Ciminelli Construction Co., Inc. is authorized to be increased by \$715,000.00, and be it further,

RESOLVED, that the previously approved fees and design contingencies for all five consultants be increased from \$6,866,000.00 to \$8,919,000.00, and be it further,

RESOLVED, that the sum of \$20,000.00 be allocated for DPW overhead and Project Engineer salaries, and be it further,

RESOLVED, that all these authorizations are contingent upon the funds being made available, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Court Facilities Improvements, Project 750, 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 & Finance; and one copy to the Office of the Comptroller.

(5-0).

**DPW**

WHEREAS, the New York State Department of Transportation proposes to replace the Lake Shore Road Bridge (BR 111-6) over Big Sister Creek in the Town of Evans, Erie County, and

WHEREAS, in conformance with Section 42 of the New York State Highway Law, the New York State Department of Transportation proposes to utilize the following roads as detours during the period of construction:

1. County Road 5 - Lake Street
2. County Road 96, Bennett Road

NOW, THEREFORE, BE IT

RESOLVED, That the Legislature of the County of Erie does hereby authorize the New York State Department of Transportation to utilize the above mentioned County roads as part of a detour during the reconstruction of our Lake Shore Road Bridge; and be it further

RESOLVED, that the Clerk of the Legislature forward seven (7) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one certified copy to the Erie County Comptroller.

(5-0).

**MICHAEL FITZPATRICK  
CHAIRMAN**

MR. FITZPATRICK moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 304

September 16, 1999

FINANCE & MANAGEMENT  
COMMITTEE  
REPORT NO. 9

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

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

- |    |   |      |       |               |
|----|---|------|-------|---------------|
|    | Item  | Page | -1999 | (Comm. 4D-6)  |
| a. | <b>ECMC:</b> Letter to County Comptroller Re: Summary of Findings from the Review Performed on ECMC's Cash Disbursement Procedures.<br>(6-0) Chairman Swanick present as Ex-Officio Member.                     |      |       |               |
|    | Item  | Page | -1999 | (Comm. 6D-10) |
| b. | <b>ECMC:</b> Response to Comptroller's Findings Re: ECMC's Cash Disbursement Procedures.<br>(6-0) Chairman Swanick present as Ex-Officio Member.  |      |       |               |
|    | Item  | Page | -1999 | (Comm. 7M-1)  |
| c. | <b>CITY OF BUFFALO DEPARTMENT OF ASSESSMENT:</b> Copy of Letter to Real Property Director Re: Real Property Tax Exemption to Persons with Disabilities.<br>(6-0) Chairman Swanick present as Ex-Officio Member. |      |       |               |
|    | Item  | Page | -1999 | (Int. 9-1)    |
| d. | <b>LARSON:</b> The Possible Reuse of and or Sale of Bleachers From Ralph C. Wilson Jr. Stadium.<br>(6-0) Chairman Swanick present as Ex-Officio Member.   |      |       |               |
|    | Item  | Page | -1999 | (Comm. 10E-1) |
| e. | <b>COMPTROLLER:</b> Investment Earnings 1998.<br>(6-0) Chairman Swanick present as Ex-Officio Member.   |      |       |               |
|    | Item  | Page | -1999 | (Comm. 12D-4) |
| f. | <b>BUDGET, MANAGEMENT &amp; FINANCE:</b> Budget Monitoring Report for Period Ending 4/30/99.<br>(6-0) Chairman Swanick present as Ex-Officio Member.  |      |       |               |
|    | Item  | Page | -1999 | (Comm. 12E-1) |
| g. | <b>COMPTROLLER:</b> Copy of Letter to ECMC Board of Managers Re: Using Public Monies to Fund Tuition Expenses.<br>(6-0) Chairman Swanick present as Ex-Officio Member.  |      |       |               |
|    | Item  | Page | -1999 | (Comm. 13E-1) |
| h. | <b>COMPTROLLER:</b> Quarterly Investment Report - 1/1/99 - 3/31/99.<br>(6-0) Chairman Swanick present as Ex-Officio Member.   |      |       |               |
|    | Item  | Page | -1999 | (Comm. 13M-6) |
| i. | <b>TOWN OF AMHERST:</b> Certified Resolution Re: Assessment Improvement Process.  |      |       |               |

(6-0) Chairman Swanick present as Ex-Officio Member.

- j.           Item           Page                           -1999           (Comm. 14D-1)  
**BUDGET, MANAGEMENT & FINANCE:** Minutes of Capital Projects Meeting Held 6/23/99.

(6-0) Chairman Swanick present as Ex-Officio Member.

- k.           Item           Page                           -1999           (Comm. 14D-8)  
**BUDGET, MANAGEMENT & FINANCE:** Budget Monitoring Report for the Period Ending 5/31/99.

(6-0) Chairman Swanick present as Ex-Officio Member.

- l.           Item           Page                           -1999           (Comm. 14E-2)  
**COMPTROLLER:** Review of Disbursements of ECMC's Research & Study Fund.

(6-0) Chairman Swanick present as Ex-Officio Member.

- m.           Item           Page                           -1999           (Comm. 14E-7)  
**COMPTROLLER:** Review of ECMC's Research & Study Fund 10/1/98 - 3/31/99.

(6-0) Chairman Swanick present as Ex-Officio Member.

- n.           Item           Page                           -1999           (Comm. 14M-1)  
**EC DEVELOPMENT COORDINATION BOARD:** Schedule of Department Interviews & Meetings for Preparing a Recommended 2000 Capital Budget.

(6-0) Chairman Swanick present as Ex-Officio Member.

- o.           Item           Page                           -1999           (Comm. 16D-28)  
**PURCHASE:** Sale of Buffalo Bills Seats.

(6-0) Chairman Swanick present as Ex-Officio Member.

- p.           Item           Page                           -1999           (Comm. 16E-6)  
**COMPTROLLER:** Interim Financial Report for Three Months Ended 3/31/99.

(6-0) Chairman Swanick present as Ex-Officio Member.

- q.           Item           Page                           -1999           (Comm. 16M-10)  
**COMMUNITY GRIEF CENTER OF WNY:** 1999 Public Benefit Funding Mid-Year Report.

(6-0) Chairman Swanick present as Ex-Officio Member.

- r.           Item           Page                           -1999           (Comm. 16M-22)  
**BUFFALO DEPARTMENT OF ASSESSMENT:** 2000 Transit Mall Service Charge Roll.

(6-0) Chairman Swanick present as Ex-Officio Member.

AS AMENDED

Item                      Page                      -1998                      (Comm. 1D-15A)  
**2. BUDGET, MANAGEMENT & FINANCE**

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

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

RESOLVED, that petitions numbered 981111 through 981141 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 981111 / 9900 - ASSESSOR - Refund - \$62.21

SBL No. 66.69-3-5 - TOWN OF TONAWANDA

Acct. No. 112 - \$        0.00 - County

Acct. No. 132 - \$        62.21 - Town/SpecialDist/School

Charge to : VILLAGE OF KENMORE  
62.21

REFUND - CLERICAL ERROR, A DELINQUENT WATER WAS POSTED TO THE VILLAGE TAX BILL IN ERROR. THE WATER BILL WAS PREVIOUSLY PAID. RPTL 550(2)E. CHECK IN FAVOR OF: CLAIRE & PAMELA MOESCHLER

Petition No. 981112 / 9900 - ASSESSOR - Cancel - \$27.46

SBL No. 69.17-5-30./402 - TOWN OF AMHERST

Acct. No. 112 - \$        0.00 - County

Acct. No. 132 - \$        27.46 - Town/SpecialDist/School

Charge to : VILLAGE OF WILLIAMSVILLE  
27.46

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 5,130 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE VILLAGE TAX ROLL. RPTL 550(2)C.

Petition No. 981113 / 9900 - ASSESSOR - Cancel - \$103.58

SBL No. 80.08-1-18.2 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 103.58 - Town/SpecialDist/School

Charge to : VILLAGE OF WILLIAMSVILLE  
103.58

CANCEL - CLERICAL ERROR, THE 485B BUSINESS EXEMPTION THAT THIS  
PARCEL  
IS ENTITLED TO WAS OMITTED IN ERROR FROM THE VILLAGE TAX ROLL.  
RPTL 550(2)C.

Petition No. 981114 / 9900 - ASSESSOR - Cancel - \$43.50

SBL No. 80.08-5-39 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 43.50 - Town/SpecialDist/School

Charge to : VILLAGE OF WILLIAMSVILLE  
43.50

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF  
16,250 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM  
THE VILLAGE TAX ROLL. RPTL 550(2)C.

Petition No. 981115 / 9900 - ASSESSOR - Cancel - \$122.84

SBL No. 80.08-6-31 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 122.84 - Town/SpecialDist/School

Charge to : VILLAGE OF WILLIAMSVILLE  
122.84

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 22,950

THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE VILLAGE TAX ROLL. RPTL 550(2)C.

Petition No. 981116 / 1999 - ASSESSOR - Cancel - \$593.60

SBL No. 141.44-1-10 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 593.60 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXEMPTION WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 981117 / 1999 - ASSESSOR - Cancel - \$56.09

SBL No. 141.44-1-11 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 56.09 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXEMPTION THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 981118 / 1999 - ASSESSOR - Cancel - \$53.28

SBL No. 141.44-1-12 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 53.28 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :  
CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF  
LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXEMPTION THAT  
THIS  
PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.  
RPTL 550(2)C.

Petition No. 981119 / 1999 - ASSESSOR - Cancel - \$41.13

SBL No. 141.44-1-15 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 41.13 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :  
CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF  
LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXEMPTION THAT  
THIS  
PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.  
RPTL 550(2)C.

Petition No. 981120 / 1999 - ASSESSOR - Cancel - \$67.30

SBL No. 141.44-3-18 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 67.30 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :  
CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF  
LACKAWANNA AND IS EXEMPT FROM TAXES. THE EXEMPTION THAT THIS  
PARCEL  
IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 981121 / 1999 - ASSESSOR - Cancel - \$50.48

SBL No. 141.44-5-6 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 50.48 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :  
CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF  
LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXEMPTION THAT  
THIS  
PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.  
RPTL 550(2)C.

Petition No. 981122 / 1999 - ASSESSOR - Cancel - \$52.35  
SBL No. 141.44-5-7 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 52.35 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :  
CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF  
LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXEMPTION THAT  
THIS  
PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.  
RPTL 550(2)C.

Petition No. 981123 / 1999 - ASSESSOR - Cancel - \$38.33  
SBL No. 141.52-2-36 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 38.33 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :  
CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF  
LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXEMPTION THAT  
THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.  
RPTL 550(2)C.

Petition No. 981124 / 1999 - ASSESSOR - Cancel - \$38.33  
SBL No. 141.52-3-37 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 38.33 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :  
CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF  
LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXEMPTION THAT  
THIS  
PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.  
RPTL 550(2)C.

Petition No. 981125 / 1999 - ASSESSOR - Cancel - \$36.46

SBL No. 141.52-4-25 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 36.46 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :  
CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF  
LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXMEPTION THAT  
THIS  
PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.  
RPTL 550(2)C.

Petition No. 981126 / 1999 - ASSESSOR - Cancel - \$74.78

SBL No. 141.59-2-21 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 74.78 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :  
CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF  
LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXEMPTION THAT  
THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.  
RPTL 550(2)C.

