

ERIE COUNTY LEGISLATURE
MEETING NO. 10
May 15, 1997

The Legislature was called to order by the Chairman SWANICK.

The Invocation was delivered by Father James Monaco from Saint Francis of Assisi Church, Tonawanda, NY.

The Pledge of Allegiance was led Mr. Dusza.

The Minutes of the previous meeting were APPROVED.

MISCELLANEOUS RESOLUTIONS

ITEM 1 - Mr. RANZENHOFER presented a resolution of congratulations to Temple Beth El on Their 150th Anniversary. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY

ITEM 2 - MESSRS DUSZA & KUWIK presented a resolution of congratulations for Catholic Youth Day in Erie County Government. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 3 - Mrs. FISHER presented a resolution of congratulations to Hugh F. Brady on Being Named 1997 Erie County Senior Citizen of the Year. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 4 - Mr. MARSHALL, presented a resolution of congratulations to Mrs. Anne McCune as Orchard Park Chamber of Commerce Citizen of the Year. Ms. PEOPLES Seconded.

CARRIED UNANIMOUSLY.

ITEM 5 - Ms. COHEN KENNEDY presented a resolution of congratulations in Recognition of the Magic Garden Project at Forest Elementary School. Ms. PEOPLES Seconded.

CARRIED UNANIMOUSLY.

ITEM 6 - Mr. SWANICK, MESDAMES COHEN KENNEDY & MARINELLI presented a resolution of congratulations in Recognition of the 150th Anniversary of Temple Beth El of Greater Buffalo. Ms. PEOPLES Seconded.

CARRIED UNANIMOUSLY.

ITEM 7 - Mr. GREENAN presented a resolution of congratulations Honoring the Peer Counselors of the West Seneca School District. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 8 - Mr. GREENAN presented a resolution of congratulations to the West Seneca School District Students of Excellence Award Recipients. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 9 - Chairman SWANICK directed that Local Law Intro No. 6 (Print #1) - 1997 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION No. 214

MAY 6, 1997

PUBLIC SAFETY
COMMITTEE
REPORT NO. 4

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

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

Item Page -1996 (Int. 13-8)
a. **LARSON, MARSHALL, GREENAN, RANZENHOFER & VILLARINI:** Support for State Bills S.7403A & S.6749-B that Provide Protection & Aid for Victims of Domestic Violence.

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

Item Page -1996 (Comm. 18E-7)
b. **COUNTY EXECUTIVE:** Copy of Letter to State Commissioner of Correction, Start to Implement State Committee of Corrections Capacity Enhancement Plan.

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

Item Page -1996 (Comm. 23M-20)
c. **AYANNA DIXON:** Copy of Letter to Sheriff Re: 2 Years College for Sheriff/Police Officer Exam.

(4-0)

Item Page -1997 (Comm. 3M-3)
d. **BUFFALO POLICE COMMISSIONER:** Response to Resolution Re: SAFIS.

(4-0)

Item Page -1997 (Comm. 4M-10)
e. BOARD OF SUPERVISORS ESSEX COUNTY: Resolution Requesting New York State to Increase Reimbursement Rate for Parole Violation Assigned Counsel.
(4-0)

Item Page -1997 (Comm. 5M-3)
f. TIOGA COUNTY LEGISLATURE: Copy of Resolution Re: Requesting State to Increase Rate of Reimbursement for Parole Violation Assigned Counsel.
(4-0)

Item Page -1997 (Comm. 9M-14)
g. BROOME COUNTY LEGISLATURE: Certified Copy of Resolution Re: Support for Bills Adjusting Workers Compensation Benefits for Permanently Injured Volunteer Firemen and Ambulance Workers.
(4-0)

2. RESOLVED, that the following items are hereby received, filed and referred to the SOCIAL SERVICES COMMITTEE:

Item Page -1997 (Int. 4-32)
a. GREENAN, LARSON, MARSHALL, VILLARINI & RANZENHOFER: Hiring Policies of the Erie County Department of Youth Services.
(4-0)

Item Page -1997 (Comm. 5M-20)
b. NYS DIVISION OF YOUTH: Acknowledgement of Receipt of Resolution.
(4-0)

