

ERIE COUNTY LEGISLATURE
MEETING NO. 3
February 4, 1999

The Legislature was called to order by CHAIRMAN SWANICK.

All Members Present with the exception of Legislator Holt.

A Moment of Silence was held.

The Pledge of Allegiance was led by MR. SWANICK

MS. PEOPLES moved to approve the minutes of meetings 1 and 2 of 1999. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 1 - MR. RANZENHOFER presented a resolution to Clarence's Top Citizens Joann & Irving Grenzebachs, Clarence Chamber of Commerce's Citizens of the year. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 2 - MR. RANZENHOFER presented a resolution Honoring the Yoder Brothers as Clarence Chamber of Commerce's Business of the Year. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

Item 3 - MR. RANZENHOFER presented a resolution Congratulating Clarence American Legion Post for Being Selected as Clarence Chamber of Commerce's Service Organization of the Year. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 4 - MR. SWANICK presented a resolution Honoring Dennis DiPaolo Chairman of the Board - New York State Restaurant Association. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 5 - MR. SWANICK & MS. MARINELLI presented a resolution Congratulating Kenmore Police Chief Elmer A. "Moe" Arnet on his Retirement. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. KUWIK presented a resolution Congratulating Jr. Past Commander John Hodynski – Matthew Glab Post #1477. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. CHASE presented a resolution Honoring Anthony Larusso as he retires after 20 years as the Town of Evans Democratic Chairman. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 8 – CHAIRMAN SWANICK directed that Local Law Intro No. 1 (Print #1) 1998 remain on the table and in the HEALTH COMMITTEE.

Item 9 - CHAIRMAN SWANICK directed that Local Law Intro No. 2 – (Print #1) be placed on the table.

COMMITTEE REPORTS

Item 10 – MR. KUWIK presented the following and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 25

January 26, 1999

PUBLIC SAFETY
COMMITTEE
REPORT NO. 1

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

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

- | | | | | |
|----|-------------------------------|--|-------|---------------|
| | Item | Page | -1999 | (Comm. 2D-12) |
| a. | CORRECTIONAL FACILITY: | Re: Response to Comptroller's Audit 11/98. | | |
| | (6-0) | Chairman Swanick present as ex-officio member. | | |
| b. | Item | Page | -1999 | (Comm. 2E-17) |
| | COUNTY EXECUTIVE: | Re: District Attorney – Variable Minimum. | | |
| | (6-0) | Chairman Swanick present as ex-officio member. | | |

2. Item Page - 1998 (Comm. 29E-21)

COUNTY EXECUTIVE

RESOLVED, that STOP-DWI funding is hereby authorized for Independent Health Foundation in the amount of \$6,000 for "FIRST NIGHT BUFFALO'99", with funds provided from available balances in the Contractual Agencies account, DAC #280-844110830, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with Independent Health Foundation in an amount not to exceed \$6,000 for the "FIRST NIGHT BUFFALO'99" event, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the STOP DWI Program, the Erie County Attorney, Office of the County Executive, and the Division of Budget, Management and Finance.
(6-0) Chairman Swanick present as ex-officio member

3. Item Page - 1999 (Comm. 2E-11)

COUNTY EXECUTIVE

RESOLVED, that authorization is hereby provided for the modification of a legislative resolution which established the budget for the Hazardous Materials Response Team Grant in the Department of Emergency Services:

Department of Emergency Services
Hazardous Materials Response Tem Grant V
Modification - SFG Grant #637

Appropriations	<u>Present Balance</u>	<u>Modification</u>	<u>Remaining Balance</u>
Acct. #811 - Protective Clothing	\$1,776	-1,776	0
Acct. #826 - Other Expenses	245	+1,776	\$2,021
Acct. #933 - Laboratory and Technical Equipment	<u>\$2,003</u>	<u>0</u>	<u>\$2,003</u>
Total	<u>\$4,024</u>	<u>0</u>	<u>\$4,024</u>

and be it further

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

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

EDWARD KUWIK
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 11 – MR. OLMA presented the following and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 26

January 26, 1999

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

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

- a. Item Page -1998 (Comm. 6E-22)
COUNTY EXECUTIVE: Re: Erie County Southtowns Sewage Treatment Agency NYS Clean Water/Clear Air Bond Act of 1996 Grant Agreement (5-0).
- b. Item Page - 1998 (Comm. 29M-2)
NYSDEC: Re: Fact Sheet – 15 La Riviere Drive, Buffalo (5-0)
- c. Item Page - 1998 (Comm. 29M-9)
CITIZEN TASK FORCE Re: Agenda for Meeting Held 12/15/98 (5-0)
- d. Item Page - 1998 (Comm. 29M-14)
WEST VALLEY NUCLEAR SERVICES COMPANY: Re: Rescheduling Meeting from 12/15/98 to 12/21/98. (5-0)
- e. Item Page - 1999 (Comm. 1D-9)

DEP: Re: SEQR Solicitation for Lead Agency Status Unlisted Action ECSD Nos. 1,4, & 5 Administration Building Extension & Site Improvements.

(5-0)

f. Item Page - 1999 (Comm. 1E-22)

COUNTY EXECUTIVE: Re: EC Sewer Construction Projects Annual Change Order Report.

(5-0)

g. Item Page - 1999 (Comm. 1M-2)

NYS FISH & WILDLIFE MANAGEMENT BOARD: Re: Minutes of Meeting Held 12/3/98.

(5-0)

h. Item Page - 1999 (Comm. 1M-10)

WEST VALLEY CITIZEN TASK FORCE: Re: Public Briefing Comments Commission Paper SECY-98-251 Decommissioning Criteria for West Valley.

(5-0)

i. Item Page - 1999 (Comm. 2M-10)

ERIE COUNTY FARM BUREAU: Re: Farm Bureau's Recommendation to Serve on EC Soil & Water Conservation Board of Directors.

(5-0)

AS AMENDED

2. Item Page - 1998 (Comm. 24E-26)

COUNTY EXECUTIVE

WHEREAS, the Boards of Managers for Erie County Sewer District Nos. 1, 2, 3, 4, 5 & 6 have a system of sewer district user charges or fees; and

WHEREAS, the Boards have requested and are desirous of collecting said user charges or fees in 1999 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 1999 sewer district user charges or fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, & 6 liable therefore as provided by law; and be it further;

RESOLVED, that the following amounts be collected

Sewer District #1	\$348,703.52
Sewer District #4	\$279,241.12
Sewer District #5	\$238,332.00

Sewer District #2 \$85,389.00
(Original & Extension)
Sewer District #3 \$274,932.80
(original District)
Sewer District #3 \$18,451.20
Boston Valley)

(Sewer District #3 \$80,190.40
(Armor McKinley)

Sewer District #3 \$16,998.00
(Holland)
Sewer District #6 \$ 1,187,334.40

\$2,529,572.44

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Kenneth Kruly, Director of Budget and Management; Charles J. Alessi, Deputy Commissioner of Environment and Planning and Stephen F. Gawlik, Assistant County Attorney.
(5-0)

AS AMENDED
(Comm. 27E-13)

3. Item Page - 1998

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded the Contract No. 29A to Milherst Construction Inc.; and

WHEREAS, the Erie County Division of Sewerage of Management has advised 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. 29A in the amount of \$231,773.03 which includes Change Order No. 1 (final), a decrease of (\$22,793.01), final Payment No. 4 in the amount of \$14,977.42 and the release of all contract retention.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 29A between the County of Erie and Milherst Construction, Inc., 2601 Millersport Highway, Getzville, New York 14-068, be accepted in the amount of \$231,773.03, which includes Change Order No. 1 (final), a decrease of (\$22,793.01), Payment No. 4 (final) in the amount of \$14,977.42 and the release of all contract retention; and be it further

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency and the Department of Environment & Planning have solicited proposals from qualified engineering firms and ranked them in accordance with the Administrative Code; and

WHEREAS, the first ranked firm of Stearns & Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, New York is recommended to perform engineering services related to the development of a Facilities Planning Report at a cost not to exceed \$131,700.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement for engineering services with Stearns & Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, New York in an amount not to exceed \$131,700 is hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute the contract with Stearns & Wheler, LLC, subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the County Comptroller be authorized and directed to allocate \$131,700 from Erie County/Southtowns Sewage Treatment Agency Capital Account Fund 430, Project 508; and be it further

RESOLVED, that a certified copy of the resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Stephen F. Gawlik, Assistant County Attorney and the Comptroller's Office.

(5-0)

6. Item Page - 1999 (Comm. 1E-19)

COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 1998-99 snowmobile season in an amount not to exceed \$43,075, and

WHEREAS, the sum of \$1,000 is budgeted as a state revenue for snowmobile development in the 1999 Adopted Budget of the Division of Parks, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$43,075 as pertains to snowmobile trail maintenance performed during the 1998-99 snowmobile season, and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$40,491 for the purpose of snowmobile trail maintenance on club trails during the 1998-99 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$3,324.24
Eden Trail Blazers Inc.	\$2,303.89
Grand Island Snowmobile Club Inc.	\$2,911.24
Hamburg Snowmobile Club Inc.	\$4,575.39
Holland Sno-Rascals Inc.	\$2,032.61
Marilla Sno-Mob Inc.	\$5,308.26
Northern Erie Snowseekers Inc.	\$6,486.52
Pioneer Sno-Surfers Inc.	\$2,526.58
Southern Tier Snowdrifters Inc.	\$7,166.75
W.N.Y. Snowmobile Club of Boston Inc.	<u>\$3,854.66</u>

Total **\$40,490.14**

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of state aid revenue in the Division of Parks, fund 110, project 942, dept. 640, account 553, in the amount of \$40,491, and an increase in appropriations in the amount of \$40,491 in the Division of Parks, fund 110, project 942, Department, Department 640, account 830, in order that funds may be available to make payment to the individual individual clubs of the Erie County Federation of Snowmobile Clubs, and be it further

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

(5-0)

7. Item Page - 1999 (Comm. 1E-20)

COUNTY EXECUTIVE

RESOLVED, that the Geographic Information System (GIS) resolution fee structure for reproducing paper maps as defined on Attachment A to this resolution through the Department of Environment and Planning, is hereby approved, and be it further

RESOLVED, that federal, State, County, and local government units shall be provided single copies of GIS maps at no charge, and be it further

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

(5-0)

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

COUNTY EXECUTIVE

RESOLVED, that this Honorable Body does hereby authorize the use of \$50,000 from the Erie County Department of Environment and Planning Budget Fund I 10, Dept. 620, Project 945, Account 830-764, Sport Fishery Promotion Program for continuation of the Erie County Sport Fishing Promotion Program, and be it further

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

RESOLVED, that the Erie County Executive is hereby authorized to execute an amendatory agreement with Northeast Outdoors, Inc. increasing the authorized contract amount from \$170,000 to \$220,000, and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of the Department of Environment and Planning and Director of the Division of Budget, Management and Finance. (5-0)

AS AMENDED

9. Item Page - 1999 (Comm. 1E-23)

COUNTY EXECUTIVE

RESOLUTION NO. _____

RESOLUTION DATED _____, 1999

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 6 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) January 7 1999.
(Adopted) _____, 1999

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 6 of the County of Erie, New York, has heretofore been established, and

WHEREAS, such County Legislature has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of said District No. 6 which report and estimate of cost have been approved by the Board of Managers of said District on December 17, 1998 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 6 in said County, consisting of expansion of the existing "A" Street Overflow Retention Facility, sanitary sewers, a sewage pumping station, and related facilities, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 6 is \$8,000,000 to be assessed against a benefited area which consists of the entire area of said Sewer District No. 6; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$22.04, is above the Average Estimated Cost of \$13.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Ave. 7th Floor, Buffalo, New York, in said County, on the 4th day of March 1999, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 6 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Ave., 7th Floor, Buffalo, New York, in said County, on the 4th day of March, 1999, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No.6 in said County.

The increase and improvement of such facilities consists of expansion of the existing "A" Street Overflow Retention Facility, sanitary sewers, -a sewage pumping station, and related facilities, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of said District on December 17, 1998.

The maximum estimated cost of such increase and improvement of facilities is \$8,000,000, to be assessed against a benefited area which consists of the entire area of said Sewer District No. 6.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$22.04. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning). Dated: Buffalo, New York,

_____ 1999.

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK

By

Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Amherst Bee" and in the "Front Page", the official newspapers of said County, and in "The Buffalo News", not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.
(5-0)

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

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Towns of Hamburg/Town of West Seneca/Erie County HOME Consortium, is hereby authorized to submit a 1999/2000 consolidated application to the federal Department of Housing and Urban Development for the following programs having an estimated dollar amount as indicated.

1. Community Development Block Grant Program - \$3,643,000
2. Emergency Shelter Grant Program - \$119,000
3. HOME Investment Partnership Program - \$1,166,000

and be it further

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

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

(5-0)

11. Item Page - 1999 (Comm. 2E-8)

COUNTY EXECUTIVE

RESOLVED, that the County Executive is hereby authorized to enter into a second amendatory agreement to the 4/11/94 contract with E & M Engineers and Surveyors, P.C., in order to provide engineering services in conjunction with the Erie County Community Development Program, and be it further

RESOLVED, that said second amendatory agreement shall include a time/extension only through 12/31/2000, and be it further

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

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

(5-0)

12. Item Page - 1999 (Comm. 2E-19)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Tallamy, VanKuren, Gertis & Associates to provide inspection services on various construction projects in Erie County Sewer District No. 4; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the A/E Agreement dated October 27, 1992 with Tallamy, VanKuren, Gertis & Associates at the final contract amount of \$46,638.24.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated October 27, 1992 between the County of Erie and Tallamy, VanKuren, Gertis & Associates formally closed out in the final contract amount of \$46,638.24, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close out the contract encumbrances in Sewer District No. 4, Fund No. 430, Project No. 502, Department No. 810, Object No. 821 Dues and Fees between the County of Erie and Tallamy, VanKuren, Gertis & Associates and cancel the unused portion of the encumbrance, \$79,003.76 and return the balance to Account 891 Unallocated, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one (1) certified copy to the Erie County Comptroller's Office and Stephen Gawlik, Assistant County Attorney.
(5-0)

AS AMENDED
(Comm. 2E-25)

13. Item Page - 1999

COUNTY EXECUTIVE

WHEREAS, in January of 1997 the U.S. Environmental Protection Agency - Region II (USEPA-Region II) provided the County of Erie \$132,000 in federal grant funding to implement a "Mercury Pollution Prevention Education Program" for County residents, and

WHEREAS, the best use of the grant resources is not consistent with the budget appropriated by a March 5, 1998 Legislative Resolution, and

WHEREAS, it is necessary to revise the grant budget to meet the needs of the project, and

WHEREAS, the USEPA- Region II has processed these necessary revisions, and

WHEREAS, the creation of a new Junior Environmentalist (JG-7) position and elimination of the Junior Environmental Specialist - Nonpoint Source Pollution (JG-9) position would render sufficient funds to support the continuation of project personnel to implement program objectives through the grant expiration date of June 30, 2000.