Petition No. 981127 / 1999 - ASSESSOR - Cancel - \$22.43

SBL No. 140.59-2-10.1 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 22.43 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXEMPTION THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 981128 / 1996 - ASSESSOR - Cancel - \$17.72

SBL No. 141.59-5-8 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 17.72 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE CITY OF LACKAWANNA AND IS EXEMPT FROM COUNTY TAXES. THE EXEMPTION THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 981129 / 9899 - ASSESSOR - Refund - \$376.14

SBL No. 16.00-1-10 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 376.14 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT 376.14

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY

ON THE TAX ROLL. THE ASSESSMENT WAS 90,000 AND SHOULD BE 75,000. RPTL 550(2)A.

CHECK IN FAVOR OF: GARY M STONISH

PETITION NUMBER 981129 CONTINUED

Petition No. 981130 / 1999 - ASSESSOR - Refund - \$291.12

SBL No. 16.00-1-10 - TOWN OF AMHERST

Acct. No. 112 - \$ 145.59 - County

Acct. No. 132 - \$ 145.53 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

92.27

NORTH AMHERST # 10 53.26

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED  
INCORRECTLY

ON THE TAX ROLL. THE ASSESSMENT WAS 90,000 AND SHOULD BE 75,000.  
RPTL 550(2)A.

CHECK IN FAVOR OF: GARY M STONISH

Petition No. 981131 / 1999 - ASSESSOR - Cancel - \$403.40

SBL No. 113.54-1-24 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 0.00 - County .

Acct. No. 132 - \$ 403.40 - Town/SpecialDist/School

Charge to : VILLAGE OF SLOAN

403.40

CANCEL - CLERICAL ERROR, THE RELEVY VILLAGE THAT WAS PLACED ON THE  
COUNTY TAX BILL WAS PREVIOUSLY PAID TO THE VILLAGE. RPTL 550(2)D.

Petition No. 981132 / 1999 - ASSESSOR - Cancel - \$567.57

SBL No. 113.37-2-15 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 567.57 - Town/SpecialDist/School

Charge to : VILLAGE OF SLOAN

567.57

CANCEL - CLERICAL ERROR, THE RELEVY VILLAGE ON THE 1999 COUNTY TAX  
BILL WAS PREVIOUSLY PAID TO THE VILLAGE OF SLOAN PRIOR TO 1/1/99.  
RPTL 550(2)D.

Petition No. 981133 / 9899 - ASSESSOR - Refund - \$93.16

SBL No. 255.00-2-1.2 - TOWN OF EDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 93.16 - Town/SpecialDist/School

Charge to : EDEN CENTRAL 93.16

REFUND - CLERICAL ERROR, THE SLOAR WIND EXEMPTION IN THE AMOUNT OF 6,600 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

CHECK IN FAVOR OF: DIANA L BOZIAN

Petition No. 981134 / 1999 - ASSESSOR - Refund - \$72.20

SBL No. 255.00-2-1.2 - TOWN OF EDEN

Acct. No. 112 - \$ 46.88 - County

Acct. No. 132 - \$ 25.32 - Town/SpecialDist/School

Charge to : TOWN OF EDEN  
25.32

REFUND - CLERICAL ERROR, THE SOLAR WIND EXEMPTION IN THE AMOUNT OF 6,600 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

CHECK IN FAVOR OF: DIANA L BOZIAN

Petition No. 981135 / 1999 - ASSESSOR - Cancel - \$280.50

SBL No. 151.63-2-5 - TOWN OF HAMBURG

Acct. No. 112 - \$ 113.37 - County

Acct. No. 132 - \$ 167.13 - Town/SpecialDist/School

Charge to : VILLAGE OF BLASDELL  
167.13

CANCEL - CLERICAL ERROR, THE RELEVY VILLAGE WAS PLACED ON THE COUNTY

TAX BILL IN ERROR. THIS TAX IS PROTECTED UNDER THE US BANKRUPTCY LAWS

AND IS PAID THROUGH THE BANKRUPTCY COURTS. RPTL 550(2)D.

Petition No. 981136 / 9900 - ASSESSOR - Cancel - \$62.63

SBL No. 68.20-1-6 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 62.63 - Town/SpecialDist/School

Charge to : VILLAGE OF WILLIAMSVILLE  
62.63

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 11,700 THAT THIS PARCEL WAS ENTITLED TO WAS OMITTED IN ERROR FROM THE VILLAGE TAX ROLL. RPTL 550(2)C.

Petition No. 981137 / 1999 - ASSESSOR - Cancel - \$228.54

SBL No. 151.63-2-6 - TOWN OF HAMBURG

Acct. No. 112 - \$ 88.46 - County

Acct. No. 132 - \$ 140.08 - Town/SpecialDist/School

Charge to : VILLAGE OF BLASDELL  
140.08

CANCEL -CLERICAL ERROR, THE RELEVY VILLAGE THAT WAS PLACED ON THE COUNTY TAX IS IN ERROR. THIS VILLAGE TAX IS PROTECTED UNDER THE US BANKRUPTCY LAWS AND IS PAID THROUGH THE BANKRUPTCY COURTS. RPTL 550(2) D.

Petition No. 981138 / 1999 - ASSESSOR - Cancel - \$14.38

SBL No. 146.02-3-10 - TOWN OF ELMA  
(6-0) Chairman Swanick present as Ex-Officio Member.

- |    |   |      |       |                |
|----|---|------|-------|----------------|
|    | Item  | Page | -1998 | (Comm. 13E-13) |
| 3. | <b>COUNTY EXECUTIVE</b>   |      |       |                |
|    | WHEREAS, the University at Buffalo Technology Incubator hosts a number of new businesses; and |      |       |                |

WHEREAS, since 1984 the Incubator has assisted 57 businesses in beginning their work, with 450 people employed and annual revenues of over \$55 million; and

WHEREAS, the University at Buffalo Foundation Incubator, Inc. has asked Erie County for a grant of \$25,000 for a dedicated high-speed computer connection to the U.B. computer system and the Internet, which will assist the companies resident at the Incubator.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the University at Buffalo Foundation Incubator, Inc. to provide a \$25,000 grant for a dedicated high-speed computer connection to the U.B. computer system and the Internet for the Incubator's tenants; and be it further

RESOLVED, that the source of said funds shall be the business site development fund contained in the 1999 Budget (DAC 1109223028301030); the sum of \$25,000 is hereby transferred to the University at Buffalo Incubator, Inc. (DAC 110922302830); and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, the Director of Budget & Management, the Director of the Center for Cooperative Economic Growth and the Commissioner of Environment and Planning.

(6-0) Chairman Swanick present as Ex-Officio Member.

Item                      Page                      -1999                      (Comm. 14D-21)  
4.      **DPW**

RESOLVED, that for County purposes of construction and reconstruction of roads, the County Executive is hereby authorized and directed to acquire the following interest in the parcel of land herein described for and in consideration of the sum described herein, as listed on the attached, and be it further

VAUGN STREET CR 198

CONCORD, NEW YORK

PARCEL	OWNER (S)	AREA	PERMANENT EASEMENT
7A	J. Duncan Vaughn	0.100 acres	\$217.00

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, Department of Public Works and one copy to the County Comptroller.  
(5-0)

Item                      Page                      -1999                      (Comm. 14E-8)  
5.      **COUNTY EXECUTIVE**

WHEREAS, the Division of Budget, Management and Finance did receive a request from Angelo and Doreen Cordaro, who are the only other owners of property adjoining the above County owned parcel of land to purchase this parcel, 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 Angelo Cordaro and Doreen Cordaro, 52 Field Avenue, Lancaster, New York 14086 for the sum of One Hundred and 00/ 100 Dollars (\$ 100. 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 Sublot 8105 and further described on Erie County Tax Maps as Section, Block and Lot No. 250.170-5-27 (Porter Avenue 20.00 x 100.00). Intending to convey all land acquired by Erie County as Serial No. 437 in the County In Rem Tax Foreclosure Action No. 131, 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.  
(6-0) Chairman Swanick present as Ex-Officio Member.

Item                      Page                      -1999                      (Comm. 16D-41)  
6.      **DPW**

WHEREAS, the 1999 Erie County Budget Resolution appropriated an amount of \$4,672,440 for the 1999 fiscal year, for the New York State Consolidated Highway Improvement Program (CHIPS), based on the anticipated New York State Budget, and

WHEREAS, the actual revenue to be received from the New York State Department of Transportation by the Commissioner of Finance will be \$4,752,978, and

WHEREAS, there is also an increase in funds for the Operations and Maintenance in an amount of \$35,206.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller be authorized to increase the budget for revenue and the appropriation for the 1999 Consolidated Highway Improvement Program by the amount of \$80,538 to a total of \$4,752,978; and be it further

RESOLVED, that the Comptroller also be authorized to increase the budget for revenue and the 1999 Operations and Maintenance appropriations by \$35,206 to be used for increasing overtime needed for emergency work; and be it further

RESOLVED, that the Clerk of the County Legislature of the County of Erie is hereby directed to transmit one (1) certified copy of the foregoing resolution to the Deputy Commissioner of Highways; Commissioner of Finance; Comptroller; and the Director of Budget.

(5-0)

Item                      Page                      -1999                      (Comm. 16E-30)  
7.      **COUNTY EXECUTIVE**

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

WHEREAS, the other adjoining property owner has indicated that 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 David Swiech, 5036 Pittsburg Street, Hamburg, New York 14075 for the sum of One Hundred Fifty and 00/100 Dollars (\$150.00),

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, and according to a map filed in the Erie County Clerk's Office under Map Cover 712 is known as Sublot 809, and further described on Erie County Tax Maps as Section, Block and Lot No. 170.670-4-5 (Harvard Street 31.00 x 118.00) Intending to convey all land acquired by Erie County as Serial No. 1277 in the County In Rem Tax Foreclosure Action No. 146, 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.

(5-0)

Item                      Page                      -1999                      (Comm. 16E-31)  
8.      **COUNTY EXECUTIVE**

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

WHEREAS, the other adjoining property owners were contacted to determine if they had an interest in purchasing this parcel, and

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

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 Kathleen Osterberg, 89 Pinehurst, Cheektowaga, New York 14225 for the sum of Two Hundred and 00/100 Dollars (\$200.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York being part of Farmlot 17, Township 11, Range 7, and according to a map filed in the Erie County Clerk's Office under Map Cover 1068 is known as Sublot 10, and further described on Erie County Tax Maps as Section, Block and Lot No. 91.190-3-42 (Pinehurst Avenue 30.00 x 120.00). Intending to convey all land acquired by Erie County as Serial No. 1255 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.  
(5-0)

Item                      Page                      -1999                      (Comm. 16E-32)  
9.      **COUNTY EXECUTIVE**

WHEREAS, the Division of Budget, Management and Finance did receive requests from one or more adjoining property owners or non-adjoining property owners to purchase the following listed parcels of County owned inventory, and

WHEREAS, the parcels were/are being reviewed and approved for sale by the Advisory Review Committee of Erie County;

NOW, THEREFORE BE IT RESOLVED, that the following eleven (11) County owned parcels be offered for sale at the next public auction scheduled to be held on October 13, 1999.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York being part of Farmlot 84, Township 12, Range 7 and is further

described on Erie County Tax Maps as Section, Block and Lot No. 67.410-2-24 (3245 Sheridan 142.30 x 28.66). Intending to convey all land acquired by Erie County as Serial No. 919 in the County In Rem Tax Foreclosure Action 150.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie and State of New York being part of Farmlot 29, Township 8, Range 7 and is further described on Erie County Tax Maps as Section, Block and Lot No. 226.010-2-12.130 (Charles Drive 75.00 x 80.00). Intending to convey all land acquired by Erie County as Serial No. 935 in the County In Rem Tax Foreclosure Action 145.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York being part of Farmlot 74, Township 11, Range 7 and according to a map filed in the Erie County Clerk's Office under Map Cover 1575 is known as Sublot 246 and is further described on Erie County Tax Maps as Section, Block and Lot No. 92.150-5-25 (Carl 40.00 x 110.00). Intending to convey all land acquired by Erie County as Serial No. 753 in the County In Rem Tax Foreclosure Action 142.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Eden, County of Erie and State of New York being part of Farmlot 7, Township 8, Range 8 and is further described on Erie County Tax Maps as Section, Block and Lot No. 210.000-2-37 (4041 North Boston 2 acres). Intending to convey all land acquired by Erie County as Serial No. 1072 in the County In Rem Tax Foreclosure Action 147.