EDWARD J. 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. 215

MAY 6, 1997

ENERGY AND ENVIRONMENT
COMMITTEE
REPORT NO. 6

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

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

Item Page -1997 (Comm. 7M-6)
a. **NEW YORK STATE DEPARTMENT OF AGRICULTURE & MARKETS:** Notice & Time Frame for Review of Erie County Agricultural District No. 5 Must be Conducted.
(4-0)

Item Page -1997 (Comm. 7M-7)
b. **NEW YORK STATE DEPARTMENT OF AGRICULTURE & MARKETS:** Notice & Time Frame for Review of Erie County Agricultural District No. 15 Must be Conducted.
(4-0)

Item Page -1997 (Comm. 8E-7)
c. **COUNTY EXECUTIVE:** 1996 Clean Water/Clean Aid Bond Act Sewer District Nos. 1 & 4.
(4-0)

Item Page -1997 (Comm. 8M-5)
d. **MELINDA HOLLAND, CLEAN SITES:** Notice of Meeting 4/15/97 & Summary of Meeting Held 4/2/97.
(4-0)

Item Page -1997 (Comm. 9D-4)
e. **DEP:** SEQR - Solicitation for Lead Agency Status - Stahley Road, Town of Clarence.
(4-0)

Item Page -1997 (Comm. 9E-14)
f. **COUNTY EXECUTIVE:** ECSD No. 6 - Malcolm Pirnie, Inc. - Change Order No. 3.
(4-0)

Item Page -1997 (Comm. 9M-7)
g. **NYSDEC:** Fact Sheet - Osmose Wood Preserving, Inc.
(4-0)

Item Page -1997 (Comm. 9M-13)
h. **NYSDEC:** Fact Sheet - Lehigh Industrial Park.
(4-0)

Item Page -1997 (Comm. 9M-18)
i. **CITIZENS FOR A SOUND ECONOMY:** EPA Proposed New Clean Air Standards
for Particulate Matter (PM) and Ozone.
(4-0)

Item Page -1997 (Comm. 7E-13)
2. **COUNTY EXECUTIVE:**

WHEREAS, it has been determined that it may be necessary to commence Eminent Domain Proceedings to acquire the necessary easements and fee interest in property needed for the installation of a gravity sewer and pumping station to service Stahley Road in the Town of Clarence.

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be authorized and is hereby directed to commence Eminent Domain Proceedings pursuant to Chapter 839 of the Laws of 1977 to acquire easements and fee interest for sewer purposes in connection with the land listed below:

<u>ECSD NO.</u>	<u>PARCEL NO.</u>	<u>TOWNSHIP</u>
5	43.07-2-44	Clarence

and be it further

RESOLVED, that certified copies of this resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, and Richard J. Schechter, Assistant County Attorney.
(4-0)

Item Page -1997 (Comm. 9E-12)
3. **COUNTY EXECUTIVE:**

WHEREAS, the National Fuel Gas Distribution Corporation has requested a permanent twenty five (25) feet wide easement for the installation of a gas pipeline crossing property of Erie County Sewer District No. 3 Holland Treatment Plant, SBL 231.00-3-12.2 fronting Olean Road, and

WHEREAS, this easement will have no negative effect on the ability of Erie County Sewer District No. 3 personnel to operate and maintain sewer related operations, and

WHEREAS, the granting of this twenty five (25) feet wide easement will bear no cost to the County, and

WHEREAS, the Advisory Review Committee has reviewed this matter and recommends the granting of this easement.

NOW, THEREFORE, BE IT

RESOLVED, that a twenty five (25) feet wide permanent easement, twenty five (25) feet wide fronting on Olean Road on the Holland Sewage Treatment Plant property SBL 231.00-3-12.2 in the Town of Holland be granted to National Fuel Gas Distribution Corporation; and be it further

RESOLVED, that the County Executive be authorized to sign said easement subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one (1) certified copy to Richard J. Schechter, Assistant County Attorney.