NOW THEREFORE BE IT

RESOLVED, that the grant budget for the Mercury Pollution Prevention Education Project (SFG#751) will be revised as follows:

ACT DESCRIPTION	CURRENT BUDGET	REVISIONS	REVISED BUDGET
800 Salaries	\$72,150	\$11,350	\$83,500
805 Fringe Benefits	18,600	1,500	20,100
810 Office Supplies	500	150	650
824 Travel & Mileage	250	0	250
825 Out of Area Travel	4,000	500	4,500
826 Other Expenses	4,500	3,500	8,000
830 Contractual Services	27,000	(14,500)	12,500
933 Equipment	5,000	(2,500)	2,500
Total Expenditures	\$132,000	\$ 0	\$132,000

and be it further,

RESOLVED, that the following position is hereby created in the Department of Environment and Planning to be funded from the established grant budget of the Mercury Pollution Prevention Education Program (SFG#751)

Junior Environmentalist (JG-7)

and be it further,

RESOLVED, that the following position is hereby deleted in the Department of Environment and Planning (SFG# 75 1):

Junior Environmental Specialist - Nonpoint Source Pollution (JG-9)

and be it further,

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

GREGORY B. OLMA
CHAIRMAN

MR. MARSHALL moved to separate item #7 and approve the balance of the report. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN SWANICK directed that item #7 be returned to the ENERGY & ENVIRONMENT COMMITTEE.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 10 – MRS. FISHER presented the following and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT WITH THE EXCEPTION OF LEGISLATOR DEBENEDETTI. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

- a. Item Page -1998 (Comm. 27M-3)
BUFFALO GYNECOLOGIC AND OBSTETRIC SOCIETY: Re: Letter to Legislator Fisher Re: Improving the Quality of Women's Care.
(5-0) Legislator Debenedetti absent. Chairman Swanick present as ex-officio member.
- b. Item Page - 1998 (Comm. 29D-3)
EC MORGUE: Re: Monies & Other Property Found on Deceased Persons.
(5-0) Legislator Debenedetti absent. Chairman Swanick present as ex-officio member.
- c. Item Page - 1998 (Comm. 29D-6)
ECMC: Re: Notice of Board of Managers Meeting Held 12/10/98 & Minutes of Meeting held 11/10/98.
(5-0) Legislator Debenedetti absent. Chairman Swanick present as ex-officio member.
- d. Item Page - 1998 (Comm. 29M-1)
THE WELLNESS INSTITUTE: Re: Wellness Calendar.
(5-0) Legislator Debenedetti absent. Chairman Swanick present as ex-officio member.
- e. Item Page - 1998 (Comm. 29M-3)
JANICE COLLIN: Re: Letter to Legislator Fisher Re: Tobacco Settlement.
(5-0) Legislator Debenedetti absent. Chairman Swanick present as ex-officio member.
- f. Item Page - 1999 (Comm. 1D-16)
ECMC: Re: Letter to Chairman Swanick Re: ECMC's Reduced Fee for Care Policy.
(5-0) Legislator Debenedetti absent. Chairman Swanick present as ex-officio member.
- g. Item Page - 1999 (Comm. 2D-1)
EC MORGUE: Re: Monies & Other Property Found on Deceased Persons.
(5-0) Legislator Debenedetti absent. Chairman Swanick present as ex-officio member.
- h. Item Page - 1999 (Comm. 2D-2)
ECMC: Re: Board of Managers Finance Committee 1/8/99 & Financial Statements for 11/30/98.
(5-0) Legislator Debenedetti absent. Chairman Swanick present as ex-officio member.
- i. Item Page -1999 (Comm. 2D-4)
ECMC: Re: Notice of Financial Committee Meeting Held 1/8/99 & Attached Schedule of Meetings for 1999.
(5-0) Legislator Debenedetti absent. Chairman Swanick present as ex-officio member.

- j. Item Page -1999 (Comm. 2D-7)
ECMC: Re: Notice of Board of Managers Annual Meeting Held 1/14/99 & Minutes of meeting Held 12/10/98.
(5-0) Legislator Debenedetti absent. Chairman Swanick present as ex-officio member.
- k. Item Page -1999 (Comm. 2D-8)
ECMC: Re: Notice of Board of Managers Meeting Held 1/14/99 & Schedule of Meetings for 1999.
(5-0) Legislator Debenedetti absent. Chairman Swanick present as ex-officio member.
1. Item Page -1999 (Comm. 2M-9)
MENTAL HYGIENE COMMUNITY SERVICES BOARD: Re: Notice of Meeting to be Held 1/21/99
(5-0) Chairman Swanick present as ex-officio member.
2. Item Page - 1999 (Comm. 2E-6)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health received a revised grant award from the New York State Department of Health to support the continuation of a network of breast and cervical cancer screening providers for low income, asymptomatic, underserved women aged 40 and over, and

WHEREAS, breast and cervical cancer is a serious health problem in New York State , and

WHEREAS, the New York State Department of Health has funded breast cancer screening projects in high risk areas since 1988, and

WHEREAS, the Erie County Healthy Women's Partnership is made up of a coalition of concerned community agencies and health care providers.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a revised grant award from the New York State Health Department to be budgeted as follows:

Department of Health

**HEALTHY WOMEN'S PARTNERSHIP
7/1/98-3/31/99
Project #898**

Cut & paste chart in here

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a revised subcontract with the American Cancer Society in the amount of \$16,546 for the provision of outreach services, and be it further

RESOLVED, that the revised subcontract with the American Cancer Society is a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Administrative Code is hereby waived, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Division of Budget, Management and Finance and the Department of Law.
(5-0) Chairman Swanick present as ex-officio member.

**JUDITH P. FISHER
CHAIR**

MRS. FISHER moved the adoption. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 28

February 1, 1999

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 1

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

AS AMENDED
(Comm. 24E-17)

1. Item Page - 1998

COUNTY EXECUTIVE

Whereas: Erie Community College wishes to assure the completeness of the technical environment in meeting institutional goals for the 21st Century, and

Whereas: the college employees in the College's Information Technology department are not adequately staffed to devote the time and attention required to perform a thorough review of college computing, and

Whereas: Erie Community College requested proposals for a firm to assess and evaluate academic and administrative computing and to develop an Information Technology Strategic Plan (IT Plan) to complement the College's mission, and

Whereas: Collegis was identified as the firm best suited to perform the services identified in the request for proposal, and

Whereas: Funding is available within Erie Community College's budgeted "Pay As You Go" fund

Now, Therefore be it

Resolved: that the Erie Community College Board of Trustees approves the execution of a contract between Erie Community College and Collegis for an amount not to exceed \$85,000, and be it further

Resolved: that Erie Community College is to submit a copy of the Information Technology Strategic Plan completed by Collegis to the Erie County Legislature, and be it further

Resolved: that certified copies of this resolution shall be forwarded to the Division of Budget, Management and Finance and Erie Community College.

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

2. Item Page - 1999 (Comm. 2E-16)

COUNTY EXECUTIVE

WHEREAS, the Chief Administrative and Financial Officer is responsible for the planning, organizing and directing the financial institutional operations and issues of significant importance to the College, and

WHEREAS, in order to provide adequate compensation for this important position, the County Executive and the Commissioner of Personnel are recommending the establishment of a variable minimum hiring step of Job Group 18 - Step 3, \$79,523 annually, for the individual appointed as the Chief Administrative and Financial Officer, and

WHEREAS, sufficient funds are available in the Erie Community College's salary account, to fund the variable minimum, and no additional funds will be necessary, and

WHEREAS, this position should be designated as a Department Head/Vice President position.

NOW, THEREFORE, BE IT

RESOLVED, that effective December 30, 1998, a variable minimum hiring rate of Job Group 18 - Step 3, \$79,523 annually be established for the title of Chief Administrative and Financial Officer, and be it further

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

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

LYNN MARINELLI
CHAIRPERSON

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

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

February 1, 1999

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

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

a. Item Page -1998 (Comm. 1E-1)
COMPTROLLER: Buffalo Bills Lease/Lease Back Proposal
(5-0)

b. Item Page -1998 (Comm. 7D-14)
BUDGET, MANAGEMENT & FINANCE: Copy of Letter to Legislature Re: Commenting on
Comptroller's Report on Unfilled Vacant Positions
(5-0)

- c. Item Page -1998 (Comm. 9E-7)
COMPTROLLER: Sheriff's Office - Statement of Federal Equitable Sharing Funds Received, Expended & Changes in Fund Balance Cash Basis for 12/31/96
(5-0)
- d. Item Page -1998 (Comm. 9E-8)
COMPTROLLER: Contract with O'Melveny & Meyers Re: Lease/Leaseback Proposal
(5-0)
- e. Item Page -1998 (Comm. 13D-6)
BUDGET, MANAGEMENT & FINANCE: Response to Comptroller's 6/3/98 Report on Unfilled Vacant Positions
(5-0)
- f. Item Page -1998 (Comm. 17D-17)
BUDGET, MANAGEMENT & FINANCE: Response to Intro. 27-8 (1997) Re: Public Benefit Agency Funding
(5-0)
- g. Item Page -1998 (Comm. 17D-27)
BUDGET, MANAGEMENT & FINANCE: Budget Monitoring Report for Period Ending 6/30/98
(5-0)
- h. Item Page -1998 (Comm. 17D-34)
BUDGET, MANAGEMENT & FINANCE: Commenting on Comptroller's 8/11/98 Report on Personnel Vacancies
(5-0)
- i. Item Page -1998 (Comm. 17E-3)
COMPTROLLER: Review of Buffalo Bills Lease
(5-0)
- j. Item Page -1998 (Comm. 17E-11)
MARINELLI: Response to 7/31/98 Budget Director's Letter
(5-0)
- k. Item Page -1998 (Comm. 17E-19)
COMPTROLLER: Letter to Legislature Re: General Obligation Bond Sale.
(5-0)
- l. Item Page -1998 (Comm. 17E-70)
SHERIFF: Audit Response System & Procedure
(5-0)
- m. Item Page -1998 (Comm. 18D-3)
BUDGET, MANAGEMENT & FINANCE: : Budget Monitoring Report for period Ending 7/31/98

(5-0)

n. Item Page -1998 (Comm. 21D-2)
BUDGET, MANAGEMENT & FINANCE: Budget Monitoring Report for the Period Ending 8/31/98
(5-0)

o. Item Page -1998 (Comm. 21E-3)
COMPTROLLER: Sheriff's Office - Holding Center Commissary Balance Sheet & Statement of
Income & Changes in Fund Balance for Years 12/31/97 & 1996
(5-0)

2. Item Page - 1998 (Comm. 29E-18)
COUNTY EXECUTIVE

WHEREAS the Comptroller's Office has completed a review of all of the Comptroller's
computer operations, and

WHEREAS the Comptroller's Office is still using twelve personal computers with outdated technology (386 or
older), and

WHEREAS effective in 1999 the Division of Information and Support Services will no longer provide
maintenance and repairs on these machines, and

WHEREAS these outdated machines cannot be connected to the County's network, and

WHEREAS an upgrade of the Comptroller's computer capabilities will benefit all departments of the County, and

WHEREAS the Comptroller's Office has the necessary appropriations available in the 1998 budget to allow an
upgrade,

NOW THEREFORE BE IT

RESOLVED that the Legislature hereby authorizes the transfer of \$25,000 from the Comptroller's Dues and Fees
account (DAC 110 914 120 821) to Laboratory and Technical Equipment account (DAC 110 914 120 933), and be it
further

RESOLVED that certified copies of this resolution be provided to the Comptroller, the Director of Budget and
Management, and the Director of the Division of Information and Support Services.
(5-0)

AS AMENDED
(Comm. 1D-15A)

3. Item Page - 1999
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 petition(s) numbered 980758 be denied based upon the recommendation of the Director of Real Property Services.

Petition No. 980758 / 1996- Assessor - Cancel - \$ 309.00

SBL No. 250.14-5-38 TOWN OF EVANS

Acct. No. 112 - \$ - 0 - COUNTY

Acct. No. 132 - \$ 309.00 TOWN/SPECIAL DISTRICT/SCHOOL

This petition is requesting the cancellation of the Erie County Sewer District tax based on the fact it was purchased for \$ 1.00. Even though this property was wholly exempt it is still liable for special assessments. As of taxable status date 6/1/95 the sewer line was still connected to this property. This makes the property liable for the special assessment sewer tax. RPTL 302.

(5-0)

AS AMENDED
(Comm. 1D-15B)

4. Item Page - 1999
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 980729 through 980757 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. 980729 / 1999 - ASSESSOR - Cancel - \$57.13

SBL No. 88.82-3-48 - CITY OF BUFFALO

Acct. No. 112 - \$ 57.13 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 8,275 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX

ROLL. RPTL 550(2)C.

Petition No. 980730 / 1998 - ASSESSOR - Cancel - \$5,119.80

SBL No. 100.39-2-16 - CITY OF BUFFALO

Acct. No. 112 - \$ 5,119.80 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE THIS PARCEL HAS A PILOT AGREEMENT WITH THE COUNTY OF ERIE AND THE CITY OF BUFFALO AS OF APRIL,1995. THE EXEMPTION CODE OF 48660 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980731 / 1998 - ASSESSOR - Cancel - \$117.85

SBL No. 142.69-2-2 - CITY OF LACKAWANNA

Acct. No. 112 - \$ 44.42 - County

Acct. No. 132 - \$ 73.43 - Town/SpecialDist/School

Charge to : CITY OF LACKAWANNA 13.12
ECSD #6 SAN SEWER 60.31

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY ERIE COUNTY SEWER DISTRICT #6 MAKING IT WHOLLY EXEMPT FROM TAXES. THE EXEMPTION TO WHICH IT IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980732 / 9899 - ASSESSOR - Refund - \$600.95

SBL No. 54.73-2-31 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 600.95 - Town/SpecialDist/School

Charge to : N.Y.S.STAR PROGRAM 600.95

REFUND - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 36,000

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

CHECK IN FAVOR OF: HENRY & ARDATH GRAJEK

Petition No. 980733 / 9899 - ASSESSOR - Refund - \$714.67

SBL No. 56.11-1-13 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 714.67 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT 714.67

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 135,800 AND SHOULD BE 107,300.