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 75, Township 8, Range 9 and according to a map filed in the Erie County Clerk's Office under Map Cover 505 (Iroq. Beach 1/10 Interest 4000a) is known as Sublot 10 and is further described on Erie County Tax Maps as Section, Block and Lot No. 234.120-1-39 (8554 Lakeshore Road 45.00 x 80.00). Intending to convey all land acquired by Erie County as Serial No. 1354 in the County In Rem Tax Foreclosure Action 152.

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 1345 (L E B) is known as Sublots 3287-3288 and is further described on Erie County Tax Maps as Section, Block and Lot No. 250.110-10-40 (Eisenhower Avenue 40.00 x 100.00). Intending to convey all land acquired by Erie County as Serial No. 1134 in the County In Rem Tax Foreclosure Action 147.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town Hamburg, County of Erie and State of New York being part of Farmlot 13, Township 9, Range 8 and according to a map filed in the Erie County Clerk's Office under Map Cover 712 is known as Sublot 810 in Block 8 and is further described on Erie County Tax Maps as Section, Block and Lot No. 170.670-4-6 (Harvard Street 31.00 x 118.00). Intending to convey all land acquired by Erie County as Serial No. 1278 in the County In Rem Tax Foreclosure Action 146.

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 28, Township 9, Range 8 and is further described on Erie County Tax Maps as Section, Block and Lot No. 182.090-1-15 (Amsdell 170.00 x 80.00). Intending to convey all land acquired by Erie County as Serial No. 102 in the County In Rem Tax Foreclosure Action 130.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie and State of New York being part of Farmlot 31, Township 10, Range 7 and according to a map filed in the Erie County Clerk's Office under Map Cover 1216 is known as Lots 5 and 6 in Block A and is further described on Erie County Tax Maps as Section, Block and Lot No. 151.160-4- 1. 100 (Abbott Road 70.75 x 134.83). Intending to convey all land acquired by Erie County as Serial No. 1209 in the County In Rem Tax Foreclosure Action 151.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of North Collins, County of Erie and State of New York being part of Farmlot 58, Township 7, Range 8 and is further described on Erie County Tax Maps as Section, Block and Lot No. 316.020-1-20 (2142 Seneca Street 58.00 x 151.00). Intending to convey all land acquired by Erie County as Serial No. 1525 in the County In Rem Tax Foreclosure Action 152.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of North Collins, County of Erie and State of New York being part of Farmlot 26, Township 7, Range 8 and is further described on Erie County Tax Maps as Section, Block and Lot No. 317.000-3-7 (Jennings Road 208.71 x 200.71). Intending to convey all land acquired by Erie County as Serial No. 1305 in the County In Rem Tax Foreclosure Action 147, and be it further

RESOLVED, that all sales are subject to the final approval by resolution of Erie County Legislature, and be it further

RESOLVED, that in addition to the advertisement of the sale in the Buffalo Law Journal and Buffalo News, all adjoining owners will be sent a letter indicating the date, time and place of the sale in order to give all interested parties the opportunity to attend the sale and bid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Division of Budget, Management and Finance, the County Attorney and the County Comptroller. (5-0)

Item	Page	-1999	(Comm. 16E-34)
10.	<b>COUNTY EXECUTIVE</b>		

WHEREAS, the Division of Budget, Management and Finance did receive a request from Mr. & Mrs. Alfred W. Pearson, who own property adjoining the above County owned parcel of land to purchase this parcel, and

WHEREAS, the other adjoining property owners have indicated that 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 Mr. & Mrs. Alfred Pearson, 592 Applewood Drive, Youngstown, New York 14174 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 53, Township 9, Range 9, and according to a map filed in the Erie County Clerk's Office under Map Cover 1156 is known as Sublots 24-26 and is further described on Erie County Tax Maps as Section, Block and Lot No. 206.050-1-17 (7045 Woodcliff Drive 108.00 x 135.00). Intending to convey all land acquired by Erie County as Serial No. 292 in the County In Rem Tax Foreclosure Action No. 131, 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.  
(5-0)

Item                      Page                      -1999                      (Comm. 16E-35)  
11.      **COUNTY EXECUTIVE**

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

WHEREAS, the other adjoining property owner has indicated that 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 Jeffrey P. Teluk, 11420 Olean Road, P.O. Box 4, Chaffee, New York 14030 for the sum of One Hundred and 00/100 Dollars (\$100.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Holland, County of Erie and State of New York being part of Farmlot 19, Township 8, Range 5, and is further described on Erie County Tax Maps as Section, Block and Lot No. 279.070-3-3 (S. Protection Road 54.90 x 103.62). Intending to convey all land acquired by Erie County as Serial No. 1199 in the County In Rem Tax Foreclosure Action No. 150, 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.  
(5-0)

**CRYSTAL D. PEOPLES**  
**CHAIRPERSON**

MS. PEOPLES moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. OLMA presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 305

September 16, 1999

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 10

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

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

Item Page -1999 (Comm. 10E-19)  
a. **COUNTY EXECUTIVE AS AMENDED:** ECSD No. 4 Eminent Domain Proceedings  
Bowen Road Sanitary Sewer Replacement Contract Approval of Resolution.  
(5-0)

Item Page -1999 (Comm. 14E-19)  
b. **COUNTY EXECUTIVE:** EC Southtowns Sewage Treatment Agency Plant  
Modifications - Designs URS Greiner Woodward Clyde.  
(5-0)

Item Page -1999 (Comm. 16D-34)  
c. **DEP:** SEQR Negative Declaration Notice of Determination of Non-Significance-Big  
Sister Creek Stream Bank Protection Project.  
(5-0)

Item Page -1999 (Comm. 16E-46)  
d. **COUNTY EXECUTIVE:** Semi-Annual Attendance Board of Managers ECSD.  
(5-0)

Item Page -1999 (Comm. 16E-47)  
e. **COUNTY EXECUTIVE:** ESCD Nos. 1-6 - Section 270/271 Resolutions.  
(5-0)

Item Page -1999 (Comm. 16E-56)

- f. **COUNTY EXECUTIVE:** Parks - NYS Grant Award for Rehabilitation of Water Wells at Sprague Brook Park.  
(6-0) Chairman Swanick present as Ex-Officio Member.

- |    |  |      |       |               |
|----|--|------|-------|---------------|
|    | Item   | Page | -1999 | (Comm. 16M-2) |
| g. | <b>NYSDEC:</b> Fact Sheet: Pierce & Stevens Plant Interim Remedial Measure 7/99. |      |       |               |
|    | (6-0) Chairman Swanick present as Ex-Officio Member.                             |      |       |               |

**AS AMENDED**

- |    |      |      |        |                |
|----|------|------|--------|----------------|
| 2. | Item | Page | - 1999 | (Comm. 10E-14) |
|----|------|------|--------|----------------|

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 26L to Tom Greenauer Development, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advise the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 26L in the amount of \$103,645.50 which includes Change Order No. 1 (final), a decrease of (\$10,280.50), and the processing of the final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 26L between the County of Erie and Tom Greenauer Development, Inc., 2699 Transit Road, Elma, New York, 14059 be accepted in the amount of \$103,645.50, which includes Change Order No. 1 (final), a decrease of (\$10,280.50); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 26L between the County of Erie and Tom Greenauer Development, Inc. in the amount of \$103,645.50 and make final payment from Sewer Capital Account SD No. 4, Fund No. 430, Project No. 502, and return the unused portion of \$10,280.50 to Unallocated Account 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 certified copy to the Erie County Comptroller's Office, Stephen Gawlik, Assistant County Attorney and the Director, Budget and Management.

(5-0)

- |    |      |      |        |                |
|----|------|------|--------|----------------|
| 3. | Item | Page | - 1999 | (Comm. 14E-30) |
|----|------|------|--------|----------------|

**COUNTY EXECUTIVE**

WHEREAS, the Department of Parks, Recreation and Forestry was in jeopardy of losing their radio frequency, and

WHEREAS, the Department could not operate without a mobile radio system, and

WHEREAS, the Department of Emergency Services interceded on behalf of the Department of Parks, Recreation and Forestry and assisted in obtaining a radio frequency which resulted in a licensing fee of \$3,000, and

WHEREAS, the Department of Emergency Services paid the fee from their operating account and wishes to be reimbursed.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Parks, Recreation and Forestry be permitted to transfer \$3,000 from Other Expenses (110 942640826) to Interdepartmental Expense - Emergency Services (110 9426408826700) in order to process a Journal Voucher to the Department of Emergency Services to this effect, and be it further

RESOLVED, the Department of Emergency Services subsequently be permitted to transfer funds from their Interdepartmental Billing Account - Division of Parks (110 9356708836400) to Lab and Technical Equipment (110 935670933) to reimburse this account for the expense of the licensing fee paid on behalf of the Parks Department, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Budget and Management, the Commissioner of the Department of Parks, Recreation and Forestry, the County Comptroller and the Commissioner of Emergency Services.

(5-0)

4. Item Page - 1999 (Comm. 14E-31)

**COUNTY EXECUTIVE**

WHEREAS, at present, the Deputy Commissioner of Parks has no computer available to her, and

WHEREAS, the Deputy Commissioner oversees twelve (12) parks and their employees as well as their purchases, and

WHEREAS, the Department of Parks, Recreation and Forestry wishes to purchase a computer system and laser printer for the Deputy Commissioner so more efficient operation of daily work, e-mail, correspondence, etc., will take place, and

WHEREAS, there currently is no funding in the Department's Technical Equipment account.

NOW, THEREFORE, BE IT

RESOLVED, that the amount of \$2,180 be transferred from Other Expenses (110 942640826) to the Technical Equipment Account (110 942640933) for the purchase of a computer system and laser printer, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Budget and Management, the County Comptroller and the Commissioner of the Department of Parks, Recreation and Forestry.