(4-0)

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

RESOLVED, that the County Executive is authorized to execute all necessary land control agreements for the purpose of maintaining and operating the widened portion of the Erie County Riverwalk through Niawanda Park in the City of Tonawanda, and be it further

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

(4-0)

Item Page -1997 (Comm. 9E-16)
5. **COUNTY EXECUTIVE:**

RESOLVED, that the County Executive is hereby authorized into a contract with the New York State Department of Economic Development, for continuation of Erie County's status as an Affiliate Data Center through 12/31/99, and be it further

RESOLVED, that said contract shall have no funds associated with it, and be it further

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

(4-0)

GREGORY B. OLMA
Chairman

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

CARRIED UNANIMOUSLY.

ITEM 12 - Ms. PEOPLES presented the following and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

MAY 8, 1997

FINANCE AND MANAGEMENT
COMMITTEE
REPORT NO. 5

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

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

- a. Item Page -1996 (Comm. 4E-5)
COMPTROLLER: Bond Resolution - Court Facilities \$4,300,000.
(5-0) Chairman Swanick present as ex-officio member.
- b. Item Page -1997 (Comm. 5D-1)
PERSONNEL: Response to Audit - Certified Payroll Pay Period 6/96.
(5-0) Chairman Swanick present as ex-officio member.
- c. Item Page -1997 (Comm. 5E-3)
COMPTROLLER: Audit ECMC Research & Study Trust Fund 1/1/95 - 5/31/96.
(5-0) Chairman Swanick present as ex-officio member.
- d. Item Page -1997 (Comm. 5E-7)
COMPTROLLER: Investment Earnings 1996.
(5-0) Chairman Swanick present as ex-officio member.

- Item Page -1997 (Comm. 6E-1)
e. **COMPTROLLER:** Sales Tax Receipts for Fiscal Year 1996.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 6E-2)
f. **COUNTY CLERK:** 1996 Annual Report.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 6E-10)
g. **COMPTROLLER:** Audit - Sheriff's Office Statement of Federal
Equitable Sharing Funds Received, Expanded and Changes in Fund
Balance - Year End 12/31/95.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 6E-12)
h. **COMPTROLLER:** Financial Statement for ECC for Fiscal Year
Ended 8/31/96.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 7E-5)
i. **COMPTROLLER:** Sales Tax Receipts for 1/97.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 9E-1)
j. **COMPTROLLER:** Audited Financial Statements for ECMC and Erie
County Home for Fiscal Year Ended 12/31/97.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 9M-20)
k. **AUDIT COMMITTEE FOR ERIE COUNTY:** Annual Report for Year Ended
12/31/95.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 9E-19)
2. **COMPTROLLER:**
BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING
THE PARTIAL RECONSTRUCTION OF THE ERIE COUNTY MEDICAL CENTER TO
PROVIDE NEW CRITICAL CARE FACILITIES, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$1,866,000, APPROPRIATING SAID AMOUNT THEREFOR, AND
AUTHORIZING THE ISSUANCE OF \$1,866,000 SERIAL BONDS OF THE COUNTY
TO PAY THE COST THEREOF.

(Introduced) May 1, 1997

(Adopted) May 15, 1997

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW
YORK (by the affirmative vote of not less than two thirds of the
voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to partially reconstruct the Erie County Medical Center, in order to provide new critical care facilities. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,866,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 1997 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$1,866,000 serial bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the County in the principal amount of \$1,866,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The existing building is of Class "A" construction as defined by Section 11.00 a.11. (a) of the Law, and the period of probable usefulness for the specific object or purpose for which said \$1,866,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 12. (a) (2) of the Law, is twenty (20) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of funds available in the General Fund of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Section 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the

terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

CRYSTAL D. PEOPLES
Chairperson

Ms. PEOPLES requested that Resolve No. 2 be separated.

GRANTED.

Ms. PEOPLES moved the adoption of the balance of the report.
Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

Ms. PEOPLES moved the adoption of Resolve No. 2. Ms. COHEN KENNEDY seconded.

Chairman SWANICK directed that a Roll Call be taken.

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

CARRIED UNANIMOUSLY.