RPTL 550(2)A.

CHECK IN FAVOR OF: CARMELO & MARILYN COSENTINO

Petition No. 980734 / 9899 - ASSESSOR - Refund - \$270.82

SBL No. 56.19-1-24 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 270.82 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT 270.82

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 90,000 AND SHOULD BE 79,200.

RPTL 550(2)A.

CHECK IN FAVOR OF: JAMES & VIRGINIA WILD

Petition No. 980735 / 9899 - ASSESSOR - Refund - \$720.19

SBL No. 67.16-9-37 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 720.19 - Town/SpecialDist/School

Charge to : AMHERST CENTRAL 720.19

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 62,400 AND SHOULD BE 36,000.

RPTL 550(2)A.

CHECK IN FAVOR OF: KIMBERLY A GLOGOWSKI

Petition No. 980736 / 1998 - ASSESSOR - Refund - \$563.62

SBL No. 67.56-1-6 - TOWN OF AMHERST

Acct. No. 112 - \$ 235.95 - County

Acct. No. 132 - \$ 327.67 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	139.56
SWEET HOME CENTRAL	188.11

REFUND - CLERICAL ERROR, THE RPTL 520 THAT WAS PLACED ON THIS PARCEL FOR THE 1998 TAX BELONGS ON SBL 67.56-1-21. RPTL 550(2)A.

CHECK IN FAVOR OF : PATRICIA SNODGRASS

Petition No. 980737 / 1998 - ASSESSOR - Refund - \$245.62

SBL No. 67.79-5-17 - TOWN OF AMHERST

Acct. No. 112 - \$ 152.04 - County

Acct. No. 132 - \$ 93.58 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST	93.58
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REFUND - CLERICAL ERROR, THIS PARCEL WAS CHARGED IN ERROR FOR AN RPTL 520. THERE IS A LIFE ESTATE INTEREST CLAUSE ON THIS DEED MAKING THE EXEMPTION LEGAL. RPTL 550(2)C.

CHECK IN FAVOR OF: KEVIN M MCMAHON JR.

Petition No. 980738 / 1999 - ASSESSOR - Cancel - \$530.28

SBL No. 68.15-4-29.1 - TOWN OF AMHERST

Acct. No. 112 - \$ 333.04 - County

Acct. No. 132 - \$ 197.24 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

197.24

CANCEL - CLERICAL ERROR, THE RPTL 520 THAT WAS PLACED IN ERROR ON THE THIS TAX BILL IS IN ERROR. THE CHARGE IS FOR AN VETERAN'S EXEMPTION THAT DID NOT EXIST ON THE TAX ROLL FOR 1998. RPTL 550(2)A.

Petition No. 980739 / 9899 - ASSESSOR - Refund - \$68.20

SBL No. 68.18-9-11 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 68.20 - Town/SpecialDist/School

Charge to : AMHERST CENTRAL

68.20

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 110,500 AND SHOULD BE 108,000. RPTL 550(2)A.

CHECK IN FAVOR OF: CARL & ELIZABETH WILLIAMS

Petition No. 980740 / 9899 - ASSESSOR - Cancel - \$423.44

SBL No. 80.05-6-10 - TOWN OF AMHERST

Acct. No. 112 - \$ 265.94 - County

Acct. No. 132 - \$ 157.50 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

157.50

CANCEL - CLERICAL ERROR, THE RPTL 520 THAT WAS PLACED ON THIS PARCEL IS IN ERROR. THE THE SENIOR EXEMPTION FOR WHICH IT IS BEING CHARGED ON THE 1998 TAX BILL DID NOT EXIST. RPTL 550(2)A.

Petition No. 980741 / 1997 - ASSESSOR - Refund - \$924.46

SBL No. 82.05-11-1 - TOWN OF AMHERST

Acct. No. 112 - \$ 580.82 - County

Acct. No. 132 - \$ 343.64 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 343.64

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 57,750 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE

PETITION NUMBER 980741 CONTINUED TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF: VINCENT J MORABITO

Petition No. 980742 / 1998 - ASSESSOR - Refund - \$907.36

SBL No. 82.05-11-1 - TOWN OF AMHERST

Acct. No. 112 - \$ 569.87 - County

Acct. No. 132 - \$ 337.49 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 337.49

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT 57,750 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF : VINCENT & JULIA MORABITO

Petition No. 980743 / 1999 - ASSESSOR - Cancel - \$154.33

SBL No. 118.11-3-14 - TOWN OF ALDEN

Acct. No. 112 - \$ 120.55 - County

Acct. No. 132 - \$ 33.78 - Town/SpecialDist/School

Charge to : TOWN OF ALDEN 33.78

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 11,925 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980744 / 9899 - ASSESSOR - Cancel - \$5,072.32

SBL No. .00-- - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 5,072.32 - Town/SpecialDist/School

Charge to : HAMBURG CENTRAL 5,072.32

CANCEL - CLERICAL ERROR, THIS PARCEL IS CREATED IN ERROR ON THE TAX ROLL. THIS PARCEL IS TAXED ON SBL 241.00-3-26.21. RPTL 550(2)F.

Petition No. 980745 / 9899 - ASSESSOR - Refund - \$867.32

SBL No. 226.03-1-16 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 867.32 - Town/SpecialDist/School

Charge to : EDEN CENTRAL 169.31
N.Y.S.STAR PROGRAM 698.01

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 9,375 AND THE STAR EXEMPTION IN THE AMOUNT OF 38,650 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
CHECK IN FAVOR OF: BERNADETTE RACHWALL

Petition No. 980746 / 1999 - ASSESSOR - Cancel - \$19.90

SBL No. 80.17-9-6./BB - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 11.15 - County

Acct. No. 132 - \$ 8.75 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA 8.75

CANCEL - ERROR IN ESSENTIAL FACT, THE BILLBOARD WHICH THIS PARCEL IS BEING ASSESSED UNDER WAS REMOVED BEFORE TAXABLE STATUS DATE 6/1/98.
RPTL 550(2)A

Petition No. 980747 / 1999 - ASSESSOR - Cancel - \$230.80

SBL No. 93.01-1-11.2/BB - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 129.33 - County

Acct. No. 132 - \$ 101.47 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA 101.47

CANCEL - ERROR IN ESSENTIAL FACT, THE BILLBOARD UNDER WHICH THIS IS BEING ASSESSED WAS REMOVED PRIOR TO TAXABLE STATUS DATE 6/1/98. RPTL 550(3)A.

Petition No. 980748 / 1999 - ASSESSOR - Cancel - \$838.74

SBL No. 114.11-2-12.2 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 187.31 - County

Acct. No. 132 - \$ 651.43 - Town/SpecialDist/School

Charge to : TOWN OF CHEEKTOWAGA 146.95
DEPEW UNION-CHEEK 504.48

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE PEOPLE OF THE STATE OF NEW YORK MAKING IT WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A.

Petition No. 980749 / 9899 - ASSESSOR - Cancel - \$202.92

SBL No. 138.00-3-6.132 - TOWN OF ELMA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 202.92 - Town/SpecialDist/School

Charge to : IROQUOIS CENTRAL 202.92

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 12,100 AND SHOULD BE 11,100. CHECK IN FAVOR OF: GARY & DEBRA METZ

Petition No. 980750 / 9899 - ASSESSOR - Refund - \$60.87

SBL No. 155.00-2-30 - TOWN OF ELMA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 60.87 - Town/SpecialDist/School

Charge to : AMHERST CENTRAL 60.87

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
ON THE TAX ROLL. THE ASSESSMENT WAS 6,100 AND 5,800. RPTL550(2)A.
CHECK IN FAVOR OF: RODNEY J & MARY WILLIS JR

Petition No. 980751 / 9899 - ASSESSOR - Refund - \$2,527.05

SBL No. 226.02-2-20 - TOWN OF EVANS

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 2,527.05 - Town/SpecialDist/School

Charge to : TOWN OF EVANS	176.30
HAMBURG CENTRAL	2,350.75

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 146,500 AND SHOULD BE 40,000. RPTL 550(2)A.
CHECK IN FAVOR OF : RAYMOND & MARIA GOMOLKA

Petition No. 980752 / 1999 - ASSESSOR - Cancel - \$150.00

SBL No. 105.00-5-17.2 - TOWN OF LANCASTER

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 150.00 - Town/SpecialDist/School

Charge to : TOWN OF LANCASTER	150.00
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CANCEL - CLERICAL ERROR, PARCEL HAS BEEN CHARGED FOR ONE UNIT OF SEWER TAX WHEN NO SEWER IS AVAILABLE. ONE UNIT IS TO BE DELETED. RPTL 550(2)E.

Petition No. 980753 / 1999 - ASSESSOR - Cancel - \$291.50

SBL No. 65.48-3-33 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 177.07 - County

Acct. No. 132 - \$ 114.43 - Town/SpecialDist/School

Charge to : TOWN OF TONAWANDA	114.43
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CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 16,000 FOR THE COUNTY AND 14,400 FOR THE TOWN THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX BILL. RPTL 550(2)C.

Petition No. 980754 / 1999 - ASSESSOR - Cancel - \$4,170.94

SBL No. 66.30-3-1.111 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 1,895.25 - County

Acct. No. 132 - \$ 2,275.69 - Town/SpecialDist/School

Charge to : TOWN OF TONAWANDA 2,275.69

CANCEL - CLERICAL ERROR, THE THREE BUSINESS EXEMPTIONS TOTAL OF 178,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX BILL. RPTL 550(2)C.

Petition No. 980755 / 1999 - ASSESSOR - Cancel - \$1,982.97

SBL No. 123.51-1-1-1.1 & 7 OTHERS - TOWN OF WEST SENECA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,982.97 - Town/SpecialDist/School

Charge to : TOWN OF WEST SENECA 1,982.97

CANCEL - CLERICAL ERROR, THESE PARCELS ARE SERVICED BY THE CITY OF BUFFALO FOR HIGHWAY PURPOSES. THE CHARGE FOR WEST SENECA HIGHWAY TAX

PETITION NUMBER 980755 CONTINUED IS TO BE REMOVED. RPTL 550(2)E.

Petition No. 980756 / 9899 - ASSESSOR - Refund - \$282.44

SBL No. 124.00-7-5.2/45 - TOWN OF WEST SENECA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 282.44 - Town/SpecialDist/School

Charge to : N.Y.S.STAR PROGRAM 282.44

REFUND - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 12,000 TO WHICH THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE

TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF: FRENCH QUARTER MFG HOUSE PARK

Petition No. 980757 / 9899 - ASSESSOR - Refund - \$282.44

SBL No. 145.05-1-19.1 - TOWN OF WEST SENECA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 282.44 - Town/SpecialDist/School

Charge to : N.Y.S.STAR PROGRAM 282.44

REFUND - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 12,000
FOR THIS PARCEL WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF: FRENCH QUARTER MFG HOUSE PARK
(5-0)

**CRYSTAL D. PEOPLES
CHAIRPERSON**

MS. PEOPLES moved the adoption. MR. KUWIK seconded

CARRIED UNANIMOUSLY.

Item 13 – MR. FITZPATRICK presented the following and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

February 1, 1999

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 1

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

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

- a. **DPW:** Re: Resolution 27-6 Adopted 12/18/97 Funding Allocation for Electric Avenue CR512 Cost Sharing with City of Lackawanna Final Report.
(6-0) Chairman Swanick present as ex-officio member.

- Item Page -1998 (Comm. 29M-4)
b. **NFTA:** Re: Minutes from Board Meeting Held 10/19/98.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1998 (Comm. 29M-16)
c. **ERIE NIAGARA REGIONAL PARTNERSHIP:** Re: Report of Activity for 1998.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1999 (Comm. 1D-5)
d. **DPW:** Re: Thompson Road CR278 Project No. RCR 278-97, Town of Clarence.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1999 (Comm. 1M-11)
e. **NFTA:** Re: Minutes of Board Meeting Held 11/23/98.
(6-0) Chairman Swanick present as ex-officio member.

AS AMENDED

2. Item Page - 1998 (Comm. 27D-20)

DPW

WHEREAS, the Department of Public Works received bids on December 11, 1998, for the Erie County Courthouse, Elevator Modernization project, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with Dover Elevator Company for the Erie County Courthouse, Elevator Modernization project as follows:

ELEVATOR CONSTRUCTION

Dover Elevator Company

Base Bid	\$582,500.00
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and be it further,

RESOLVED, that the sum of \$58,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the sum of \$5,000.00 be allocated for testing and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments indicated above and be charged to Fund 410, Project 604, and \$50,000 encumbered in DP 28489, Fund 110, Project 912, and be it further,

RESOLVED, that if additional funds are necessary, the authorization to enter into a contract is contingent upon the State (Office of Court Administration) providing the County with a letter committing to the necessary additional 1999 reimbursement funds, and be it further,

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

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

3. Item Page - 1998 (Comm. 29D-9)
DPW

WHEREAS, the Department of Public Works received bids on December 1, 1998, for the Vehicle Lift Renovations, Harlem Road Highway Garage, East Concord Highway Garage and Protection Maintenance Center, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract for the Vehicle Lift Renovations, Harlem Road Highway

Garage, East Concord Highway Garage and Protection Maintenance Center:

VEHICLE LIFT REPLACEMENT WORK

MGR Constructors, Inc.	\$73,500.00
Base Bid	\$31,600.00
Alternate Bid-1	
Total	\$105,100.00

and be it further,

RESOLVED, that the sum of \$30,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the sum of \$4,000.00 be allocated for testing and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the sum of \$6,000.00 be allocated for Project Engineer and Department of Public Works salary expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 1998 Highway Garage Renovations Project, SFG 838, Fund 420, in the amount of \$145,100.00, and be it further,

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

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

4. Item Page - 1998 (Comm. 29D-10)
DPW

WHEREAS, a project for the Replacement of the Springville Boston Road Bridge 228-8, Over Eighteen Mile Creek, BIN 1-04160-0, Town of Concord, P.I.N. 5753.83, funded for in Title 23, U.S. Code, as amended, calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering (Design I-VI), ROW Incidentals and Construction/Construction Inspection phases of the project 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 in the first instance the full non-federal share of the cost of the Preliminary Engineering (Design I-VI), ROW Incidentals and Construction/Construction Inspection phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$198,200 is hereby appropriated from the 1995 Federal Aid Program (\$114,600); 1996 Federal Aid Program (\$2,000); and the 1998 Federal Aid Program (\$81,600) in addition to

\$49,400 previously appropriated for the Project's Preliminary Engineering (Design I-VI) and ROW Incidentals Phases via Erie County Resolution Nos. 17D-43 and 1OD-21 adopted on September 22, 1994 and June 5, 1997 respectively) and made available to cover the cost of participation in the above phase 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 New York State Department of Transportation thereof; and be it further

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be filed with the New York State Commissioner of Transportation. (6-0) Chairman Swanick present as Ex-Officio Member.