(5-0)

5. Item Page - 1999 (Comm. 16E-25)

**COUNTY EXECUTIVE**

RESOLVED, that the County Executive is hereby authorized to execute a first amendatory agreement to the Community Development Personal Services Contract with Raynette Robinson, residing at 106 Krettner Street, Buffalo, New York, and be it further

RESOLVED, that the amendatory agreement shall increase the authorized contract amount from \$7,500 to \$9,900, and be it further

RESOLVED, that the purpose of said amendatory agreement shall be to assist in managing various Community Development Block Grant financial records, and be it further

RESOLVED, that the term of said amendatory agreement shall extend from November 1, 1998 through March 31, 2000, and be it further

RESOLVED, that the source of funds shall be money available within Project 825, Community Development Fund, and be it further

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

(5-0)

6. Item Page - 1999 (Comm. 16E-41)

**COUNTY EXECUTIVE**

RESOLVED, that Dennis T. Gorski, as County Executive of the County of Erie, be and hereby is, authorized to file an application on forms prescribed by the New York State Office of Parks, Recreation and Historic Preservation for financial assistance in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$87,534 for improvements to Tow Path Park in the City of Buffalo, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Budget Director, the County Comptroller, Commissioner of the Department of

Environment and Planning, the Commissioner of the Department of Parks, Recreation and Forestry, and the Mayor of the City of Buffalo.

(5-0)

7. Item Page - 1999 (Comm. 16E-44)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie on behalf of Erie County Sewer District No. 4 (ECSD #4) entered into a contract for electrical work with Industrial Power and Lighting Corporation (IPL) on July 16, 1996 to provide electrical construction work during construction modifications of the Overflow Retention Facility (ORF) located in the Village of Depew; and

WHEREAS, two years after construction was completed, problems occurred with the electrical system at the ORF due to faulty wiring installed by IPL; and

WHEREAS, IPL has refused to correct the problem; and

WHEREAS, as a result of the faulty wiring and IPL's refusal to remedy the situation, emergency repairs were made that cost ECSD #4 in excess of \$25,000; and

WHEREAS, the Office of the County Attorney has advised the DSM that the only remedy remaining is to pursue its claim against IPL in the courts.

NOW, THEREFORE, BE IT

RESOLVED, that should IPL fail to remedy the defective wiring and workmanship, the County Attorney is authorized to bring any action on behalf of the County and/or Erie County Sewer District No. 4 necessary to recover the amount owed the County; and be it further

RESOLVED, that certified copies of this Resolution be sent to Richard M. Tobe, Commissioner of the Department of Environment and Planning, Charles Alessi, Deputy Commissioner of Environment and Planning, Kenneth A. Schoetz, Erie County Attorney and Nancy Naples, Erie County Comptroller.

(5-0)

8. Item Page - 1999 (Comm. 16E-51)

**COUNTY EXECUTIVE**

WHEREAS, the United States Environmental Protection Agency (USEPA) provides grant assistance to state agencies to implement Chemical Emergency Preparedness and Prevention Technical Assistance Projects regarding Risk Management Plans (RMP), an upcoming mandate under the Clean Air Act; and

WHEREAS, the USEPA solicited a proposal from the Erie County Local Emergency Planning Committee (LEPC) through the New York State Emergency Response Commission (SERC) for

participation in the 1997 Chemical Emergency Preparedness and Prevention Technical Assistance Program; and

WHEREAS, in May 1997, the LEPC, Erie County Department of Emergency Services (ECDES), and the Erie County Department of Environment and Planning (ECDEP) developed and submitted a proposal for funding from the USEPA 1997 Chemical Emergency Preparedness and Prevention Technical Assistance Projects through SERC to implement a project to assist business and industry in developing and implementing Risk Management Plans required under the Clean Air Act to prevent and mitigate hazardous material releases at their facilities; and

WHEREAS, the USEPA has granted approval of the application allocating funding for a Chemical Emergency Preparedness and Prevention Technical Assistance Project in Erie County; and

WHEREAS, a legislative resolution passed on May 21, 1998 established a grant budget for this program and created an Environmentalist- Hazardous Waste (JG-9) Position to staff the project; and

WHEREAS, the staff person hired to fill the Environmentalist- Hazardous Waste (JG-9) Position has thus far successfully met all of the conditions of the grant agreement and assisted over 100 Erie County Companies in determining and satisfying their regulatory requirements with respect to the federal Risk Management Planning Regulations; and

WHEREAS, this staff person has requested that the current full-time position be changed to a Regular Part-Time (RPT) Environmentalist- Hazardous Waste (JG-9) to accommodate child care concerns; and

WHEREAS, The Project managers from both the Departments of Emergency Services and Environment and Planning have determined that the proposed personnel change will not affect their ability to execute the terms of the grant agreement,

NOW, THEREFORE, BE IT

RESOLVED, that the following position is hereby created in the Department of Environment and Planning and will be funded from the established budget for the Chemical Emergency Preparedness and Prevention Technical Assistance Project:

Environmentalist - Hazardous Waste (JG-9) (RPT)

and be it further

RESOLVED, that the following position is hereby deleted from the Department of Environment and Planning budget established for the Chemical Emergency Preparedness and Prevention Technical Assistance Project:

Environmentalist - Hazardous Waste (JG 9)

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management, the Commissioner of Personnel, the Commissioner of Emergency Services, Commissioner of Environment and Planning, the County Comptroller and the County Attorney.

(5-0)

**GREGORY OLMA  
CHAIRMAN**

MR. OLMA moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 307

September 16, 1999

SOCIAL SERVICES  
COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT.

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

	Item	Page	-1999	(Int. 11-2)
a.	<b>WEINSTEIN &amp; HOLT:</b> Time Delay in Medicaid Intake Interviews with Hospital Discharge Planning Personnel.			
	(4-0) Legislator Olma absent for vote.			

	Item	Page	-1999	(Comm. 14D-10)
b.	<b>SOCIAL SERVICES:</b> Response to Intro. 11-2 (1999).			
	(4-0) Legislator Olma absent for vote.			

2.	Item	Page	- 1999	(Comm. 16E-24)
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**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Weatherization and Referral And Packaging (WRAP-SOFA) programs for the periods October 1, 1998 to September 30, 1999 and October 1, 1999 to September 30, 2000, and

WHEREAS, the New York State Office for the Aging has extended the 98/99 WRAP-SOFA program through October 31, 1999 and provided additional funding for the 99/00 WRAP-SOFA program, and

WHEREAS, the Department of Senior Services desires to revise the above grant budgets to reflect the actual needs of the grants which service those elderly most at risk, and

WHEREAS, the revisions will allow for additional funds for direct Weatherization services for our elderly citizens, referred to as last resort funding, and

WHEREAS, no additional County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the WRAP-SOFA grants be revised as follows:

WRAP-SOFA - Project 904 - extended to October 31, 1999

<u>APPROPRIATIONS</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>Account</u> <u>Description</u>			
800      Personal Services	\$109,167	\$-10,000	\$ 99,167
810      Office Supplies	1,688	- 500	1,188
826      Other Expenses	14,297	+10,000	24,297
880/5100      Interfund Expenses	3,500	+ 500	4,000
	TOTAL CHANGE TO APPROPRIATIONS	-0-	

WRAP-SOFA - Project 168 - 10/1/99 to 9/30/00

<u>REVENUES</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>Account</u> <u>Description</u>			
655      Federal Aid	\$155,641	\$+26,642	\$182,283
	TOTAL CHANGE TO REVENUES	\$+26,642	

APPROPRIATIONS

<u>Account</u> <u>Description</u>			
800      Personal Services	\$109,096	\$+4,367	\$113,463
805      Fringe Benefits	26,129	+ 154	26,283
810      Office Supplies	1,000	+ 200	1,200
824      Travel Local	2,600	+1,400	4,000
826      Other Expenses	14,000	+19,337	33,337
880/5100      Interfund Exp	2,816	+1,184	4,000
	TOTAL CHANGE TO APPROPRIATIONS	\$+26,642	

and be it further

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

(5-0)

3. Item Page - 1999 (Comm. 16E-36)

**COUNTY EXECUTIVE**

WHEREAS, a coalition of community agencies have collaborated to bring Project STRIVE, a nationally recognized job readiness program, to Erie County, and

WHEREAS, the Erie County Department of Social Services wishes to extend the contract with the Buffalo Municipal Housing Authority (BMHA) for a second-year to conduct an employment and training initiative for Safety Net clients entitled Project STRIVE, and

WHEREAS, BMHA acts as the contracting agency, with the Buffalo Federation of Neighborhood Centers, Inc. serving as the fiscal agent for the project, and

WHEREAS, Project STRIVE is a three week job readiness training program operating under the auspices of St. Augustine's Center (the programmatic lead agency), in which successful graduates will receive job placement assistance, case management and employment retention services for a two-year period after job entry, and

WHEREAS, the STRIVE program is designed to serve both Temporary Assistance to Needy Families (TANF) recipients and Safety Net (SN) recipients, and

WHEREAS, Safety Net clients are currently served through a contract in the 1998-1999 Food Stamps Employment and Training Grant which expires September 30, 1999, and

WHEREAS, the 1999-2000 Food Stamps Employment and Training Grant must be amended to appropriate funds for a second-year contract covering Project STRIVE services to Safety Net clients, and

WHEREAS, second-year contract funding for services to TANF clients will be included in the 2000 Family Assistance Employment Programs grant which begins January 1, 2000, and

WHEREAS, the full local share match for this contract is funded through a cash donation provided by the United Way of Western New York, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, the Department of Social Services is hereby authorized to execute a second-year contract with the Buffalo Municipal Housing Authority to serve Safety Net clients through Project STRIVE for the period October 1, 1999 through September 30, 2000, and be it further

RESOLVED, that the Department of Social Services is hereby authorized to accept \$16,125 in cash donated funds from the United Way of Western New York to cover the local share of the contract, and be it further

RESOLVED, that because this is the continuation of an existing contract, the County code requirement in Section 19.08 for a Request For Proposals (RFP) is hereby waived, and be it further

RESOLVED, that the following amendments are hereby authorized in the Department of Social Services 1999 adopted budget, Fund 281, Project 148, Food Stamps Employment and Training for the period October 1, 1999 through September 30, 2000:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
830-1040	Buffalo Municipal Housing Authority	<u>\$64,500</u>
	Total Expenditures	<u>\$64,500</u>
447	Donated Funds	\$16,125
597	State Aid	16,125
652	Federal Aid	<u>32,250</u>
	Total Revenues	<u>\$64,500</u>

and be it further

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

(5-0)

4. Item Page - 1999 (Comm. 16E-37)  
**COUNTY EXECUTIVE**

WHEREAS, under the newly initiated Empowerment Project, the Food Bank of Western New York will work closely with individuals sanctioned from the receipt of public assistance benefits to increase compliance with work requirements and to increase the number seeking gainful employment, and

WHEREAS, the full local share match for these contracts is to be funded through a cash donation provided by the United Way of Western New York, and

WHEREAS, these programs are designed to serve both Temporary Assistance to Needy Families (TANF) recipients and Safety Net (SN) recipients, and

WHEREAS, authorization to enter into a contract is necessary to serve TANF clients through the Family Assistance Employment Programs Grant for the period October 1, 1999 through December 31, 1999, and

WHEREAS, authorization to enter into a contract is necessary to serve Safety Net clients through the Food Stamp Employment and Training Grant for the period October 1, 1999 through September 30, 2000, and

WHEREAS, both contracts shall be budgeted for a full year in the 2000 grant budget, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, the Department of Social Services is hereby authorized to enter into necessary contracts with the Food Bank of Western New York to operate the Empowerment Project, and be it further