ITEM 13 - Mr. FITZPATRICK presented the following and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

MAY 8, 1997

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATORS FITZPATRICK AND HOLT. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

Item Page -1997 (Comm. 8D-3)
a. DPW: Copy of Executed Contract - Preliminary Engineering - Two Rod
Road & Strickler Road Bridges.
(4-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 9M-3)
b. NFTA: Two Cash Flow Statements for 4/1/97 - 3/31/98 (Projected) &
4/1/96 - 3/31/97 (Actual).
(4-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 9M-9)
c. NFTA: Final Annual Operating & Capital Budget for NFTA's Fiscal
Year Ending 3/31/98.
(4-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 9M-16)
d. NFTA: NFTA/NFT Metro System Board Meeting Minutes.
(4-0) Chairman Swnaick present as ex-officio member.

Item Page -1997 (Comm. 8D-8)
2. DPW:
WHEREAS, the Department of Emergency Services has requested
renovations at the Fire Training Simulator at the Fire Training Academy
in Cheektowaga, New York, and

WHEREAS, they have requested that the Department of Public Works
renovate the Fire Training Simulator, which is a sole source item, to
meet their current needs,

NOW, THEREFORE, BE IT,

RESOLVED, that the bidding requirements be waived, and be it
further,

RESOLVED, that the Commissioner of Public Works and the County
Attorney be authorized to negotiate with Werner-Herbison-Padgett, 455
State Street, Des Plaines, Illinois, 60016 to do the requested
renovations at a cost not to exceed \$65,000, and be it further,

RESOLVED, that the County Executive be authorized to enter into
said negotiated contract, and be it further,

RESOLVED, that the amount of \$65,000 be allocated from the 1997
capital budget for the above noted purpose, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the Live Fire Training - Phase II Bond Account, SFG No. 775, Fund No. 410, and be it further,

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

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

Item Page -1997 (Comm. 8D-9)
3. DPW:

WHEREAS, the Department of Public Works received bids on April 3, 1997, for Roof Repair - Emergency Response Services, 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 a contract with Grove Roofing Co. in the maximum amount of \$25,000.00, the total expenditure of which shall be based upon a project-by-project basis, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from the 1997 Roof Replacement & Waterproofing Bond Account, SFG No. 808, Fund No. 410, in the total amount, not-to-exceed \$25,000.00, unless an increase is authorized by the Legislature, and be it further,

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

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

Item Page -1997 (Comm. 9D-14)
4. DPW:

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

WHEREAS, the County of Erie desires to advance the above project by making a commitment of the 100% of the non-Federal share of the costs of construction and construction inspection work for the project or portions thereof, with the Federal share of such costs to be applied directly by the New York State Department of Transportation (NYSDOT) pursuant to Agreement, and

WHEREAS, the project construction cost is estimated to be \$637,800.00 of which \$127,560.00 is the non-Federal share, and

WHEREAS, the County of Erie desires to advance the above project by making a commitment of the 100% of the non-Federal share of the costs of the right-of-way acquisition phase of work for the project or portions thereof, with the Federal share of such costs to be applied directly by the New York State Department of Transportation (NYSDOT) pursuant to Agreement.

NOW, THEREFORE, the Legislature duly convened does hereby

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

RESOLVED, that the County Legislature of the County of Erie, hereby, authorizes the County of Erie to pay in the first instance the full non-Federal share of the cost of construction and construction inspection work for the subject project or portions thereof; and be it further

RESOLVED that the sum of \$127,560.00 is hereby appropriated from the 1997 Federal Aid Projects Program and made available to cover the cost of the County of Erie's participation in the above phase of the above noted project; and be it further

RESOLVED, that in the event the full non-Federal share costs of the project exceeds the amount deposited with the Comptroller, the County of Erie shall deposit said excess amount immediately upon the direction of the Department of Transportation; 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 right-of-way acquisition phase of the subject project or portions thereof, if the cost of the non-Federal share exceeds \$5,000; and be it further

RESOLVED, that in the event the non-Federal share of the costs of the right-of-way phase increases to in excess of \$5,000.00, the County Legislature shall convene as soon as possible to appropriate the cost of participation in the above referenced phase of the project immediately upon the notification by the Department of Transportation thereof; and be it further

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

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

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

Item Page -1997 (Comm. 9D-16)
5. DPW:
WHEREAS, A project for the rehabilitation of Two Rod Road, BR 547-2, BIN 1-04659-0 Over Cayuga Creek, Town of Alden, Erie County P.I.N. 5754.02.121 (the "Project") Town of West Seneca, Erie County, funded under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above project by making a commitment of 100% of the non-Federal share of the costs of Construction, Construction Inspection and Supervision Phase of the Project.