5. Item Page - 1998 (Comm. 29D-11)
 DPW

WHEREAS, a project for the replacement of the CR 30, NY Route 240X, wood-East Concord Road Bridge 30-2, over Spencer Brook, BIN 3-04248-0 in the Town of Concord, P.I.N. 5754.53 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs 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 commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5754.53.

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 above subject Project; and be it further

RESOLVED that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the costs of 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 \$56,200.00 is hereby appropriated from the 1998 Federal Aid Projects Program 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 amount required to pay in the first instance look of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds the amount appropriated above \$56,200.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds \$281,000.00, 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 of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that a 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. (6-0) Chairman Swanick present as Ex-Officio Member.

6. Item Page - 1998 (Comm. 29D-12)
DPW

WHEREAS, a project for the Reconstruction of Sweet Home Road, CR 301, Town of Amherst, has been approved by the Erie County Legislature in Meeting Number 22, held on November 5, 1998, Communication Number 18D-10; and

WHEREAS, it was necessary to relocate a portion of Sweet Home Road in order to improve safety and alignment; and

WHEREAS, within the new roadway alignment there is a 6 inch medium pressure gas line owned by National Fuel that must be relocated outside the pavement area; and

WHEREAS, this gas line is presently located on private land and the County is obligated to pay for the relocation costs.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to review and approve a plan for relocating said gas line owned by National Fuel; and be it further

RESOLVED that the Commissioner be authorized to reimburse National Fuel an amount not to exceed \$18,000 for this work; and be it further

RESOLVED, that the \$18,000 required be appropriated from the 1997 Sweet Home Road Reconstruction Program, SFG Project 785; and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner, Highways.
(6-0) Chairman Swanick present as Ex-Officio Member.

7. Item Page - 1999 (Comm. 1E-12)
COUNTY EXECUTIVE

WHEREAS, under terms of an agreement with the Eighth Judicial District of the State of New York Unified Court System, a special project (SFG #604) for the maintenance and operation of the courts has been established in the Capital Fund (SFG 410), and

WHEREAS, the DPW Division of Buildings and Grounds is responsible for the cleaning and maintenance of the Court Facilities at 25 Delaware Avenue, and

WHEREAS, this Division requires the addition of two RPT Cleaning positions in its Court Facility Maintenance function, and

WHEREAS, the Courts are responsible for the reimbursement of maintenance costs incurred by the Division of Buildings and Grounds,

NOW, THEREFORE, BE IT

RESOLVED, that the DPW Division of Buildings and Grounds is hereby authorized to add two RPT Laborer positions (JG 3) to its Court Facilities Maintenance function, and be it further

RESOLVED, that the Division of Budget, Management & Finance is authorized to increase the 1999 Division of Buildings & Grounds budget as follows:

<u>SFG Acct #</u>	<u>Description</u>	<u>Increase</u>
800	Personal Services	\$23,982
805	Fringe Benefits	5,996
685-2208	Interfund-DPW Capital	29,978

and be it further

RESOLVED, that two copies of the certified resolution be forwarded to the Commissioner of Public Works and one copy to the Director of Budget, Management and Finance.
(6-0) Chairman Swanick present as Ex-Officio Member.

8. Item Page - 1999 (Comm. 1E-13)

COUNTY EXECUTIVE

WHEREAS, The County of Erie, has been requested to assist in a grant application for the planning study and preliminary engineering for a possible industrial park and intermodal access facility in the Town of Cheektowaga; and

WHEREAS, The State of New York has offered competitive grants of up to \$50,000 towards the planning, engineering, prepermitting and marketing of potential sites; and

WHEREAS, The Town of Cheektowaga has agreed to allocate \$20,000 to this project and the Benderson Development Corporation has agreed to provide \$5,000; and

WHEREAS, The Town of Cheektowaga has agreed to be the applicant and lead agent for this grant application;

NOW, THEREFORE BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Town of Cheektowaga in amounts not to exceed a total of \$25,000, for the purpose of funding studies and engineering to determine environmental needs, infrastructure and transportation needs and any permitting issues for the proposed industrial park and intermodal access facility in Cheektowaga, and be it further

RESOLVED, That the source of these funds will be \$25,000, Other Payments in Lieu of Taxes Revenue, the annual budget for 1998 having been exceeded, and be it further

RESOLVED, That the following 1998 budgetary transactions are hereby authorized:

	<u>Increase</u>
Department 310 - Countywide Accounts Budget	\$25,000
Revenue Account 304 - Other Payment in Lieu of Taxes	
Department 620 Environment and Planning	\$25,000
Account 830-311 Town of Cheektowaga	

and be it further

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

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

AS AMENDED
(Comm. 2D-10)

9. Item Page - 1999
DPW

WHEREAS, the Erie County Legislature authorized the County Executive to enter into a General Architectural/Engineering contract with the firm of Wilson, Klaes, Brucker & Worden PC to provide Design Services, and

WHEREAS, the Commissioner of Public Works indicates a need for making improvements to the waterline at the Stadium, and

WHEREAS, the Commissioner of Public Works has reviewed the Architectural/Engineering Services proposal,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to Wilson, Klaes, Brucker & Worden PC for Design Services for the waterline improvements at the stadium in an amount not to exceed \$75,000.00 for Design Services and \$5,000.00 for miscellaneous testing and reimbursables, and be it further,

RESOLVED, that funding for said Supplemental Agreement be from the 1998 Stadium Renovations Capital Budget, SFG 826, Fund 410, in the total amount of \$80,000.00, and be it further,

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

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

AS AMENDED
(Comm. 2D-11)

10. Item Page - 1999
DPW

WHEREAS, the Department of Public Works desires to engage the services of a fuel procurement and management service to effectively reduce the cost of the County's electric purchases, and

WHEREAS, the newly deregulated electrical market place will make competitive electrical purchases possible, and

WHEREAS, the Department of Public Works solicited proposals from various local firms, and

WHEREAS, after careful review of each firms capabilities, the selection review committee has selected the firm of LepCorp 403 Main Street Buffalo, New York 14205, to provide the required services.

NOW, THEREFORE, BE IT,

RESOLVED, that the County of Erie is hereby authorized to enter into an agreement with the firm of LepCorp 403 Main Street Buffalo, New York 14205, to provide electrical procurement and management services to the County of Erie, and be it further

RESOLVED, that payment for the above services shall be made at the rate of .0004 cents per kilowatt hour and that this fee will be taken directly from the utility account that the power (utility) is purchased for, and be it further

RESOLVED, that two (2) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner.

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

11. Item Page - 1999 (Comm. 2D-13)

DPW

WHEREAS, the Department of Public Works received bids on December 3, 1998, for the Repair of Parapet Walls, E.C. Home, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract for the Repair of Parapet Walls, E.C. Home:

ROOFING & MASONRY RESTORATION

Sahlem's Roofing & Siding, Inc.

Base Bid	\$159,666.00
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and be it further,

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

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

RESOLVED, that the sum of \$2,000.00 be allocated for testing and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's office be authorized to make payments indicated above and be charged to the 1995 ECMC Safety & Code Compliance Bond Account, Fund 511, Project 899, and be it further,

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

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

MICHAEL FITZPATRICK
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 31

February 1, 1999

SOCIAL SERVICES
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT. Chairman Swanick present as Ex-Officio.

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

- a. Item Page -1998 (Comm. 27M-5)
MEALS ON WHEELS OF BUFALO AND ERIE COUNTY, INC. : Letter to Chairman Swanick
Re: Meals on Wheels 1999 Budget.
(5-0) Chairman Swanick present as ex-officio member.

2. Item Page - 1999 **AS AMENDED**
COUNTY EXECUTIVE
(Comm.1E-30)

WHEREAS, the Erie County Department of Social Services has adopted a Work First strategy to focus on employment as the primary goal for all public assistance clients, and

WHEREAS, this Work First strategy is designed to assist people in maintaining their independence from government assistance, and

WHEREAS, part of this strategy will include an attempt to help people avoid becoming dependent upon public assistance by offering effective, short-term alternatives to welfare as part of a planned Front Door Orientation, Screening, and Diversion process, and

WHEREAS, this process will include intensive benefit counseling, case management, information and referral, and where necessary, one time emergency payments designed to avoid the need for ongoing public assistance benefits, and

WHEREAS, this project has been recognized by the New York State Office of Temporary and Disability Assistance as worthy of funding as a "Local Flexibility Incentive Pilot Program" and Erie County has been awarded \$100,000 to support the program,, and

WHEREAS there is no local share funding required for this program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Social Services is hereby authorized to accept a Local Flexibility Incentive Pilot Program award of \$100,000 from the New York State Office of Temporary and Disability Assistance in order to operate a welfare diversion program, and be it further

RESOLVED that the following grant budget is hereby authorized for the Local Flexibility Incentive Pilot Program for the period January 1, 1999 through December 31, 1999:

<u>Account</u>	<u>Description</u>	<u>Increase/ (Decrease)</u>
800	Personal Services	\$66,000
825	Fringe Benefits	18,000
824	Travel and Mileage	2,000
826	other Expenses	6,000
932	office Equipment	3,000
933	Lab and Technical Equipment	5,000
	Total Expenses	\$100,000
596	State Aid - Soc Serv Admin	<u>\$100,000</u>
	Total Revenue	\$100,000

and be it further

RESOLVED that two (2) Senior Caseworker positions (JG 9) are hereby created in the Local Flexibility Incentive Pilot Program grant for the period January 1, 1999 through December 31, 1999.

(B-100's for above positions to be provided under separate cover)

and be it further

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

and be it further

RESOLVED, that the Erie County Department of Social Services provide the Legislature's Social Services Committee with a report regarding the status of this program within 6 months.

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

3. Item Page - 1999 (Comm.2E-9)

COUNTY EXECUTIVE

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

WHEREAS, the Department intends to provide a van to the following agencies to provide senior transportation during 1999:

St. Augustine's Community Center Friends to the Elderly, Inc. Friendship House of Western New York, Inc.
Town of Lancaster

NOW, THEREFORE, BE IT

RESOLVED, that since no County funding is required, the Erie County Executive is authorized to renew the contracts with the following agencies for operation of the Transportation for Elderly Program vans for the period January 1, 1999 through December 31, 1999:

St. Augustine's Community Center
Friends to the Elderly, Inc.
Friendship House of Western New York, Inc.
Town of Lancaster

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Attorney and the Department of Senior Services.

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

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

COUNTY EXECUTIVE

Whereas, the New York State Office of Children and Family Services has awarded Erie County a grant for the period 1/1/99 to 12/31/99 in the amount of \$50,000 to fund the Safe Places Program in four suburban municipalities, and

Whereas, the Department of Youth Services will be the administrator of this new grant.

Now, Therefore, Be It

Resolved, that the Safe Places grant project is hereby established in the Department of Youth Service's 1999 Budget, Grant Fund 281, and that \$50,000 is hereby appropriated to Account 830-Contractual Expense to cover the cost of contracting with municipalities implementing the Safe Places Program, and be it further

Resolved, that the source of funds is \$50,000 available from New York State Office Children and Family Services, and be it further

Resolved, that the County Executive is authorized to enter into contracts with the New York State Office of Children and Family Services and the following municipalities for the following amounts:

Amherst	\$12,500
Tonawanda	\$12,500
Lancaster	\$12,500
Cheektowaga	\$12,500

and be it further

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

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

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

COUNTY EXECUTIVE

WHEREAS, the Department of Youth Services has \$10,580 in unanticipated funding to cover the cost of increasing a contract with the Boys & Girls Club of Buffalo and participating agencies for the Operation Prime Time Program, and

WHEREAS, the Department has unanticipated revenue in Fund 110, Account 509 Refund to Prior Year Expenses, in the Department of Youth Services-Youth Division's 1998 budget to cover the cost of increasing the current contract with the Boys & Girls Club of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to increase the 1998 contractual agreement with the Boys & Girls Club of Buffalo and participating agencies in the amount of \$10,580 and be it further

RESOLVED, that the source of funds is \$10,580 available from the aforementioned sources which is hereby appropriated into Account 830-0920 Operation Prime Time, in the Department of Youth Services - Youth Division's 1998 budget, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into and execute any applications, contracts included therein, and amendments with the Boys & Girls Club of Buffalo, participating agencies, and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the standard RFP procedure, and hereby waives the procedures outlined in section 19.08 of the Erie County Administrative Code, since these special services have been approved by the Erie County Youth Board, and since these special services must be provided immediately, and be it further

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

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

GEORGE A. HOLT, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 15 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 32 RE: Appointment to the Erie County Soil & Water Conservation
District Board of Directors. (Int. 3-1)

WHEREAS, pursuant to state law, the Erie County Legislature must appoint members to the Erie County Soil and Water Conservation District Board of Directors, and

WHEREAS, in advance of said appointments, recommendations for members of the Board come from various organizations throughout Erie County, and

WHEREAS, one such organization is the Erie County Farm Bureau, whose Board of Directors has recommended the following individual as its representative on the Erie County Soil and Water Conservation District Board of Directors:

David Phillips
9576 Smith Rd.
Angola, NY 14006-9523

And

WHEREAS, appointment to the Board is made by majority vote of the Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint David Phillips, 9576 Smith Rd., Angola, NY 14006-9523, as the Erie County Farm Bureau's representative on the Erie County Soil and Water Conservation District Board of Directors, and be it further

RESOLVED, that the aforementioned appointment shall be effective immediately and shall expire on December 31, 2001, and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District, 50 Commerce Way, East Aurora, NY 14052, the Erie County Farm Bureau, 21 S. Grove St., Suite 260, East Aurora, NY 14052, and to David Phillips.

Fiscal Impact: None.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 16 - MR. LARSON presented the following resolution and requested that it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro 3-2 from LEGS. LARSON, CHASE, GREENAN, RANZENHOFER, WEINSTEIN, & MARSHALL Re: Support for the Local Governments Assistance Act.