RESOLVED, that the Department of Social Services is hereby authorized to accept \$22,500 in cash donated funds from the United Way of Western New York to cover the local share of these contracts and to claim available State and Federal reimbursements, and be it further

RESOLVED, that because these special services are needed immediately, the County code requirement in Section 19.08 for a Request For Proposals (RFP) is hereby waived, and be it further

RESOLVED, that the following amendments are hereby authorized in the Department of Social Services 1999 adopted budget, Fund 281, Project 147, Family Assistance Employment Programs for the period October 1, 1999 through December 31, 1999:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
830-0301	Food Bank of Western New York	<u>\$15,000</u>
	Total Expenditures	<u>\$15,000</u>
447	Donated Funds	\$3,750
608	State Aid	\$3,750
657	Federal Aid	<u>7,500</u>
	Total Revenues	<u>\$15,000</u>

and be it further

RESOLVED, that the following amendments are hereby authorized in the Department of Social Services 1999 adopted budget, Fund 281, Project 148, Food Stamps Employment and Training for the period October 1, 1999 through September 30, 2000:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
830-0301	Food Bank of Western New York	<u>\$60,000</u>
	Total Expenditures	<u>\$60,000</u>
447	Donated Funds	\$15,000
597	State Aid	15,000
652	Federal Aid	<u>30,000</u>

Total Revenues \$60,000

and be it further

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

(5-0)

5. Item Page - 1999 (Comm. 16E-38)

**COUNTY EXECUTIVE**

WHEREAS, Erie County has been the leader in the implementation of managed care programs for the Medicaid population, and

WHEREAS, the Department of Social Services has been notified of renewal of a grant award in the amount of \$191,200 for the Medicaid Managed Care program for the 1999-2000 State fiscal year, and

WHEREAS, the grant is used to fund overtime salary expenses for the staff who process managed care enrollments and recertifications as well as related equipment, travel and contractual costs, and

WHEREAS, the contracts with three organizations are necessary, including the Managed Care Coalition, the Child Advocacy Center and the Erie County Medical Center Department of Family Medicine, and

WHEREAS, the Child Advocacy Center is a new contract focused on the enrollment into managed care of children who are in foster care, and

WHEREAS, these grant resources are critical for continued implementation and maintenance of mandated managed care enrollments required by New York State, and

WHEREAS, there is no fiscal impact as all expenses are fully reimbursed from State and Federal funds.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to accept funds from New York State in the amount of \$191,200 and to enter into or extend any necessary contracts with agencies specifically identified in appropriations below for the Medicaid Managed Care Grant, and be it further

RESOLVED, that because these special services are needed immediately, the County code requirement in Section 19.08 for a Request For Proposals (RFP) is hereby waived, and be it further

RESOLVED, that the following budget is hereby established in the Grant Fund, Fund 281, Department 200 for the Medicaid Managed Care Grant for the period April 1, 1999 through March 31, 2000:

Account	Description	Amount
596	State Revenue	\$95,600
649	Federal Revenue	<u>95,600</u>
	Total Revenue	<u>\$191,200</u>

Account	Description	Amount
801	Personal Services - Overtime	\$70,000
825	Out of Area Travel	10,000
830-886	Managed Care Coalition	15,000
830-xxx	Child Advocacy Center	30,000
830-551	ECMC - Dept of Family Medicine	47,000
880-2006	Indirect Charges	13,000
932	Office Equipment	<u>6,200</u>
	Total Appropriation	<u>\$191,200</u>

and be it further

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

(5-0)

**GEORGE A. HOLT, JR.**  
**CHAIRMAN**

MR. HOLT moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 16 – MRS. FISHER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 307

September 16, 1999

HEALTH/MENTAL HEALTH  
COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT.

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

- |    |  |      |       |                |
|----|--|------|-------|----------------|
|    | Item   | Page | -1999 | (Comm. 2E-27)  |
| a. | <b>FISHER:</b> Item to be referred to Health/Mental Health Committee.<br>(5-0)   |      |       |                |
|    | Item   | Page | -1999 | (Comm. 2M-20)  |
| b. | <b>ALLIANCE FOR MENTALLY ILL:</b> Copy of Letter to Legislator Fisher Re: Involuntary Outpatient Commitment.<br>(5-0)        |      |       |                |
|    | Item   | Page | -1999 | (Comm. 2M-21)  |
| c. | <b>MENTAL HEALTH ASSOCIATION:</b> Copy of Letter to Buffalo News Re: Mental Health Reform.<br>(5-0)                          |      |       |                |
|    | Item   | Page | -1999 | (Comm. 2M-22)  |
| d. | <b>PATRICIA VANREMMEN:</b> Copies of Letters Re: Mental Health Services.<br>(5-0)  |      |       |                |
|    | Item   | Page | -1999 | (Comm. 4M-8)   |
| e. | <b>FIDELIS CARE NEW YORK:</b> Comments on HIV/AIDS Forum.<br>(5-0)   |      |       |                |
|    | Item   | Page | -1999 | (Comm. 6E-6)   |
| f. | <b>FISHER:</b> Letter to ECMC Re: Comprehensive Psychiatric Emergency Program at ECMC.<br>(5-0)                              |      |       |                |
|    | Item   | Page | -1999 | (Comm. 7E-9)   |
| g. | <b>PAULY:</b> Information Regarding Subsidized Housing for Mentally Ill in Erie County.<br>(5-0)                             |      |       |                |
|    | Item   | Page | -1999 | (Comm. 14D-4)  |
| h. | <b>ECMC:</b> Agenda for Board of Managers Finance Committee Meeting Held 7/6/99 & Financial Statements for 5/31/99.<br>(5-0) |      |       |                |
|    | Item   | Page | -1999 | (Comm. 14D-7)  |
| i. | <b>EC MORGUE:</b> Monies & Other Properties Found on Deceased Persons.<br>(5-0)  |      |       |                |
|    | Item   | Page | -1999 | (Comm. 14D-11) |
| j. | <b>ECMC:</b> Agenda for Board of Managers Meeting Held 7/8/99.<br>(5-0)  |      |       |                |
|    | Item   | Page | -1999 | (Comm. 14M-2)  |
| k. | <b>NORTHERN LIGHT DEVELOPMENT COMPANY:</b> Moving Restoration Society from 250 to 130 Genesee Street.<br>(5-0)               |      |       |                |

- |    | Item  | Page | -1999 | (Comm. 16D-17) |
|----|---|------|-------|----------------|
| l. | <b>EC MORGUE:</b> Monies & Other Property Found on Deceased Persons.<br>(5-0) |      |       |                |

- |    | Item   | Page | -1999 | (Comm. 16D-18) |
|----|--|------|-------|----------------|
| m. | <b>ECMC:</b> Board of Managers Finance Committee 8/6/99 & Financial Statements for 6/30/99.<br>(5-0) |      |       |                |

- |    | Item   | Page | -1999 | (Comm. 16D-20) |
|----|--|------|-------|----------------|
| n. | <b>ECMC:</b> Agenda for Board of Managers Meeting Held 8/12/99.<br>(5-0) |      |       |                |

- |    | Item   | Page | -1999 | (Comm. 16D-29) |
|----|--|------|-------|----------------|
| o. | <b>HEALTH:</b> Agenda for Board of Health Meeting to be Held 9/28/99.<br>(5-0) |      |       |                |

- |    | Item   | Page | -1999 | (Comm. 16D-32) |
|----|--|------|-------|----------------|
| p. | <b>ECMC:</b> Notice of Board of Managers Meeting to be Held 9/9/99.<br>(5-0) |      |       |                |

AS AMENDED

- |    | Item                    | Page | - 1999 | (Comm. 14E-24) |
|----|-------------------------|------|--------|----------------|
| 2. | <b>COUNTY EXECUTIVE</b> |      |        |                |

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for persons receiving mental health treatment from Transitional Services, Inc., and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Transitional Services, Inc., in the amount not to exceed \$821,247, and

WHEREAS, additional funds of \$70,012 in United States Department of Housing and Urban Development (HUD) funds of \$54,313, and matching New York State Office of Mental Health Reinvestment funds of \$15,699 dollars are available to continue providing services to mental health clients needing services.

NOW, THEREFORE, BE IT

RESOLVED, that the 1999 appropriation for Transitional Services, Inc. be increased by a total of \$70,012, the source of these funds being United States Department of Housing and Urban Development (HUD) funds of \$54,313, and matching New York State Office of Mental Health Reinvestment funds of \$15,699 dollars, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 1999 contract with Transitional Services, Inc. for the period January 1, 1999 through December 31, 1999 to an amount not to exceed \$891,259, and be it further

RESOLVED, that the Erie County Department of Mental Health will use these funds to provide rental services to homeless individuals in apartments scattered throughout Erie County, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.  
(5-0)

3.      Item                      Page                      - 1999                      (Comm. 16E-17)  
          **COUNTY EXECUTIVE**

WHEREAS, the Erie County Health Department Public Health Laboratory Division currently leases space at 1021 Main Street, Buffalo, New York, owned by the Research Institute on Addictions (RIA), and

WHEREAS, the Public Health Laboratory and the Research Institute on Addictions acknowledge that the Public Health Laboratory intends to vacate the premises now occupied at 1021 Main Street, and

WHEREAS, in recognition of the need to carry on the important work of the Public Health Laboratory with minimal disruption and because the timetable for their departure is dependent, in part, upon the completion of renovations to the new site, and

WHEREAS, both parties have agreed to enter into a lease extension on a month- to-month basis at the current rate until the renovations on the relocation sites is complete.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a lease agreement extension on a month-to-month basis at the current rate which is based on 30 percent of the total building costs for the period July 1, 1999 through December 31, 1999, and be it further

RESOLVED, that the parties agree that a transition period from January 1, 2000 through February 28, 2000 shall be established to allow for bringing the vacated space to a clean and habitable condition, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.  
(5-0)

4.      Item                      Page                      - 1999                      (Comm. 16E-21)  
          **COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for persons receiving mental health treatment from The Erie County Department of Youth Services, and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with the Erie County Department of Youth Services, in the amount not to exceed \$55,000, and

WHEREAS, additional funds of \$16,900 in 100% New York State Aid dollars are available to provide services to mental health clients needing services.

NOW, THEREFORE, BE IT

RESOLVED, that the 1999 Interfund Youth Grants appropriation for The Erie County Department of Youth Services, Mental Health Department account number 880-2509, be increased by a total of \$16,900, the source of these funds being 100% New York State Aid dollars, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 1999 contract with The Erie County Department of Youth Services for the period January 1, 1999 through December 31, 1999 to an amount not to exceed \$71,900, and be it further

RESOLVED, that the interfund revenue for department 251, Youth Detention for project number 184, Coordinated Children's Services Initiative (CCSI) in account number 685-2400, Interfund Mental Health, be increased by \$16,900 to \$71,900, and be it further

RESOLVED, that in fund 281, project 184, Coordinated Children's Services Initiative in department 251, Youth Detention, that account number 826, Other Expenses, be increased from \$19,400 to \$36,300, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.  
(5-0)

5. Item Page - 1999 (Comm. 16E-22)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for persons receiving mental health treatment from Lake Shore Behavioral Health and Community Services for the Developmentally Disabled, and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Lake Shore Behavioral Health and Community Services for the Developmentally Disabled, and

WHEREAS, additional funds of \$461,500 in 100% New York State Aid are available and \$180,000 in County tax dollars currently appropriated within the Erie County 1999 Budget Operating fund 110 are available for transfer, to provide programs to mentally ill and mentally retarded/developmentally disabled clients needing services.