Item 17 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33 RE: Support for Millions of Dollars in Day Care Funds. (Int. 3-3)

WHEREAS, Governor Pataki has proposed an increase of \$120 million in funding for statesubsidized child-care in his 1999-2000 Executive Budget, and

WHEREAS, this represents the largest one-year increase in child-care funding in the history of the State and would create more than 13,000 state-subsidized day-care slots, and

WHEREAS, throughout the past four years the Pataki Administration has reduced the number of persons on welfare by more than 600,000, and

WHEREAS, this proposal would guarantee child care for one year to those individuals and families moving from the welfare rolls to the workforce, and

WHEREAS, this proposal would also provide additional funds for improved child-care programs, increased inspections of day care facilities and improved tracking of complaints of these facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature would like to recognize the efforts of the Pataki Administration to reduce the State's welfare rolls and moving those individuals to the workforce, and be it further

RESOLVED, that the Erie County Legislature dose hereby recognize the importance of additional safe, affordable and ever improving day-care facilities for the growing workforce throughout New York, and be it further

RESOLVED, that the Erie County Legislature does here by calls upon the State Legislature to approve the \$120 million Governor Pataki requested for his proposal, and be it further

RESOLVED, that certified copies of this resolution be sent to: Governor George Pataki; the Western New York Delegation to the State Legislature; Senate Majority Leader Joseph Bruno; and Assembly Speaker Sheldon Silver.

MS. PEOPLES moved to amend the resolution as follows: Et al MRS. FISHER seconded.

CARRIED UNANIMOUSLY

ADD, following the third WHEREAS clause: WHEREAS, In Erie County the welfare rolls have also been steadily decreased through the leadership of the Gorski Administration, and

DELETE, in its entirety, the first RESOLVE clause, and REPLACE with the following: RESOLVED, That the Erie County Legislature would like to recognize the efforts of the Pataki and Gorski Administrations, and of this Honorable Body as well, to reduce the state and county's welfare rolls and move those individuals into the workforce, and be it further

ADD the following to the fourth RESOLVE clause: ... and Erie County Executive Dennis Gorski.

WHEREAS, Governor Pataki has proposed an increase of \$120 million in funding for state subsidized child-care in his 1999-2000 Executive Budget, and

WHEREAS, this represents the largest one-year increase in child-care funding in the history of the State and would create more than 13,000 state-subsidized day-care slots, and

WHEREAS, throughout the past four years the Pataki Administration has reduced the number of persons on welfare by more than 600,000, and

WHEREAS, In Erie County the welfare rolls have also been steadily decreased through the leadership of the Gorski Administration, and

WHEREAS, this proposal would guarantee child care for one year to those individuals and families moving from the welfare rolls to the workforce, and

WHEREAS, this proposal would also provide additional funds for improved child-care programs, increased inspections of day care facilities and improved tracking of complaints of these facilities.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature would like to recognize the efforts of the Pataki and Gorski Administrations, and of this Honorable Body as well, to reduce the state and county's welfare rolls and moved those individuals into the workforce, and be it further

RESOLVED, that the Erie County Legislature dose hereby recognize the importance of additional safe, affordable and ever improving day-care facilities for the growing workforce throughout New York, and be it further

RESOLVED, that the Erie County Legislature does here by calls upon the State Legislature to approve the \$120 million Governor Pataki requested for his proposal, and be it further

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

Fiscal impact: none for resolution

MS. PEOPLES moved to amend the resolution to include the following co-sponsors. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

SWANICK, PEOPLES, FISHER, MARINELLI, KUW1K, FITZPATRICK, HOLT, OLMA, DeBENEDETTI, DUSZA.

MS. MARINELLI moved the adoption of the resolution as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

Re: Increasing the Penalty for False Reporting of an Incident Involving Hazardous Biological or Chemical Agents to a Felony. (Int. 3-4)

WHEREAS, incidents which are reported to authorities concerning the release of any type of hazardous substance are always treated with utmost concern for persons who may have come in contact with that substance, and

WHEREAS, in all instances, including recent reports of threats of exposure to anthrax, hazardous materials crews, police and fire agencies all must respond in the belief that the threat is genuine, and in doing so expend significant amounts of financial and manpower resources in ensuring the safety of persons involved, and

WHEREAS, incidents that eventually turn up to have been falsely reported cause a significant strain upon these agencies on both a financial and manpower basis, and contribute to a great deal of stress and uncertainty among local residents, and

WHEREAS, in Erie County's case, over the past few months, several separate incidents have been falsely reported, incidents which have cost county taxpayers several hundred thousand dollars to cover the necessary work completed by emergency services personnel and other agencies, and

WHEREAS, at present, New York state penal law does not provide for a specific felony offense for the false reporting of an incident involving hazardous biological or chemical agents, and

WHEREAS, existing statutes that cover these false reports establish crimes that constitute misdemeanors which at their full effect carry minimal jail time and could be pled down to simple probation, offering no real deterrent effect, and

WHEREAS, members of the New York State Assembly have drafted and introduced legislation (A.3091) that would establish a new section 240.62 of the penal law for falsely reporting an incident involving hazardous biological or chemical agents, and

WHEREAS, in light of the tremendous cost of responding to repeated false reports of incidents involving anthrax, and in consideration of the potential deterrent effect such legislation may engender, this legislature would be advised to demonstrate local support for such legislation,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby condemn the recent spate of falsely reported incidents involving anthrax, and be it further

RESOLVED, that this Honorable Body does hereby commend the work of county and local police, fire, emergency services and hazardous materials removal personnel that have valiantly investigated each and every such incident, at great personal risk, and be it further

RESOLVED, that this Honorable Body does hereby call upon the New York State Assembly to consider and approve Assembly bill A.3091, thereby making the false reporting of incidents involving hazardous biological or chemical agents a class E felony, and does further call upon the State Senate to draft, consider and adopt companion legislation and does further urge Governor Pataki to sign such legislation into law, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George E. Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the local delegation to the State Assembly and State Senate, County Executive Dennis T. Gorski, Sheriff Patrick M. Gallivan, and to Emergency Services Commissioner Michael Walters.

Fiscal Impact: None for Resolution.

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

CARRIED UNANIMOUSLY.

Item 19 - MR. DEBENEDETTI presented the following resolution and requested that it be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro 3-5 from LEG. DEBENEDETTI Re: ECC Student Trustee.

Item 20 – MS. CHASE presented the following resolution and moved for immediate consideration. MR. MARSHALL seconded.

Chairman Swanick directed that Int. 3 – 6 be referred to the FINANCE & MANAGEMENT COMMITTEE.

Mr. Marshall moved to challenge the Chair. Mr. Greenan seconded.

Chairman Swanick directed that a Roll Call be taken.

Ayes – Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer, Weinstein – 7. Noes – DeBenedetti, Dusza, Fisher, Fitzpatrick, Kuwik, Marinelli, Olma, Peoples, Swanick – 9.

DEFEATED.

Subsequently, Int. 3 – 6 was referred to the FINANCE & MANAGEMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 35

Re: Support for the Elimination of Parole and Conditional Release for Sex Offenders. (Int. 3-7)

WHEREAS, according to the National Victim Center, 700,000 women are raped or sexually assaulted annually, and

WHEREAS, sexual predators prey on innocent people, deeply violate their victims and damage many lives, and

WHEREAS, recent statistics show that an estimated 24% of those serving time for rape and 19% of those serving time for sexual assault had been on probation or parole at the time of the offense, and

WHEREAS, members of the New York State Assembly have introduced a bill (A.15) that would eliminate the possibility of parole and conditional release for persons convicted of certain sex offenses,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support Assembly Bill A.15 guaranteeing that convicted sex offenders serve the sentence they were given rather than prematurely releasing these criminals from serving their time in prison, and be it further

RESOLVED, that this Honorable Body further calls upon the New York State Assembly to pass A.15, and does urge the Senate to adopt similar legislation and Governor Pataki to sign said legislation into law thereby taking a strong stand against sexual crimes and the criminals that commit such horrendous offenses, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, and to the Western New York Delegation to the Assembly and Senate.

Fiscal Impact: To be determined.

MS. MARINELLI moved amend the resolution and make it et al. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

Re: Authorization of 1998 County Municipal Regionalism Grants. (Int. 3-8)

WHEREAS, The Erie County Legislature — as part of its ongoing regional initiatives — developed the 1998 County-Municipal Regionalism Program, whereby towns and villages applied for grants to effectuate cooperative ventures to improve service to constituents, lower the cost of services or government operations without reducing the quality of said services or operations, and/or promote cooperation between governments for the direct or indirect betterment of the area, and

WHEREAS, The committee authorized by this Honorable Body received and reviewed 40 applications for funding under the aforementioned program, and recommended 19 projects for funding on July 8, 1998, and

WHEREAS, This Honorable Body passed unanimously Intro. 15-1 on July 16, 1998, wherein the Legislature accepted in their entirety the 19 recommendations of the County-Municipal Regionalism Committee, and

WHEREAS, A number of the contracts between the County of Erie and the lead agent municipalities for said projects have been drafted, and said municipalities have reviewed those contracts and passed certified resolutions authorizing acceptance of funds under the aforementioned program, and

WHEREAS, These lead agent municipalities have also received the commitment of the partnering entities to the contract language, including regular progress reports to this Honorable Body and a county hold-harmless clause, and

WHEREAS, This Honorable Body must now, by resolution, authorize the County of Erie to enter into these contracts so as to complete the funding process and implement these most worthy regional initiatives,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to the advancement of regionalism in Erie County and to the recommendations set forth by the County-Municipal Regionalism Committee for inclusion in the 1998 County-Municipal Regionalism Grant Program, and be it further

RESOLVED, That this Honorable Body does therefore authorize the County Executive to enter into contracts with the following lead agents:

Cheektowaga, "Genesee Street Corridor Enhancement and Gateway Project"

(project #5) — \$355,280,

Town of Lancaster, "Cooperative GIS Database" (project #11) — \$177,000,

and be it further

RESOLVED, That certified copies of this resolution be sent to Erie County Executive Dennis Gorski, Erie County Attorney Kenneth Shoetz, Town of Cheektowaga Supervisor Dennis Gabryszak, Town of Lancaster Supervisor Robert Giza, and County-Municipal Regionalism Committee Chair John Sheffer, II (UB Institute for Local Governance and Regional Growth, Beck Hall, South Campus, 3435 Main St. Building 9, Buffalo, NY 14214-3004).

Fiscal Impact: Allocation of 1998 budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 23 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

Re: Support for State Constitutional Change Making Compliance with Unfunded Mandates Voluntary. (Int. 3-9)

WHEREAS, Counties and municipalities that act responsibly by reducing the cost of government for the good of the taxpayers can see their efforts negated by unfunded mandates handed down from the state, and

WHEREAS, These unfunded mandates are essentially provisions of law from the state that require affected local jurisdictions to spend more money to provide services, without the state providing compensation to do so, and

WHEREAS, In order to comply with these mandates, jurisdictions are forced to either cut existing services or raise property taxes to cover the unfunded burden, and

WHEREAS, New York State bills A. 360 and S. 1290 propose a change in the state constitution to make compliance with unfunded mandates voluntary for local governments, school districts, special districts, or any agency, authority, commission, department or instrumentality thereof, and

WHEREAS, Said bills would also establish a Council on Local Mandates to mitigate disputes brought by local governments as to whether or not a law constitutes an unfunded mandate, and would consist partially of members recommended by local governments, and

WHEREAS, The aforementioned bills also provide balance by making exceptions for — among others — emergency situations, cases where home rule messages have been issued requesting such action, and cases of laws that reapportion responsibilities between levels of government,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its steadfast opposition to unfunded state mandates as being detrimental to the taxpayers of our county, and be it further

RESOLVED, That this Honorable Body does hereby strongly memorialize the New York State Legislature to pass and New York State Governor George Pataki to sign into law A. 360 and S. 1290 in order to protect local governments from unfunded state mandates, and be it further

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

Fiscal Impact: Passage of constitutional amendment would have a positive fiscal impact for the taxpayers of Erie County.

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

CARRIED UNANIMOUSLY.

Item 25 – MRS. FISHER presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38

Re: Opposing the Elimination of Twenty Additional Beds at the Buffalo Psychiatric Center (Int. 3-10)

WHEREAS, The New York State Office of Mental Health has announced plans to again reduce the number of psychiatric beds at the Buffalo Psychiatric Center (BPC), this time by an additional twenty beds on April 1, 1999, and

WHEREAS, This reduction plan is the latest round in cuts at the BPC, and has serious ramifications for both mental health clients themselves and the community-at-large as well, and

WHEREAS, Problems with persistent and chronically mentally ill people, including several recent tragedies resulting from violence on the part of mental health clients following hospital discharge, have highlighted the negative effects of continued unabated de-institutionalization as a public health policy, and

WHEREAS, While the number of hospital beds at BPC once numbered approximately 3,000, that number stands at a mere 260 today, with the proposed April reduction bringing the number of psychiatric beds at BPC to 240, and

WHEREAS, De-institutionalization as a public health policy was envisioned as a way to enhance the human dignity of the mentally ill, and at the same time save taxpayers money as the cost of operating huge psychiatric institutions was drastically reduced, and

WHEREAS, At the same time as taxpayers were to realize significant savings, mental health clients were to receive enhanced services following hospital discharge with a reinvestment in outpatient services, and

WHEREAS, This reinvestment in services for mental health clients simply has not occurred, and

WHEREAS, Indeed, reports from mental health advocates have pointed to a reinvestment that has not even matched 50% of the savings following de-institutionalization, with the majority of savings going directly into the State of New York general fund, and

WHEREAS, Unless there is an adequate re-investment in mental health services for clients who have achieved hospital discharge, then these individuals will not receive the kind of services they need, and

WHEREAS, Supportive services such as intensive case management, counseling, employment training, and clubhouse activities were to be enhanced with more and more people living back at home, in supportive housing, and community residences, and

WHEREAS, With a lack of financial resources to provide supportive services, many mental health clients are falling through the cracks and creating problems for themselves and others.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby go on record in opposition to the additional reduction of twenty beds at the Buffalo Psychiatric Center as proposed by the New York State Office of Mental Health, and be it further

RESOLVED, That this Honorable Body requests Erie County Mental Health Commissioner Ellen Grant-Bishop to appear at a future meeting of the Legislature's Health/Mental Health Committee to address the ramifications of the proposed additional reduction in beds at the BPC, and be it further

RESOLVED, That certified copies of this resolution be forwarded to the entire Western New York delegation to the New York State Legislature, Governor George Pataki, the New York State Office of Mental Health, Buffalo Mayor Anthony Masiello, Members of the Buffalo Common Council, Erie County Mental Health Commissioner Ellen Grant-Bishop, the Erie County Mental Health Community Services Board of Directors, and the Mental Health Association of Erie County.

FISCAL IMPACT: Positive

MS. PEOPLES moved to amend the resolution and making it et al. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39

Re: Support for Demolition of All High Stadium and Improving Opportunities for City School Athletes. (Int. 3-11)

WHEREAS, All High Stadium, the facility currently used by Buffalo school athletes for football games and track and field meets, has been in a very dilapidated condition for many years, and

WHEREAS, the facility currently has nonfunctional rest rooms, crumbling bleachers and stands, and has a decaying primary structure, and

WHEREAS, demolition of this 85-year old facility and use of a significantly more modern facility such as the Johnnie B. Wiley Stadium for league games could potentially grant City schools entrance into the Section VI Federation, and

WHEREAS, City schools, which already pay dues to the Section VI Federation, do not compete in Section VI football games, track & field competitions or girls swimming, tennis and soccer matches, and

WHEREAS, entrance into this highly visible athletic federation could spur the creation of junior varsity teams and offer better scholarship opportunities to talented City athletes, and

WHEREAS, it is in the interests of the residents of this region to enhance such opportunities to city student athletes, as the development of their athletic skills and their ability to gain optimum exposure through participation in

Section VI sporting events may increase their chances of obtaining an athletic scholarship to attend college, effectively trading their athletic abilities for a college education at what could be a significantly reduced cost,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support improving educational standards and recreational opportunities for athletes in City of Buffalo schools, and be it further

RESOLVED, that this Honorable Body does hereby support the demolition of All High Stadium in the city of Buffalo toward the eventual goal of increasing city athletes' exposure within the region and enhancing opportunities for student athletes in the city of Buffalo, and be it further

RESOLVED, that this Honorable Body does hereby request that a future meeting of the Legislature's Government Affairs Committee be scheduled at All High Stadium, with invitations extended to federal, state, county and city governmental and school officials to participate in a tour, thereby personally witnessing the dilapidated conditions of this facility, and be it further

RESOLVED, that this Honorable Body does further call for a subsequent meeting with the same officials and government representatives to discuss the options for moving forward with demolition and toward an overall goal of improving the future of athletics for students in the City of Buffalo, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Buffalo Mayor Anthony Masiello, Buffalo Common Council President James Pitts, University District Councilman Kevin Helfer, Buffalo Community Development Commissioner Joseph Ryan, Buffalo School Superintendent Dr. James Harris, Buffalo School Board President Helene Kramer, Buffalo School Board member Dr. James Williams, County Executive Dennis Gorski, County Environment and Planning Commissioner Richard Tobe, County Public Works Commissioner John Loffredo, State Assemblyman Arthur O. Eve, State Senator William T. Stachowski, Congressman Jack Quinn, and United States Senators Daniel P. Moynihan and Charles E. Schumer.

Fiscal Impact: None for Resolution.

MS. PEOPLES moved to amend the resolution and make it et al. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

MS. PEOPLES moved to amend the resolution. MRS. FISHER seconded.

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

RESOLVED, that this Honorable Body does hereby request that a future meeting of the Legislature's Government Affairs Committee be scheduled at All High Stadium, with invitations extended to federal, state, county and city governmental, school, and health and safety officials to participate in a tour, thereby personally witnessing the dilapidated conditions of this facility, and be it further

DELETE the fifth RESOLVE clauses in its entirety and replace with the following:

RESOLVED, that certified copies of this resolution be forwarded to Buffalo Mayor Anthony Masiello, Buffalo Common Council President James Pitts, University District Councilman Kevin Helfer, Buffalo Community Development Commissioner Joseph Ryan, Buffalo School Superintendent Dr. James Harris, Buffalo School Board President Helene Kramer, Buffalo School Board member Dr. James Williams, County Executive Dennis Gorski, County Environment and

Planning Commissioner Richard Tobe, County Public Works Commissioner John Loffredo, County Health Commissioner Dr. Arnold N. Lubin, State Assemblyman Arthur O. Eve, State Senator William T. Stachowski, Congressman Jack Quinn, United States Senators Daniel P. Moynihan and Charles E. Schumer, and to David Boyce, Area Director, Occupational Safety and Health Administration, 5360 Genesee St., Bowmansville, NY 14026.

WHEREAS, All High Stadium, the facility currently used by Buffalo school athletes for football games and track and field meets, has been in a very dilapidated condition for many years, and

WHEREAS, the facility currently has nonfunctional rest rooms, crumbling bleachers and stands, and has a decaying primary structure, and

WHEREAS, demolition of this 85-year old facility and use of a significantly more modern facility such as the Johnnie B. Wiley Stadium for league games could potentially grant City schools entrance into the Section VI Federation, and

WHEREAS, City schools, which already pay dues to the Section VI Federation, do not compete in Section VI football games, track & field competitions or girls swimming, tennis and soccer matches, and

WHEREAS, entrance into this highly visible athletic federation could spur the creation of junior varsity teams and offer better scholarship opportunities to talented City athletes, and

WHEREAS, it is in the interests of the residents of this region to enhance such opportunities to city student athletes, as the development of their athletic skills and their ability to gain optimum exposure through participation in Section VI sporting events may increase their chances of obtaining an athletic scholarship to attend college, effectively trading their athletic abilities for a college education at what could be a significantly reduced cost,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support improving educational standards and recreational opportunities for athletes in City of Buffalo schools, and be it further

RESOLVED, that this Honorable Body does hereby support the demolition of All High Stadium in the city of Buffalo toward the eventual goal of increasing city athletes' exposure within the region and enhancing opportunities for student athletes in the city of Buffalo, and be it further

RESOLVED, that this Honorable Body does hereby request that a future meeting of the Legislature's Government Affairs Committee be scheduled at All High Stadium, with invitations extended to federal, state, county and city governmental, school, and health and safety officials to participate in a tour, thereby personally witnessing the dilapidated conditions of this facility, and be it further

RESOLVED, that this Honorable Body does further call for a subsequent meeting with the same officials and government representatives to discuss the options for moving forward with demolition and toward an overall goal of improving the future of athletics for students in the City of Buffalo, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Buffalo Mayor Anthony Masiello, Buffalo Common Council President James Pitts, University District Councilman Kevin Helfer, Buffalo Community Development Commissioner Joseph Ryan, Buffalo School Superintendent Dr. James Harris, Buffalo School Board President Helene Kramer, Buffalo School Board member Dr. James Williams, County Executive Dennis Gorski, County Environment and Planning Commissioner Richard Tobe, County Public Works Commissioner John Loffredo, County Health Commissioner Dr. Arnold N. Lubin, State Assemblyman Arthur O. Eve, State Senator William T. Stachowski, Congressman Jack Quinn,

United States Senators Daniel P. Moynihan and Charles E. Schumer, and to David Boyce, Area Director, Occupational Safety and Health Administration, 5360 Genesee St., Bowmansville, NY 14026.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 40

Re: Support for Community and Youth Initiatives In the City of Buffalo (Int. 3-12)

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 \$ 16,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Boys & Girls Clubs of Buffalo	830/0546	\$ 15,000
International Institute Of Buffalo, Inc.	830/0209	\$ 1,000

TOTAL

\$ 16,000

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, Jackie Mullen – Administrative Assistant Department of Budget, Management and Finance, Patricia Dunne – Administrative Assistant Erie County Legislature, and three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) copy each to Hinke Boot, Executive Director, International Institute of Buffalo, (864 Delaware Avenue, Buffalo, NY 14209-2093), and Diane Rowe, Executive Director, Boys & Girls Clubs of Buffalo, (282 Babcock, Buffalo, NY 14210).

Fiscal Impact: Appropriation of 1999-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41

Re: Assisting Senior Citizen Youth and Recreational Programs.
(Int. 3-13)

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 \$ 100,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
South Buffalo Community Association	n/a	\$ 54,500
Valley Community Association	830/0239	\$ 20,000
A.B.L.E.Y.	830/0304	\$ 15,000
Old First Ward Community Ctr.	830/0671	\$ 8,000
Iron Island Preservation Society Of Lovejoy, Inc.	830/0676	\$ 2,500
TOTAL		\$100,000

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, Jackie Mullen – Administrative Assistant Department of Budget, Management and Finance, Patricia Dunne – Administrative Assistant Erie County Legislature, and three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) copy each to

Sophie Baj, President, South Buffalo Community Association, (2219 South Park Avenue, Buffalo, NY 14220), Margaret Overdorf, Executive Director, Valley Community Association, (93 Leddy Street, Buffalo, NY 14210), Val Vigiano, Executive Director, A.B.L.E.Y., (111 Moreland Street, Buffalo, NY 14206), William J. Conway, President, Old First Ward Community Center, (62 Republic Street, Buffalo, NY 14204), Marge Theilman Hastreiter, Vice President, Iron Island Preservation Society of Lovejoy, (198 Benzinger Street, Buffalo, NY 14206).

Fiscal Impact: Appropriation of 1999-budgeted funds.

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

CARRIED UNANIMOUSLY.

WHEREAS, the Legislature set aside funds in the 1999 Erie County Budget for use by worthy community organizations and governmental agencies, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$165,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
South Buffalo Community Assn.	n/a	\$54,500
Valley Community Assn.	830/0239	\$20,000

A.B.L.E.Y.	830/0304	\$15,000
Old First Ward Community Ctr.	830/0671	\$ 8,000
Iron Island Preservation Society Of Lovejoy, Inc.	830/0676	\$ 2,500
Town Boys & Girls Club	n/a	\$25,000
Franciscan Center	830/0275	\$40,000
TOTAL		\$165,000

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 the Erie County Legislature does hereby approve the transfer of \$50,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 120, Project 953, Department 200 Social Services-Contractual Agencies – (DAC: 120953200924830308) for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>BUDGET AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Buffalo Urban League (CAMAP)	830/0308	\$109,266	\$50,000	\$159,266
TOTAL			\$50,000	

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, Jackie Mullen - Administrative Assistant Department of Budget, Management and Finance, Patricia Dunne - Administrative Assistant Erie County

Legislature, and three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) copy each to Sophie Baj, President, South Buffalo Community Association, (2219 South Park Ave., Buffalo, NY 14220), Margaret Overdorf, Executive Director, Valley Community Association, (93 Leddy St., Buffalo, NY 14210), Val Vigiano, Executive Director, A.B.L.E.Y., (111 Moreland St., Buffalo, NY 14206), William J. Conway, President, Old First Ward Community Center, (62 Republic St., Buffalo, NY 14204), Marge Theilman Hastreiter, Vice President, Iron Island Preservation Soc. Of Lovejoy, (198 Benzinger St., Buffalo, NY 14206), William Gallagher, Executive Director, Town Boys & Girls Club, (54 Riverdale Ave., Buffalo, NY 14207), Fr. Joe Bayne, OFM Conv., Executive Director, Franciscan Center, (1910 Seneca, Buffalo, NY 14210), Richard Svensson, Budget Analyst, Department of Social Services, (Rath Bldg, Room 1253) and to Richard Ippolito, Office of Counsel, Department of Social Services, (Rath Bldg. Room 746).

Fiscal Impact: Appropriation of 1999-budgeted funds.

MR. FITZPATRICK moved the adoption of the resolution as amended. MS. PEOPLES SECONDED.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42

Re: Support for Community Initiatives (Int. 3-14)

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 \$2,500 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>
South Buffalo Community Association	n/a	\$ 2,500
TOTAL		\$ 2,500

and be it further

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

RESOLVED, RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, Jackie Mullen – Administrative Assistant Department of Budget, Management and Finance, Patricia Dunne – Administrative Assistant Erie County Legislature, and three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) copy to Sophie Baj, President, South Buffalo Community Association, (2219 South Park Avenue, Buffalo, NY 14220).

Fiscal Impact: Appropriation of 1999-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

MR MARSHALL voted in the negative.

CARRIED

RESOLUTION NO. 43

Re: Contract Between County of Erie and New York State Nurses Association (NYSNA) (Int. 3-15)

WHEREAS, the contract between the County of Erie and the New York State Nurses Association (NYSNA), covering bargaining unit employees at the Erie County Medical Center, the Erie County Department of Health and various other county departments has expired, and

WHEREAS, the Legislature, in late December 1998, requested that the county and NYSNA return to the bargaining table and resume negotiations, and

MS. PEOPLES moved to amend the resolution as follows: MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the contract between the New York State Nurses Association (NYSNA) and the County of Erie expired June 30, 1997; and

WHEREAS, the Erie County Legislature has always maintained a commitment to the integrity of the collective bargaining process and believes that contractual negotiations between labor and management rightly belong within that process, and

WHEREAS, negotiations between the parties have not concluded in an agreement; and

WHEREAS, a Fact Finder has issued a report concerning the differences between the parties; and

WHEREAS, a recommendation of the County Executive for an imposition of a wage settlement for the first year of a new contract (July 1, 1997 to June 30, 1998) was previously made to the County Legislature, and the County Legislature has conducted a Public Hearing on the subject; and

WHEREAS, subsequent negotiations between the parties have failed to produce a contract acceptable to both parties;

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature hereby determines that for the year commencing July 1, 1997 through June 30, 1998, the wage scales provided in the contract between the New York State Nurses Association and the County of Erie (July 1, 1993 through June 30, 1997), are hereby all increased by 20 percent; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Commissioner of Personnel, the County Comptroller, the Budget Director and the Chief Executive Officer of the Erie County Medical Center.

MS. PEOPLES moved the approval of the resolution as amended. MRS. FISHER seconded. MS. CHASE, MR. GREENAN, LARSON, MARSHALL, PAULY, RANZENHOFER, and WEINSTEIN voted in the negative.

CARRIED.

Item 31 - MRS. FISHER presented the following resolution and requested that it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 3 – 16 From : LEGS. FISHER, SWANICK, & PEOPLES Re: Preparation for Spring of Life Reunion.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 32 – MS. PEOPLES moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 1E-31. MR. OLMA seconded.