NOW, THEREFORE, BE IT

RESOLVED, that a budget for the Program of Assertive Community Treatment (PACT program) be established in the grant accounts of the Erie County Department of Mental Health, and be it further

RESOLVED, that available appropriations of County tax dollars for contract agency payments in the 1999 budget are transferred to the Interfund Payment Account for payment to the PACT grant as follows: \$70,000 transferred from Court Ordered Mental Hygiene Services, \$25,000 transferred from Lake Shore Behavioral Health, and \$85,000 transferred from Community Services for the Developmentally Disabled, and be it further

RESOLVED, that 1999 appropriations in the amounts of \$336,500 for Lake Shore Behavioral Health and \$305,000 for Community Services for the Developmentally Disabled be established in the PACT grant, the source of said appropriations being \$461,500 in unanticipated New York State Aid funds and \$180,000 in Interfund Revenue, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 1999 contract with Lake Shore Behavioral Health for the period January 1, 1999 through December 31, 1999 by an amount not to exceed \$336,500, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 1999 contract with Community Services for the Developmentally Disabled for the period January 1, 1999 through December 31, 1999 by an amount not to exceed \$305,000, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.  
(5-0)

**AS AMENDED**  
(Comm. 16E-23)

6. Item Page - 1999

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, on June 3, 1999 the Erie County Legislature authorized the County Executive to contract with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$894,420 over a five year period to provide rental assistance for homeless persons disabled by serious mental illness, and

WHEREAS, the Legislature established a grant and project budget of \$186,000 from HUD for year one of the five year period, and

WHEREAS, additional New York State Office of Mental Health (OMH) Reinvestment funds are available to serve as the required matching funds, and

WHEREAS, the Legislature requested that the Erie County Department of Mental Health (ECDMH) recommend the transfer of said funds in order to execute contracts with specific provider agencies, and

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for persons receiving mental health treatment from Lake Shore Behavioral Health, Living Opportunities of DePaul, and Southern Tier Environments for Living, and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Lake Shore Behavioral Health for mental health services in the amount not to exceed \$1,466,154 and Living Opportunities of DePaul in the amount not to exceed \$639,145.

NOW, THEREFORE, BE IT

RESOLVED, that a 1999 appropriation for Lake Shore Behavioral Health be established in Project 177 in the amount of \$190,850, with the source of these funds being \$109,550 in U.S. Department of Housing and Urban Development (HUD) funds and \$81,300 in matching New York State Office of Mental Health (OMH) Reinvestment funds, and be it further

RESOLVED, that a 1999 appropriation for Living Opportunities of DePaul be established in Project 177 in the amount of \$81,833, with the source of these funds being \$46,973 in HUD funds and \$34,860 in matching Office of Mental Health Reinvestment funds, and be it further

RESOLVED, that a 1999 appropriation be established in Project 177 for Southern Tier Environments for Living in the amount of \$38,955, with the source of these funds being \$22,360 in HUD funds and \$16,595 in Office of Mental Health Reinvestment funds, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 1999 contract with Lake Shore Behavioral Health for the period January 1, 1999 through December 31, 1999 by an amount not to exceed \$190,850, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 1999 contract with Living Opportunities of DePaul for the period January 1, 1999 through December 31, 1999 by an amount not to exceed \$81,833, and be it further

RESOLVED, that the County Executive be authorized to contract with Southern Tier Environments for Living for the period June 1, 1999 through December 31, 1999 in an amount not to exceed \$38,955, and be it further

RESOLVED, that the Erie County Department of Mental Health will use these funds to provide rental services to homeless individuals in apartments scattered throughout Erie County, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.  
(5-0)

7. Item Page - 1999 (Comm. 16E-27)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Health Department provides an important program of medical care through its Well Child Clinics, offering free immunizations and physical exams to preschool children at the Holland United Methodist Church Fellowship Hall, and

WHEREAS, the Department wishes to renew the existing lease which expired on April 30, 1999.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into an agreement with the Holland United Methodist Church to provide space for a Health Department Well Child Clinic effective May 1, 1999 through December 31, 2000 and at a rate sufficient to offset maintenance and operating costs as mutually agreed upon, subject to the availability of funds in the budget, and be it further

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

(5-0)

8. Item Page - 1999 (Comm. 16E-29)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Health has analyzed its objects of expense within the Division of Public Health Laboratory, and has determined that in Account 823, Repairs and Maintenance, expenditures will exceed appropriations by an estimated \$900, and

WHEREAS, a transfer of funds must be made in order to continue the provision of this vital public health service for the remainder of the 1999 fiscal year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the following transactions within the accounts of the Department of Health, Division of Public Health Laboratory:

Increase Account 823 Repairs and Maintenance	\$900
Decrease Account 822 Rental Charges	<u>900</u>
Net Increase	<u>\$-0-</u>

and be it further

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

(5-0)

9. Item Page - 1999 (Comm. 16E-52)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health provides primary and specialty care at various locations throughout Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into agreements through the Erie County Health Department with various managed care organizations, commercial insurance providers and Child Health Plus plans for the purpose of reimbursement for services provided, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Division of Budget, Management and Finance, Office of the Comptroller and the Department of Law. (5-0)

10. Item Page - 1999 (Comm. 16E-53)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health's AIDS Education Program conducts an HIV Training and Technical Assistance program for County Health Departments funded by a New York State grant, and

WHEREAS, the Health Department has received a National Association of County and City Health Officials (NACCHO) grant award in the amount of \$7,000 to add Hepatitis C training to its technical assistance.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the National Association of County and City Health Officials (NACCHO) for \$7,000 to fund Hepatitis C training to be budgeted as follows:

DEPARTMENT OF HEALTH TRAINING & TECHNICAL  
ASSISTANCE  
TO COUNTY HEALTH DEPARTMENTS  
12/1/98 – 11/30/99  
PROJECT # 793

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
552		STATE AID	<u>\$ 75,000</u>	<u>\$7,000</u>	<u>\$82,000</u>
		TOTAL	<u>\$ 75,000</u>	<u>\$7,000</u>	<u>\$82,000</u>
		<u>EXPENSES</u>			
800		PERSONNEL SERVICES	\$ 57,700	0	\$ 57,700
805		FRINGES	14,900	0	14,900
825		OUT OF AREA TRAVEL	1,400	500	1,900
826		OTHER EXPENSES	1,000	5,000	6,000
933		EQUIPMENT	\$ -	1,500	\$ 1,500
		TOTAL	<u>\$ 75,000</u>	<u>\$7,000</u>	<u>\$ 82,000</u>

and be it further

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

(5-0)

11. Item Page - 1999 (Int. 16-10)

**GREENAN, MARSHALL, & RANZENHOFER**

WHEREAS, the recent policy change by Blue Cross and Blue Shield of Western New York (BCBSWNY) has created a great public outcry from its subscribers, and

WHEREAS, this new BCBSWNY policy negotiated exclusive prescription filling rights with a limited number of pharmacies, and

WHEREAS, BCBSWNY's new policy excluded many smaller independently owned and operated neighborhood pharmacies, and

WHEREAS, these neighborhood pharmacies are vital to seniors, disabled people and other subscribers of BCBSWNY who often are unable to drive long distances to a mandated pharmacy, and

WHEREAS, State Senators Maziarz and Nanula recently proposed a bill which would bar insurers from excluding any pharmacy willing to honor the contracts of any managed-care pharmacy program or network of pharmacies dispensing prescription drugs, and

WHEREAS, this legislation insures freedom of choice for consumers, and

WHEREAS, this bill would also protect the rights of pharmacies to have full access to the marketplace, and

WHEREAS, existing senate bill S.154 would provide that health insurers may not deny reimbursements to insureds because the registered pharmacy providing pharmaceutical products has not been approved by insurer or other entity.

**NOW, THEREFORE, BE IT**

RESOLVED, that the Erie County Legislature has already announced its dissatisfaction with the recent policy adjustment by Blue Cross and Blue Shield of Western New York regarding its prescription drug program, and be it further

RESOLVED, that this Body supports the efforts of Senators Maziarz and Nanula and their proposed legislation insuring equitable choice of pharmacy by the health insurer subscriber, and be it further

RESOLVED, that the Erie County Legislature does here by memorialize the New York State Legislature to pass and Governor Pataki to sign into law any bill that would prohibit health insurers from excluding any pharmacy that is willing to honor contracts of the health insures pharmacy program and deny subscribers the freedom of choice of their prescription drug needs, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Senators Maziarz and Nanula, the remaining delegation to the New York State Legislature and Governor Pataki.

Fiscal impact: none

(5-0)

12.	Item	Page	- 1999	AS AMENDED (Int. 16-11)
	<b>PEOPLES, ET AL</b>			

WHEREAS, citizens of Erie County that are insured and covered under private health plans (HMOs) have a right to basic consumer protection and

WHEREAS, citizens of Erie County have lived through a cycle of reduced health plan choices, have had restrictions placed on their ability to receive necessary medical treatment and an emphasis on cost-cutting at the expense of quality and

WHEREAS, two managed health care reform bills have been introduced in congress, one in the House of Representatives and the other in the U.S. Senate and

WHEREAS, The Consensus Managed Care Improvement Act introduced by a bipartisan House of Representatives has received strong endorsement from the American Medical Association, The American Dental Association, The American College of Obstetricians and Gynecologists and The American Academy of Ophthalmology and

WHEREAS, the legislation put forth by the U.S. Senate has not received endorsement from these very influential medical associations in part because it does not address many of the issues regarding managed health care reform and

WHEREAS, the bipartisan bill passed by the House of Representatives provides meaningful protection for all Americans in all health care plans and requires accountability when their actions cause harm to patients and

WHEREAS, the bipartisan House legislation would ensure that people in HMOs plans have access to emergency room care, guaranteed access to specialists outside their network and allow lawsuits against HMOs that deny care and

WHEREAS, the senate passed legislation allows litigation against an HMO only in federal court and does not give doctors the right to determine medically necessary care, which the legislation from the house does

NOW, THEREFORE BE IT

RESOLVED, this Honorable Body concurs with the bill introduced by the bipartisan House of Representatives in that it delivers the essential protections patients and voters of Erie County and nationwide deserve, and be it further

RESOLVED, the Erie County Legislature hereby affirms it's commitment to access to quality health care and support the citizens of Erie County who deserve basic

right and protections afforded under responsible and inclusive health care plans and be it further

RESOLVED, that the bipartisan legislation introduced in the House of Representatives is a positive step for Erie County for both patients rights and the democratic process, in that it provides meaningful patients protection and is a true Patients Bill of Rights and be it further

RESOLVED, That certified copies of this resolution be sent to Erie County Executive Dennis Gorski, U.S. Congressman John J. LaFalce, U.S. Congressman Jack Quinn, U.S. Congressman Thomas M. Reynolds, and U.S. Congressman Amo Houghton.  
(5-0)

**JUDITH P. FISHER  
CHAIRPERSON**

MRS. FISHER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

Item 17 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 308

Re: Support for NYS Small Business  
Regulatory Enforcement Fairness Act.  
(Intro. 17-1)

WHEREAS, the success of the small business and small business owner is vital to the future of Western New York's local economy, and

WHEREAS, on March 29, 1996 the Small Business Regulatory Enforcement Fairness Act (SBREFA) was enacted into federal law, and

WHEREAS, the Small Business Regulatory Enforcement Fairness Act was designed to make certain that small businesses have a voice that will be heard by federal agencies as they go through the policy-making process, and

WHEREAS, SBREFA also gives small businesses expanded opportunities to challenge regulatory decisions and create change, and

WHEREAS, Assembly member Robin Schimminger is planning to propose a New York State Small Business Regulatory Enforcement Fairness Act, modeled after the federal act, and

WHEREAS, this proposed legislation would help small businesses in New York State by making state agencies more responsive and accountable, and

WHEREAS, several other states have introduced state versions of the fairness act,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to protecting the rights of the small business owner in Western New York and promoting success of the small businesses in our region, and be it further

RESOLVED, that this Honorable Body does hereby conceptually support a New York State Small Business Regulatory Enforcement Act modeled after the federal act, and be it further

RESOLVED, that this Honorable Body encourages members of the Western New York delegation of State Representatives to sponsor such legislation, and be it further

RESOLVED, that this Honorable Body further calls upon members of the New York State Senate and Assembly to adopt New York State Small Business Regulatory Enforcement Fairness Act legislation and Governor George E. Pataki to sign said legislation into law, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Western New York Delegation of State Representatives and to Governor George E. Pataki.

Fiscal Impact: None for resolution.

MS. PEOPLES moved to amend the resolution to include et al sponsorship. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 309

Re: Funding for a Community  
Organization. (Intro. 17-2)

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,500 within 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>	<u>+/-</u>	<u>AMOUNT</u>
SOUTH BUFFALO BUSINESSMAN'S ASSOCIATION	830/0979	\$2,500	(\$2,500)	-0-
SOUTH BUFFALO COMMUNITY ASSOCIATION	830/0321	-0-	\$2,500	\$2,500
TOTAL				-0-

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 each to JoAnne Hortman, Director, (South Buffalo Businessman's Association, 817 Abbott Rd., Buffalo, NY 14220), and Richard McFail, Director of Administration, (South Buffalo Community Association, 2219 South Park Avenue, Buffalo, NY 14220.)

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

MR. FITZPATRICK moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 310

Re: Funding for Community Organizations.  
(Intro. 17-3)

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 \$3,500 from the legislative contingency (Countywide Contingency DAC: 110923310893) to

Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Amherst Museum	830/0887	\$1,000
Amherst Youth Board	830/0865	\$500
Mathewson-McCarthy Baseball	N/A	\$1,000
Town of Amherst Senior Services	830/1017	\$1,000
<b>TOTAL</b>		<b>\$3,500</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 each to Lynn S. Beman, Director, Amherst Museum, (3755 Tonawanda Creek Rd., Amherst, NY 14228-1599), Kathy Mobarek-Miller, Amherst Youth Board, (4255 Harlem Road, Amherst, NY 14226,) Doug Schimrak, Mathewson-McCarthy Baseball (PO Box 171, Williamsville, NY 14231-0171) and Mary Ellen Walsh, Executive Director, Town of Amherst Senior Services, (30 North Union Road, Amherst NY 14221.)

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

MR. WEINSTEIN moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 311

Re: Increased Federal Funding for E.C.'s  
HEAP. (Intro. 17-4)

WHEREAS, Erie County's Home Energy Assistance Program (HEAP) provides assistance to low-income residents and seniors on fixed incomes that face insuperable heating bills, and

WHEREAS, like the rise in gasoline prices residents were witness to this summer, so are the costs of home heating oil and natural gas expected to increase, and

WHEREAS, the wholesale cost of these heating fuels is anticipated to be between 30 to 40 percent higher than last year, and

WHEREAS, although the cost of delivering gas to Western New Yorkers is not set to increase, the rise in commodity prices will translate into higher heating bills, and

WHEREAS, beginning last November, HEAP provided \$14.25 million for more than 40,000 needy area households, and

WHEREAS, since last December, the price of a barrel of oil has increased from just under \$11 to \$24.80, and

WHEREAS, due to the exponential increase in the price of oil this year, most industries have switched to natural gas, and

WHEREAS, as the demand for natural gas has increased, so too has the price for this commodity, and

WHEREAS, the natural gas and oil markets move together because energy companies drill for both commodities concurrently, and

WHEREAS, HEAP is funded by the federal government, and

WHEREAS, geographic areas that are subject to especially harsh winters should be given particular consideration when monies are allocated to localities by federal and state entities,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby call upon the federal

government to renew its commitment to Erie County's Home Energy Assistance Program by increasing federal funding and providing, particularly for the elderly on fixed incomes, a way of addressing the costs of heating their homes, and be it further

RESOLVED, that this Honorable Body, in anticipation of a winter that is more harsh than those of the past few years, requests that the federal government allocate enough money to states by factoring energy prices into the equation, and does encourage that particular attention and consideration be paid to states that have traditionally had harsh winters, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Dennis T. Gorski, the Western New York Delegation of State Representatives, Governor George E. Pataki, Senate Majority Leader Joseph. L. Bruno, Assembly Speaker Sheldon Silver, New York State Association of Counties (NYSAC) Representative Robert Gregory (111 Pine Street, Albany, NY 12207-2737), Senators Charles Schumer and Patrick Moynihan, Health and Human Services Secretary Donna Shalala (Department of Health and Human Services, 200 Independence Avenue SW, Washington, D.C. 20201), National Fuel Representative Robert Poole (10 Lafayette Square, Buffalo, New York 14203) and New York State Electric and Gas Regional Managing Director Brian Eldridge (150 Erie Street, Lancaster, New York 14086).

**Fiscal Impact:** To be determined.

MS. PEOPLES moved to amend the resolution to include et al sponsorship. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

#### **COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 21 -- MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 16E-33. MR. OLMA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 312

Re: Sale of County Owned Inventory SBL #  
92.150-5-26 Carl Cheetktowaga

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

WHEREAS, the other adjoining property owner has indicated that 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 Shirley Grill, 229 Hyland Avenue, Depew, New York 14043 for the sum of Two Hundred and 00/100 Dollars (\$200.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York being part of Farmlot 74, Township 11, Range 7, and according to a map filed in the Erie County Clerk's Office under Map Cover 1575 is known as Sublot 245, and further described on Erie County Tax Maps as Section, Block and Lot No. 92.150-5-26 (Carl 40.00 x 110.00). Intending to convey all land acquired by Erie County as Serial No. 33 in the County In Rem Tax Foreclosure Action No. 130, 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.

MS. PEOPLES moved the approval of the resolution. MS. MARIENLLI seconded.

CARRIED UNANIMOUSLY.

Item 22 – MR. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 12E-17. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 313

Re: Department of Emergency Services –  
Consulting Contract.

WHEREAS, there is a need to provide communication capabilities for emergency services in Erie County, and

WHEREAS, the Department of Emergency Services has been coordinating efforts to determine the most effective way to upgrade systems, and

WHEREAS, the RCC Consultants, Inc. has been assisting the Department of Emergency Services in its negotiations and determinations, and

WHEREAS, the original award of contract to RCC Consultants was based on completion of the request for proposals process pursuant to Section 19.08 of the Erie County Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract extension with RCC Consultants, Inc., and be it further

RESOLVED, that the aforesaid contract extension shall be for the provision of design review and negotiation support for Erie County's proposed upgraded communication services, and be it further

RESOLVED, that the term of the aforesaid contract shall be for a six month period commencing on June 1, 1999, and extending until November 30, 1999, and be it further

RESOLVED, that the Legislature authorizes an amount for aforementioned contract not to exceed \$23,540, and be it further

RESOLVED, that annual budget for Payment in Lieu of Taxes - County Wide Expenditures (DAC 110 923 310 304) has been realized and \$23,540 shall be appropriated to Account 830, Contractual Services in the Department of Emergency Services, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Emergency Services, Alan P. Gerstman - 1st Assistant County Attorney, RCC Consultants, Inc., the Department of Law, the Office of the Comptroller and the Director of Budget and Management.

MR. KUWIK moved to amend the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

WHEREAS, there is a need to provide communication capabilities for emergency services in Erie County, and

WHEREAS, the Department of Emergency Services has been coordinating efforts to determine the most effective way to upgrade systems, and

WHEREAS, the RCC Consultants, Inc. has been assisting the Department of Emergency Services in its negotiations and determinations, and

WHEREAS, the original award of contract to RCC Consultants was based on completion of the request for proposals process pursuant to Section 19.08 of the Erie County Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract extension with RCC Consultants, Inc., and be it further

RESOLVED, that the aforesaid contract extension shall be for the provision of design review and negotiation support for Erie County's proposed upgraded communication services, and be it further

RESOLVED, that the term of the aforesaid contract shall be for a six month period commencing on October 1, 1999, and extending until March 31, 2000, and be it further

RESOLVED, that the Legislature authorizes an amount for aforementioned contract not to exceed \$23,540, and be it further

RESOLVED, that annual budget for Payment in Lieu of Taxes - County Wide Expenditures (DAC 110 923 310 304) has been realized and \$23,540 shall be appropriated to Account 830, Contractual Services in the Department of Emergency Services, and be it further

RESOLVED, that this Honorable Body does reiterate that this appropriation shall be the final appropriation for this project, and be it further

RESOLVED, that this Honorable Body does hereby reiterate its request to the Department of Emergency Services to provide this Honorable Body a close out report of activity for this process — including a detailed cost breakdown, establishment of performance standards, and implementation schedule, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Emergency Services, Alan P. Gerstman - 1st Assistant County Attorney, RCC Consultants, Inc., the Department of Law, the Office of the Comptroller and the Director of Budget and Management.

MR. KUWIK moved the approval of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 23 – MR. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 14E-11. MS. PEOPLES seconded.

RESOLUTION NO. 314  
Funds.

Re: Department of Law – Transfer of

WHEREAS, the Department of Law has analyzed its objects of expense and has determined that in Account 810 - Office Supplies expenditures will exceed appropriations by an estimated \$5,000, and

WHEREAS, the Department of Law requires additional funds to purchase office paper and supplies for the remainder of 1999 in order to operate smoothly.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the following transactions within the accounts of the Department of Law,

Increase	Account 810 Office Supplies	\$5,000
Decrease	Account 821 Dues and Fees	<u>\$5,000</u>
	NET INCREASE	<u>\$ 0</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Law, the County Comptroller and the Director of Budget and Management.

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

CARRIED UNANIMOUSLY.