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 enter into a contract with the Buffalo Municipal Housing Authority (BMHA) to conduct an employment and training initiative entitled Project STRIVE, and

WHEREAS, BMHA will act 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, the full local share match for this contract is to be 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 enter into a contract with the Buffalo Municipal Housing Authority to operate Project STRIVE for the period January 1, 1999 through December 31, 1999, and be it further

RESOLVED, that the Department of Social Services is hereby authorized to accept \$25,000 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 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:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
830-1040	Buffalo Municipal Housing Authority	<u>\$50,000</u>
	Total Expenditures	<u>\$50,000</u>
447	Donated Funds	\$12,500
608	State Aid	12,500
657	Federal Aid	<u>25,000</u>
	Total Revenues	<u>\$50,000</u>

and be it further

RESOLVED, that the following amendments are hereby authorized in the Department of Social Services 1998 adopted budget, Fund 280, Project 858, Food Stamps Employment and Training:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
830-1040	Buffalo Municipal Housing Authority	<u>\$50,000</u>

	Total Expenditures	<u>\$50,000</u>
447	Donated Funds	\$12,500
608	State Aid	\$12,500
657	Federal Aid	25,000
	Total Revenues	<u>\$50,000</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 33 – MR. FITZPATRICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 27-1 MS. PEOPLES seconded.

WHEREAS, the Town of Cheektowaga has been involved in the planning of a proposed industrial/commerce park in the Walden-Harlem area on a 55+/- acre parcel of land acquired from the County, by quit claim deed, on or about June 10, 1988 and

WHEREAS, the quitclaim deed to the property contains a restriction that "This property shall be used for governmental or public purposes otherwise, it shall revert back to the County of Erie", and

WHEREAS, the subject property has been leased by the Town of Cheektowaga to the Cheektowaga Economic Development Corporation to facilitate the studies necessary to determine an appropriate course of use and development for the lands in question, and

WHEREAS, the Cheektowaga Economic Development Corporation has requested removal of the above deed restriction, to assist the developer to obtain financing, in the event the ultimate user seeks to purchase sites in the park in fee as opposed to lease, and

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body requests the Erie County Attorney, Cheektowaga Economic Development Corporation, and representatives of the Cheektowaga Town Board, Deputy Commissioner Joseph Maciejewski to appear at the next meeting of the Legislature's Economic Development Committee to discuss what measures might and should be taken to remove the governmental or public purposes deed restriction, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Supervisor Dennis Gabryszak. Erie County Attorney, Deputy Commissioner Joseph Maciejewski and the Cheektowaga Economic Development Corporation.

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

CARRIED UNANIMOUSLY.

DELETE, in its entirety, the first RESOLVE clause, and REPLACE with the following:

RESOLVED, That the Erie County Legislature does hereby direct the County Attorney to prepare the appropriate documents to facilitate the removal of the deed restrictions limiting use of the 55 +/- acre parcel of land known as 1019 Walden Avenue and further described on Assessor's Maps as being S.B.L. numbers 101.03-1-1.1 and 101.60-8-10.1 to governmental or public purposes, and be it further

WHEREAS, the Town of Cheektowaga has been involved in the planning of a proposed industrial/commerce park in the Walden-Harlem area on a 55 +/- acre parcel of land acquired from the County, by quit claim deed, on or about June 10, 1988 and

WHEREAS, the quitclaim deed to the property contains a restriction that "This property shall be used for governmental or public purposes otherwise, it shall revert back to the County of Erie", and

WHEREAS, the subject property has been leased by the Town of Cheektowaga to the Cheektowaga Economic Development Corporation to facilitate the studies necessary to determine an appropriate course of use and development for the lands in question, and

WHEREAS, the Cheektowaga Economic Development Corporation has requested removal of the above deed restriction, to assist the developer to obtain financing, in the event the ultimate user seeks to purchase sites in the park in fee as opposed to lease, and

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby direct the County Attorney to prepare the appropriate documents to facilitate the removal of the deed restrictions limiting use of the 55 +/- acre parcel of land known as 1019 Walden Avenue and further described on Assessor's Maps as being S.B.L. numbers 101.03-1-1.1 and 101.60-8-10.1 to governmental or public purposes, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Supervisor Dennis Gabryszak, Erie County Attorney, Deputy Commissioner Joseph Maciejewski and the Cheektowaga Economic Development Corporation.

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

CARRIED UNANIMOUSLY.

Item 34 – MRS. FISHER moved to discharge the HEALTH / MENTAL HEALTH COMMITTEE from further consideration of Comm. 22E-7. MS. PEOPLES seconded.

WHEREAS, work is already in progress on the installation of a heliport on the roof of the laboratory building at the Erie County Medical Center that will permit landing of medical evacuation helicopters such as Mercy Flight and Starflight; and

WHEREAS, relocation of the helicopter landing pad from the parking lot that borders the Kensington Expressway at the far end of the ECMC campus to the new heliport site which will be located adjacent to the Medical Center's Emergency and Operating Rooms will save 4 to 6 minutes per patient transport; and

WHEREAS, the minutes saved can make the critical difference between the life or death of a trauma victim; and

WHEREAS, while the majority of funding for the heliport project (i.e. \$350,000) has been derived from ECMC's capital budget allocation, an additional \$50,000 is required to complete funding for the project; and

WHEREAS, the Buffalo Professional Firefighters have a close working relationship with ECMC and in the past have donated their time and energies to raising funds for the Trauma Intensive Care Unit renovation; and

WHEREAS, now, the Buffalo Firefighters have planned an entire year *of* activities designed to raise money to:

- * remodel, furnish and equip an office and quarters for the helicopter crews;
- * purchase a retractable hanger that will provide inclement weather protection for the helicopters;
- * purchase two-way radios for on-site communications;
- * acquire closed circuit television cameras for hospital security.

WHEREAS, as a token of its deep appreciation, the Erie County Medical Center Board of Managers wishes to name the new heliport after the Buffalo Professional Firefighters and to mount a plaque at the heliport that honors the Firefighters.

NOW, THEREFORE BE IT,

RESOLVED, that the Erie County Legislature does hereby recognize the lifesaving contributions made by the Buffalo Professional Firefighters and as a symbol of the County's everlasting appreciation for the Firefighters dedicated efforts to raise approximately \$50,000 for the Heliport project, it hereby grants permanent naming rights to the heliport to the Buffalo Professional Firefighters Local 282; and be it further

RESOLVED, that this Honorable Body does hereby name the facility the "Buffalo Professional Firefighters Heliport" and authorizes the installation of a plaque that memorializes the Buffalo Firefighters contributions to this significant project and be it further

RESOLVED, that certified copies *of* this resolution shall be forward to the Buffalo Professional Firefighters Local 282, the Lifeline Foundation of the Erie County Medical Center and to the Chief Operating Officer of ECMC.

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

Legislators MARSHALL, LARSON and CHASE voted in the negative.

CARRIED UNANIMOUSLY.

Item 35 – MR. MARSHALL moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 24E-25. MS. CHASE seconded.

CHAIRMAN SWANICK directed Comm. 24E-25 to remain in the ENERGY & ENVIRONMENT COMMITTEE

MR. MARSHALL moved to Challenge the Chair. MS. CHASE seconded. AYES: CHASE, GREENAN, LARSON, MARSHALL, RAZNENHOFER, WEINSTEIN. NOES: PAULY, DEBENEDETTI, DUSZA, FISHER, FITZPATRICK KUWIK, MARINELLI, OLMA, PEOPLES, and SWANICK. AYES – 7 and NOES – 10.

SUSPENSION OF THE RULES

Item 36 – MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Intro 3-17 From: Democratic Majority Re: Study of the Impact of Increasing the Maximum Allowable Income for the County's Senior Citizen Real Property Tax Exemption.

CHAIRMAN SWANICK directed that Intro 3-17 be referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 37 – MS. PEOPLES moved for a suspension of the ruled to include an item not on the agenda.

GRANTED.

Intro. 3-18 From: Leg. Fisher Re. Urging the NY State Legislature to Revisit the Issue of Hospital Discharge of Mental-Health Clients.

CHAIRMAN SWANICK directed that Intro 3-18 be referred to the HEALTH/MENTAL HEALTH COMMITTEE

Item 38 – MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Intro. 3E-29 From: Leg. Marinelli Re. Future of Town Neighborhood Libraries.

CHAIRMAN SWANICK directed that Intro 3E-29 be referred to the COMMUNITY ENRICHMENT COMMITTEE

Item 39 – MS. PEOPLES moved for a suspension of the ruled to include an item not on the agenda.

GRANTED.

Intro. 3M-23 From: Kevin P. Gaughan, Attorney at Law Re. Name Change from Erie County to Buffalo County.

CHAIRMAN SWANICK directed that Intro 3M-23 be referred to the FINANCE & MANAGEMENT COMMITTEE

Item 40 – MR. MARSHALL moved to discharge the HEALTH/MENTAL HEALTH COMMITTEE from further consideration of Intro 3-19. MS. PEOPLES seconded.

WHEREAS, Erie County Local Law Number 2-1997 stipulates that the two political parties holding the most of the seats of the Erie County Legislature has the authority to appoint one member to the Erie County Fisheries Advisory Board, subject to the confirmation of the full legislature, and

WHEREAS, a majority of the Republican members of the Erie County Legislature do hereby appoint Mr. Donald F. Gerow to the Erie County Fisheries Advisory Board,

NOW, THEREFORE, BE IT

RESOLVED, that the following individual is hereby confirmed as a member of the Erie County Fisheries Advisory Board:

Mr. Donald F. Gerow
2675 North Creek Road
Lakeview, NY 14085

and be it further

RESOLVED, that the aforementioned appointment shall expire December 31, 2001, and be it further

RESOLVED, that certified copies of this resolution be sent to Richard Tobe, Commissioner of the Department of Environment and Planning, Spencer Schofield of the Department of Environment and Planning and to Mr. Donald F. Gerow.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 41 – (Comm. 3E-1) Copy of Letter to Empire State Development Corp. Re: \$6,500,000 Loan Made to Erie County for Rich Stadium Improvements & Renovation.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM LEGISLATOR MARINELLI

Item 42 – (Comm. 3E-2) Copy of Letter to Kenmore-Tonawanda Libraries Advisory Board Re: Library Services Located in Legislative Districts 10 & 11.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CHAIRMAN SWANICK

Item 43 – (Comm. 3E-3) Majority Appointment to Audit Committee for Erie County.

Received, filed and printed.

January 27, 1999

Hon. Laurie A. Manzella
Clerk, Erie County Legislature
25 Delaware Ave., 7th Floor
Buffalo, NY 14202

RE: MAJORITY APPOINTMENT TO AUDIT COMMITTEE FOR
ERIE COUNTY

Dear Madam Clerk:

Please be advised that Legislature Majority Leader Crystal D. Peoples will serve as the Majority's appointment to the Audit Committee for Erie County.

Very truly yours,

Charles M. Swanick
Chairman
Erie County Legislature

CMS:ce

FROM LEGISLATOR MARSHALL

Item 44 – (Comm. 3E-4) Minority Appointment to Audit Committee for Erie County.

Received, filed and printed.

January 27, 1999

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

Dear Madam Clerk:

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

Yours truly,

Frederick J. Marshall
Minority Leader
Legislator - 13th District

FROM LEGISLATOR HOLT

Item 45 – (Comm. 3E-5) Notice of Absence from Legislative Session 2/4/99.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 46 – (Comm. 3E-6) Negotiations Between County of Erie & NYS Nurses Association.

Received and referred to the HEALTH COMMITTEE.

FROM CHAIRMAN SWANICK

Item 47 – (Comm. 3E-7) Appointment to Erie County Employee Assistance Program (EAP) Advisory Board.

Received, filed and printed.

FROM THE COMPTROLLER

Item 48 – (Comm. 3E-8) Audit of PILOT Program of ECIDA in Conjunction with Real Property Unit of Budget, Management & Finance.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 49 – (Comm 3E-9) Center for Cooperative Economic Growth – Variable Minimum for Assistant Director.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 50 – (Comm. 3E-10) Social Services Merit Incentive Program.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 51 – (Comm. 3E-11) Amendment to NYS CODIS Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 52 – (Comm. 3E-12) Budget, Management & Finance – Transfer of Funds.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 53 – (Comm 3E-13).

RESOLUTION NO. 48 Re: One-Percent Sales Tax Extension

**RESOLUTION
of the**

Legislature of Erie County, amending the Erie County Sales and Use Tax Resolution which imposes taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to continue the imposition of the additional 1% rate of tax, pursuant to Chapter 6 of the Laws of 1999.

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

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

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

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

(h) With respect to the additional tax of 1 percent imposed for the period commencing March 1, 1989, and ending [February 28, 1999] February 29, 2000, the provisions of subdivisions (a), (b), (c), (d), (e), (f) and (g) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (d) and (e) to an effective date shall be read as referring to March 1, 1989, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1988, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1989.

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

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

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

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this resolution, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March first, nineteen hundred eighty-nine, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or (ii) if items are used as such or incorporated into a structure, building or real property, by a

contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section 2, (D) of any tangible personal property, however acquired, where not acquired for the purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section 2 have been performed, (E) of any telephone answering service described in subdivision (b) of section 2, and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

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

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

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

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital

improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

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

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

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

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

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

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: Marshall, Pauly, Ranzenhofer, Weinstein, DeBenedetti, Dusza, Fisher, Fitzpatrick, Kuwik, Marinelli, Olma, Peoples, Swanick. NOES: Chase, Greenan, Larson. AYES – 13, NOES – 3.

CARRIED.

Item 54 – (Comm 3E-14) ECSD No. 4 Contract No. 26L Communication24E-25.

Item 55 – (Comm. 3E-15) Semi-Annual Attendance Records Board of Managers ECSDs.

Item 56 – (Comm. 3E-16) Engineering Service Agreements Comm. 20E-13 Work Project SW-5 EC\Southtowns Sewage Treatment Agency Flow Monitoring & Data Collection.

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

Item 57 – (Comm. 3E-17) Requesting Contract with Bolton-St. Johns Inc. to Represent & Promote Erie County's Interests at NYS Government Level in 1999.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 58 – (Comm. 3E-18) NYS Department of Labor Occupational Safety & Health Hazard Abatement Board Grant Application - \$115,000.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 59– (Comm. 3E-19) Request for Legislative Action to Authorize Erie County to Accept Grant from HUD to Provide Rental Assistance & Supportive Services of Homeless.

Received and referred to the HEALTH COMMITTEE.

Item 60 – (Comm. 3E-20) ECSD No. 4 – Depew Pumping Station Contract EC-6D Change Order No. 3 CIR Electrical Construction.

Item 61 – (Comm. 3E-21) ECSD No. 1 – French Road Area Wet Weather Relief Project Malcolm Pirnie, Inc. Contract Close-Out.

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

Item 62 – (Comm. 3E-22) 1999 Emergency Shelter Grant Program Contracts.

Received and referred to the HEALTH COMMITTEE.

Item 63 – (Comm. 3E-23) ECSD No. 4 – Modification of Plans (1999) EC Sewer Agency Report.