#### SUSPENSION OF THE RULES

Item 24 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

RESOLUTION NO. 315

Re: Erie County Sheriff's Office Combined  
Enforcement and Safety Program (CEASE).  
(Comm. 17E-19)

WHEREAS, the U.S. Department of Transportation, Federal Railroad Administration has awarded \$50,444 to The Erie County Sheriff's Office to participate in the CEASE program, and

WHEREAS, these funds will be used to fund a member of the Erie County Sheriff's Office to receive national training in traffic safety, education and enforcement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the U.S. Department of Transportation, Federal Railroad Administration and is authorized to accept funding in the amount of \$50,444, and it be further

RESOLVED, that authorization is hereby provided to budget the reimbursement in the grant fund as follows:

Department 931 – Sheriff's Office  
CEASE Program  
Grant Fund

<u>REVENUE</u>	<u>Increase</u>
Acct. 684-123 Federal Aid Miscellaneous	<u>\$50,444</u>
TOTAL REVENUE	<u>\$50,444</u>

<u>APPROPRIATIONS</u>	<u>Increase</u>
Acct. 825 - Out of Area Travel	<u>\$50,444</u>
TOTAL APPROPRIATIONS	<u>\$50,444</u>

and it be further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

Item 25 – MR. MARSHALL moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

RESOLUTION NO. 316

Re: Support for Amending Current Vehicle and Traffic Law Making Leaving a Scene of a Fatal Accident a Class D Felony. (Intro. 17-5)

WHEREAS, recently a fatal automobile accident occurred when an motorist hit an individual riding a bike in Amherst, and

WHEREAS, the motorist upon hitting the individual, fled the scene, leaving the victim on the side of the road without critical medical care, and

WHEREAS, the victim later died due to the injuries he sustained in the accident, and

WHEREAS, New York State Senator Mary Lou Rath and New York State Assemblyman James Hayes recently proposed a state law that would make it a Class D Felony for leaving the scene of a personal injury accident, and

WHEREAS, this proposed law would amend vehicle and traffic law (VTL) ~600 (2) by increasing the penalties for the violation of leaving a scene of a personal injury accident, and

WHEREAS, implementation of this initiative would ensure that investigators will no longer be hampered in their timely investigation of potentially intoxicated drivers who abandon scenes of accidents to avoid severe punishment,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature unanimously calls upon the State Legislature to pass and Governor George Pataki to sign into law the aforementioned legislation, so it may be utilized to punish those who leave the scene of personal injury accidents, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki and the members of the Western New York Delegation

Fiscal Impact: None

MR. MARSHALL moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

#### **COMMUNICATIONS FROM ELECTED OFFICIALS**

##### **FROM THE COMPTROLLER**

Item 26 – (Comm. 17E-1) Interim Financial Report for Six Months Ended 6/3/99.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

##### **FROM LEGISLATOR DUSZA**

Item 27 – (Comm. 17E-2) Notice of Absence from Government Affairs Committee Meeting 9/15/99.

Received and filed.

##### **FROM THE COMPTROLLER**

Item 28 – (Comm. 17E-3) \$60,000,000 R.A.N. – 1999.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.  
FROM THE COUNTY EXECUTIVE

Item 29 - (Comm. 17E-4) Emergency Services – Agreement for Corporate Emergency Access.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 30 - (Comm. 17E-5) Notice of Adoption – ECSD's 2000 Assessment Rolls.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 31 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 317

Re: Notice of Public Hearing ECSD's 2000  
Assessment Rolls. (Comm. 17E-6)

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and

WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers and at least five (5) days prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 25 Delaware Avenue, Buffalo, NY, at 1:30 p.m., local time, on October 21, 1999, for the purpose of meeting to hear and consider any objections which may be made to the 2000 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing during the week of September 27, 1999, or as shortly thereafter as possible; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, County Comptroller, and Stephen F. Gawlik, Assistant County Attorney.

MS. PEOPLES moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 32 – (Comm. 17E-7) Senior Services – Authorization to Amend WRAP – DSS & IIIF Grant Budgets.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 33 – (Comm. 17E-8) ECSD No. 2 – Big Sister Creek Advanced Wastewater Treatment Plant – EC Southtowns Sewage Treatment Agency Advanced Wastewater Treatment Pl.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 34 – (Comm. 17E-9) Emergency Services – Hazard Mitigation Grant Awards for DPW, Highway Division – Acceptance & Transfer of Funds.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 35 – (Comm. 17E-10) Social Services – Family Court Foster Care Improvement Project Grant.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 36 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 318

Re: Personnel – Part-Time Position.  
(Comm. 17E-11)

WHEREAS, the Erie County Department of Personnel is responsible for the administration of all classification and payroll record maintenance for all County Towns, Villages and School Districts, and

WHEREAS, the Personnel Department is required to assist these Towns, Villages and School Districts and their employees with related problems and questions, and

WHEREAS, in order to assist these Towns, Villages and School Districts and their employees having problems and questions, the Commissioner of Personnel is recommending the creation of a position of Senior Personnel Specialist P.T, job group XIII step 1, to work approximately 12 hours per week, and

WHEREAS, funds necessary to create this position are available within the Personnel Department's 1999 Personal Services Budget account,

NOW, THEREFORE, BE IT

RESOLVED, that one position of Senior Personnel Specialist P.T., job group XIII, step 1 is hereby created in the Department of Personnel, 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 and the Department of Personnel.

MS. PEOPLES moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 37 – (Comm. 17E-12) Filling Vacant Positions.

Item 38 – (Comm. 17E-13) Filling Vacant Positions.

Item 39 – (Comm. 17E-14) Filling Vacant Positions.

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

Item 40 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 319

Re: Sheriff's Office – Personnel  
Adjustments. (Comm. 17E-15)

WHEREAS, the Erie County Sheriff's Office is requesting the deletion of one Recreational Assistant, Job Group 5, and the creation of a Confidential Aide Sheriff, Job Group 6 in the Holding Center Division, and

WHEREAS, funding is available in the 1999 personal services budget of the Erie County Holding Center Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to delete one Recreational Assistant, Job Group 5, and to create one Confidential Aide Sheriff, and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, the Erie County Personnel Department, and the Office of the Sheriff for implementation.

MS. PEOPLES moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 41 – (Comm. 17E-16) Sheriff's Office – Governor's Traffic Safety Committee Grants.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 42 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 320

Re: Auto Bureau – Personnel Adjustment.  
(Comm. 17E-17)

RESOLVED, that authorization is hereby provided to add one full time position of Branch Manager (job group 10) in the budget of the County Clerk, Auto Bureau, funds are available within the personal services appropriations of that administrative unit, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Clerk, the County Comptroller, the Commissioner of Personnel and the Director of Budget and Management.

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

CARRIED UNANIMOUSLY.

Item 43 – (Comm. 17E-18) Health – Donations for Annual Awards Ceremony in Honor of National Disabilities Employment Awareness Month.

Received and referred to the HEALTH COMMITTEE.

#### **COMMUNICATIONS FROM THE DEPARTMENTS**

##### **FROM ECC**

Item 44 – (Comm 17D-1) Notice of Board of Trustees Meeting to be Held 9/29/99.

Item 45 – (Comm. 17D-2) Notice of Board of Trustees Committee Meetings 9/21/99 & 9/22/99.

The above two items were received and filed.

##### **FROM MENTAL HEALTH**

Item 46 – (Comm. 17D-3) 1999-2000 Local Government Plan Mental Retardation/Developmental Disabilities.

Received and referred to the HEALTH COMMITTEE.

FROM ECMC

Item 47 – (Comm. 17D-4) Agenda for Board of Managers Meeting Held 9/9/99.

Received and referred to the HEALTH COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 48 – (Comm. 17D-5) Notice of County Executive's Public Hearing Intros. 16-5, 16-7, 16-8, & 16-9.

Received, filed and printed.

September 10, 1999

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

**RE: Notice of Public Hearing  
Resolutions Reference Intro. 16-5, Intro. 16-7, Intro. 16-8  
and Intro. 16-9**

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Resolutions Intro. 16-5, Intro. 16-7, Intro. 16-8 and Intro. 16-9 which were adopted by the Erie County Legislature on September 9, 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 Wednesday, September 22, 1999 at 10:45 a.m., concerning appropriations from the County contingency fund for the following purposes :

**BUFFALO AND ERIE COUNTY PUBLIC LIBRARY**

<b>CLARENCE LIBRARY (Lab &amp; Technical Equipment)</b>	<b>\$3,200.00</b>
<b>POLISH CADETS OF BUFFALO, INC.</b>	<b>\$8,000.00</b>
<b>NORTH BAILEY FIRE COMPANY, INC.</b>	<b>\$4,500.00</b>
<b>NEIGHBORHOOD INFORMATION CENTER, INC.</b>	<b>\$5,000.00</b>

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

On September 9, 1999 the Erie County Legislature adopted Resolutions Reference Intro. 16-5, Intro. 16-7, Intro. 16-8 and Intro. 16-9. Copies of the Resolutions are available for inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

DENNIS T. GORSKI  
Erie County Executive

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 49 – (Comm. 17D-6) Agenda for Board of Trustees Meeting Held 9/16/99.

Received and filed.

FROM LABOR RELATIONS

**\*\*THIS ITEM WAS TAKEN OUT OF ORDER AT  
THE BEGINNING OF THE SESSION\*\***

FROM DPW

Item 50 – (Comm. 17D-8) Bureau of Weights & Measures – Addition & Renovation.

Item 51 – (Comm. 17D-9) Vehicle Lift Replacement Lancaster Highway Garage – Contingency Fund Increase.

Item 52 – (Comm. 17D-10) ECC – North, South & City – HVAC Improvements, Professional Services Change Order.

Item 53 – (Comm. 17D-11) Increase to Professional Services Contract for Right-of-Way Appraisal & Acquisition.

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

Item 54 – (Comm. 17D-12) Finance & Management Committee Acquisition of Various Parcels of Property for Right-of-Way.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NYS PUBLIC SERVICE COMMISSION**

Item 55 – (Comm. 17M-1) Acknowledgement of Receipt of Resolution.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM OTB**

Item 56 – (Comm. 17M-2) Minutes of Board Meeting Held 7/22/99.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE NYS ATTORNEY GENERAL**

Item 57 – (Comm. 17M-3) Acknowledgement of Receipt of Resolution.

Received and referred to the HEALTH COMMITTEE.

**FROM THE MENTAL HYGIENE COMMUNITY SERVICES BOARD**

Item 58 – (Comm. 17M-4) Agenda for Board Meeting Held 9/16/99.

Received and referred to the HEALTH COMMITTEE.

**FROM THE NYS OFFICE OF CHILDREN & FAMILY SERVICES**

Item 59 – (Comm. 17M-5) Integrated County Planning – Year One – Five Year Demonstration Project Six Month Report.

Received and referred to the SOCIAL SERVICES COMMITTEE.

**FROM THE CITIZENS TASK FORCE**

Item 60 – (Comm. 17M-6) Notice of Meeting Held 9/21/99.

Received and filed.

**FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD**

Item 61 – (Comm. 17M-7) Minutes of Board Meeting Held 9/9/99.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NYS DEPARTMENT OF STATE**

Item 62 – (Comm. 17M-8) Acknowledgement of Receipt of Resolution Int. 15-1 Sales Tax Free Weeks.

Received and filed.

**FROM THE NYS COMPTROLLER**

Item 63 – (Comm. 17M-9) Tobacco Settlement Principles.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**MEMORIAL RESOLUTIONS**

Item 64- Legislator Greenan requested that when this Legislature adjourns, it do so in memory of West Seneca resident Oscar Boltz.

Item 65 – Legislator Peoples requested that when this Legislature adjourns, it do so in memory of Buffalo resident Earl Johnson.

Item 66 – Chairman Swanick requested that when this Legislature adjourns, it do so in memory of the earthquake victims in Taiwan.

**ADJOURNMENT**

Item 67 – 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, October 7, 1999**. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature **adjourned until Thursday, October 7, 1999 at 2 p.m. Eastern Standard Time.**

**LAURIE MANZELLA**  
**CLERK**