Item 64 – (Comm. 3E-24) Erie County Sport Fishery Promotion Program.

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

Item 65 – (Comm. 3E-25) Senior Services – Authorization to Amend HIICAP Grant Budget.

Item 66 – (Comm. 3E-26) Senior Services – Authorization to Amend to PSA Grant Budget.

Item 67 – (Comm. 3E-27) Youth Services – Authorization to contract – Delinquency Prevention Programs.

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

Item 68 – (Comm. 3E-28) Sheriff's Office – Personnel Adjustments.

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECMC

Item 69 – (Comm. 3D-1) Notice of Board of Manager's Meeting Held 1/21/99.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 70 – (Comm. 3D-2) Notice of County Executive's Approval of Local Law No. 6 – 1998 (Local Law Intro. No. 7 – 1998)

Received, filed and printed.

January 20, 1999

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

RE: Erie County Local Law No. 6-1998

Dear Ms. Manzella:

Enclosed herein is a copy of Erie County Local Law No. 6-1998. Copies of same have been filed with Secretary of State, New York State comptroller and the County Clerk.

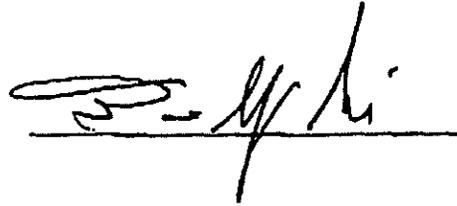
Please post for the information of anyone who may be interested in this Local Law and for your file.

Very truly yours,

KENNETH A. SCHOETZ
Erie County Attorney

BY: Alan P. Gerstman
1ST Assistant County Attorney

A Public Hearing was held on the foregoing Erie County Local Law Intro No. 7-1998, on Wednesday, December 30, 1998 due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, Dennis T. Gorski, County Executive of Erie County, do hereby APPROVE and SIGN said Resolutions this 30 day of December, 1998.

A handwritten signature in cursive script, appearing to read "D. Gorski", is written over a horizontal line.

A Public Hearing was held on the foregoing Erie County Local Law Intro. No. 7-1998, on Wednesday, December 30, 1998, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, DENNIS T. GORSKI, County Executive of Erie County, do hereby DISAPPROVE and VETO said Resolution this _____ day of _____, 1998.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~
~~Town~~
~~Village~~ of ERIE

Local Law No. 6 of the year 19⁹⁸

A local law in relation to support of the Buffalo and Erie County public library.
(Insert Title)

.....
.....
.....

Be it enacted by the ERIE COUNTY LEGISLATURE of the
(Name of Legislative Body)

County
City
Town
Village of ERIE as follows:

Section 1. Erie County Local Law number one of nineteen hundred fifty-nine, constituting the Erie county charter, as amended, is amended by amending section sixteen hundred twelve thereto to read as follows:

1612. Support of public libraries.

a. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be seperately set out on the real property tax notices as the "amount for library purposes." The entire amount of funds allocated in the general budget for library purposes shall be available to the Buffalo and Erie county public library, and shall not be subject to withholding, modification, or reduction by the county after adoption of the annual Erie county budget, consistent with library powers in section two hundred fifty-nine of the education law, except that the trustees of the Buffalo and Erie county public library shall not authorize, without the prior approval of the county legislature, the transfer of any appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 2. This local law shall be construed to be in all respects consistent with chapter seven hundred sixty-eight of the laws of nineteen hundred fifty-three and not to alter any provision of that statute, but to carry out the purposes and intent of that statute.

Section 3. This local law shall be effective January first, nineteen hundred ninety-nine upon adoption by a two-thirds majority of the legislature, or, if adopted by a simple majority, this local law shall be effective immediately following approval by the electors of the county at the next general election of state or county government officers held not less than sixty days following the adoption of this local law, provided, however, that the provisions of this local law shall expire and be deemed repealed on or after January first, the year two thousand.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

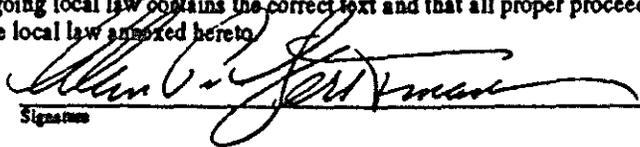
(Seal)

Date: January 20, 1999

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
1st Assistant County Attorney
Title

County
City of ERIE
Town
Village

Date: January 19, 1999

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__98 of the (County)(City)(Town)(Village) of _____ ERIE _____ was duly passed by the Erie County Legislature on December 17 19 98, and was (approved)(not approved)(repassed after disapproval) by the County Executive _____ and was deemed duly adopted on December 30 1998, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 72 – (Comm. 3D-3) Minutes of Board of Trustees Meetings Held 12/1, 12/15 & 12/17/98 & Notice of Meeting Held 1/21/99.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 73 – (Comm. 3D-4) Notice of County Executive's Public Hearing – Local Law Intro 1 – 1999.

Received, filed and printed.

January 25, 1999

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

Dear Ms. Manzella:

RE: Notice of Public Hearing
Local Law Intro. 1-1999

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Local Law Intro. which was adopted by the Erie County Legislature on January 21, 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
1st Assistant County Attorney

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Erie County Executive Dennis T. Gorski, will hold a public hearing on Wednesday, February 3, 1999 at 10:00 a.m. concerning:

A LOCAL LAW in relation to the right to farm in the county of Erie.

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

On January 21, 1999, the Erie County Legislature adopted Erie County Local Law Introduction Number I of 1999. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7" floor of 25 Delaware Avenue, in the City of Buffalo, New York.

DENNIS T. GORSKI

Erie County Executive

Item 74 – (Comm. 3D-5) Notice of County Executive's Public Hearing Intros. 29-9, 1-2, 1-3, & 2-12.

Received, filed and printed.

January 25, 1999

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

**RE: Notice of Public Hearing Resolutions Reference Intro. 29-9,
Intro. 1-2, Intro. 1-3 and Intro. 2-12**

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Local Law Intro. which was adopted by the Erie County Legislature on January 7, 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
I" Assistant County Attorney

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT Erie County Executive Dennis T. Gorski, will hold a public hearing on Wednesday, February 3, 1999 at 10: 15 a.m., concerning appropriations from the County contingency fund for the following purpose:

DEPARTMENT OF PARKS, RECREATION & FORESTRY -PARKS MAINTENANCE WORKER	\$ 49,350.00
DEPARTMENT OF PARKS, RECREATION & FORESTRY - PARKS RANGER	\$ 15,553.00
DEPARTMENT OF PARKS, RECREATION & FORESTRY - PERSONAL SERVICES	\$ 3,357.00
DEPARTMENT OF PARKS, RECREATION & FORESTRY - PERSOANL SERVICES	\$ 550.00
DEPARTMENT OF PARKS, RECREATION & FORESTRY - FRINGE BENEFITS	\$ 13,542.00
DEPARTMENT OF PARKS, RECREATION & FORESTRY - BUILDINGS & GROUNDS EQUIPMENT	\$ 7,668.00
DEPARTMENT OF ENVIROMENT & PLANNING (FOR ESTABLISHMENT OF A REGIONAL PARKS STUDY)	\$ 75,000.00
DEPARTMENT OF YOUTH SERVICES (FOR CONSOLIDATION)	\$ 75,000.00
CITY OF BUFFALO (FOR DEMOLITION)	\$1,375,000.00
VILLAGE OF DEPEW -POLICE	\$ 11,000.00
CHEEKTOWAGA JUSTICE COURT	\$ 8,000.00
TOWN OF LANCASTER - SENIOR CENTER	\$ 2,000.00
DEPEW-LANCASTER BOYS & GIRLS CLUBS	\$ 7,000.00
COMMUNITY ACTION PARTNERSHIP	\$ 3,500.00

TOWN OF CHEEKTOWAGA - SENIOR CENTER	\$ 2,000.00
ARTS IN EDUCATION INSTITUTE OF WNY, INC.	\$ 5,000.00
LANCASTER OPERA HOUSE	\$ 1,000.00
VILLAGE OF BLASDELL - INDEPENDENCE DAY CELEBRATION	\$ 5,000.00
YEMENSOCCKERCLUB	\$ 5,000.00
KEN-BAILEY COMMUNITY CENTER	\$ 10,000.00
SICKLE CELL DISEASE ASSOCIATION	\$ 10,000.00

The hearing will be held in the Erie County Executive's Conference Room on the 161 floor of the Rath Building, 95 Franklin Street, in the City of Buffalo.

On January 7, 1999 the Erie County Legislature adopted Resolutions Reference Intro. 299, Intro. 1-2, Intro. 1-3 and on January 21, 1999 adopted Resolutions Reference Intro. 2-12 authorizing these actions. Copies of the proposed resolutions are available for public inspection in the office of the Clerk of the Erie County Legislature, on the T' Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

DENNIS T. GORSKI
ERIE COUNTY EXECUTIVE

FROM ECC

Item 75 – (Comm. 3D-6) Notice of Board of Trustees' Meeting Held 1/27/99.

Received and filed.

FROM THE HEALTH DEPARTMENT

Item 76 – (Comm. 3D-7) Notice of Board of Health Meeting to be Held 12/16/98.

Received and referred to the HEALTH COMMITTEE.

FROM ECC

Item 77 – (Comm. 3D-8) Notice of Board of Trustees' Meeting Held 12/16/98.

Received and filed.

FROM DPW

Item 78 – (Comm. 3D-9) Correctional Facility Expansion (KM-98-4).

Item 79 – (Comm. 3D-10) Agreement with NYSDOT North Forest Road CR294 From NY Route 263, Millersport Highway to Dodge Road CR45, Town of Amherst.

Item 80 – (Comm. 3D-11) 1999 Stadium Improvements Waterline service Improvements (DPW J2-98-20)

Item 81 – (Comm. 3D-12) Resolution 16-2 Adopted 8/13/97 Funding Allocation for Kenmore Avenue (CR307) Cost Sharing with City of Buffalo Final Report.

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

Item 82 – (Comm. 3D-13) Land Trade Sweet Home Road (CR301), Town of Amherst
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC MORGUE

Item 83 – (Comm. 3D-14) Monies & Other Property Found on Deceased Persons.
Received and referred to the HEALTH COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF COLDEN

Item 84 – (Comm. 3M-1) Certified Copy of Resolution Re: Opposing Permanent Elimination of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM NYSDEC

Item 85 – (Comm. 3M-2) Hazardous Waste Disposal 204 Bristol Street, City of Buffalo.
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM MELINDA HOLLAND CITIZEN TASK FORCE

Item 86 – (Comm. 3M-3) Summary of Meeting Held 12/21/98 & Notice of Meeting Held 2/3/99.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO ZOO

Item 87 – (Comm. 3M-4) Financial Reports 11/98 & 11/97 & Minutes From Board meetings Held 6/98, 9/98, 10/98 & 11/98.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ASSEMBLYMAN SILVER

Item 88 – (Comm. 3M-5) Acknowledgement of Receipt of Resolution.

Received and filed.

FROM THE TOWN OF TONAWANDA

Item 89 – (Comm. 3M-6) Copy of Letter to Buffalo & Erie County Public Library Re: Future of Library System in Erie County.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE HOLLAND CENTRAL SCHOOL

Item 90 – (Comm. 3M-7) Copy of Resolution Re: Opposing Elimination of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE VILLAGE OF KENMORE

Item 91 – (Comm. 3M-8) Certified Copy of Resolution Re: Sales Compensation Use Tax – 1999.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM BUFFALO PLACE

Item 92 – (Comm. 3M-9) Interim Report – 1998 Downtown Employee Survey & Additional Downtown Business & Employment Information.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LAKE SHORE CENTRAL SCHOOLS

Item 93 – (Comm. 3M-10) Copy of Resolution Re: Opposing Proposals to Eliminate Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM BUFFALO NIAGARA INTERNATIONAL AIRPORT

Item 94 – (Comm. 3M-11) Draft – Interim Report No. 1 Inventory, Forecast & Facility Requirements 1/13/99.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM GREATER BUFFALO COMMUNITY WELLNESS COUNCIL

Item 95 – (Comm. 3M-12) Community Wellness Calendar – 2/99.

Received and referred to the HEALTH COMMITTEE.

FROM ERIE COUNTY WATER AUTHORITY

Item 96 – (Comm. 3M-13) Unaudited Comparative Financial Statements for Years Ended 12/31/98 & 12/31/97.

Received and referred to the Energy & Environment Committee.

FROM THE LEGAL AID BUREAU OF BUFFALO

Item 97 – (Comm. 3M-14) Unaudited Financial Statements for the Nine Months Ending 9/30/98.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ECIDA

Item 98 – (Comm 3M-15) Notice of Board of Directors Meeting to be Held 2/10/99.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 99 – (Comm. 3M-16) Minutes of Board Meeting Held 12/21/98.

Received and referred to the Economic Development Committee.

FROM THE CLEVELAND HILL UNION FREE SCHOOL DISTRICT

Item 100 – (Comm. 3M-17) Copy of Resolution Re: Opposing Elimination of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF AURORA

Item 101 – (Comm. 3M-18) Certified Copy of Resolution Re: Opposed to the Permanent Elimination of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF HOLLAND

Item 102 – (Comm. 3M-19) Certified Copy of Resolution Re: Opposed to Elimination of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM THE CITY OF LACKAWANNA MAYOR

Item 103 – (Comm. 3M-20) Opposing Permanent Elimination of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM THE TOWN OF CLARENCE

Item 104 – (Comm. 3M-21) Opposing Permanent Elimination of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM THE NORTH COLLINS CENTRAL SCHOOL

Item 105 – (Comm. 3M-22) Opposing Permanent Elimination of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

MEMORIAL RESOLUTIONS

Item 106 – Legislator Ranzenhofer requested that when this legislature adjourn, it do so in memory of Marvin Baum.

Item 107 – Legislator Larson requested that when this legislature adjourn, it do so in memory of Virginia Skubis.

Item 108 – Legislator Kuwik requested that when this legislature adjourn, it do so in memory of Edward Wegryn.

Item 109 – Legislator Peoples requested that when this legislature adjourn, it do so in memory of Phillip Twitty.

Item 110 – Legislator Fitzpatrick requested that when this legislature adjourn, it do so in memory of Jack Donahue.

ADJOURNMENT

Item 111 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

Ms. Peoples moved that the Legislature adjourn until **2:00 p.m., Thursday, February 18, 1999**. Mr. Marshall seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature **adjourned until Thursday, February 18, 1999 at 2 P.M. Eastern Standard Time.**

**LAURIE MANZELLA
CLERK**