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

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay 100% of the non-Federal share of the cost of Construction, Construction Inspection and Supervision work, for the subject project or portions thereof, with the Federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement; and be it further

RESOLVED, that sum of \$174,200.00 is hereby appropriated from the 1997 Federal Aid Program 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 full non-Federal share costs of the project exceed the amount appropriated above, the County of Erie shall seek legislative approval 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 on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's 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, it being understood that upon completion of the above project, the Commissioner shall transmit to the County a statement showing the actual costs and expenses of such work and shall notify the County of Erie of the amount, if any, to be returned to the County of Erie.

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

CHARLES M. SWANICK
EX-OFFICIO CHAIRMAN

Mr. FITZPATRICK moved the adoption. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

ITEM 14 - Ms. COHEN KENNEDY presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 218

MAY 8, 1997

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 5

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

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

Item Page -1997 (Comm. 9D-1)
a. **BUFFALO & ERIE COUNTY PUBLIC LIBRARY:** Agenda for Meeting Held
4/17/97 & Minutes of Meeting Held 3/20/97.
(5-0)

Item Page -1997 (Comm. 9D-6)
b. **ERIE COMMUNITY COLLEGE:** Notice of Curriculum Committee Meeting to
be Held 5/14/97.
(5-0)

Item Page -1997 (Comm. 9D-9)
c. **ERIE COMMUNITY COLLEGE:** Agenda for Board Meeting Held 4/30/97 &
Minutes of Meeting Held 3/26/97.
(5-0)

Item Page -1997 (Comm. 9D-11)
d. **ERIE COMMUNITY COLLEGE:** Board of Trustees Subcommittee Meeting
Minutes - 4/97.
(5-0)

Item Page -1997 (Comm. 9D-12)
e. **ERIE COMMUNITY COLLEGE:** Board of Trustees Agenda & Minutes -
Personnel Committee Meeting Held 4/23/97.
(5-0)

Item Page -1997 (Comm. 9M-2)
f. **TOWN OF AMHERST:** Certified Copy of Resolution Re: Opposition to
Closing ECC's North Campus.
(5-0)

Item Page -1997 (Comm. 9M-23)
g. **ERIE COMMUNITY COLLEGE:** Resolution From Board of Trustees Re:
Collection of Bad Debt.
(5-0)

AS AMENDED

Item Page -1997 (Int. 7-5)
2. LARSON, CHASE, MARSHALL, GREENAN, RANZENHOFER, COHEN KENNEDY,
MARINELLI, PAULY, DEBENEDETTI, PEOPLES & FISHER:

WHEREAS, outstanding cultural activities and a strong cultural presence is one among many areas in which Erie County can pride itself, and

WHEREAS, cultural outlets, such as area theaters, offer both quality entertainment and education through the performing arts, and

WHEREAS, many children rarely may have the opportunity to attend and partake in cultural activities, such as theater performances, and

WHEREAS, introducing children to the performing arts may open some young eyes to the joy of acting, and may offer young people different avenues and experiences which otherwise may not be presented to them, and

WHEREAS, implementing a program on a volunteer basis among area theaters and youth centers for boys and girls would introduce the performing arts to these children, and

WHEREAS, one Saturday a month, children from one or two centers will be able to attend a theater performance, free of charge, and speak with the cast members after the show, and

WHEREAS, youth center administrators and theaters involved in the program will need to work closely with each other to determine an attendance schedule

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body reaffirms its commitment to the preservation of well-rounded, quality education for all children, and be it further

RESOLVED, that this Honorable Body requests that representatives from Summerfare Theatre, Theatre of Youth, Studio Arena Theatre, Shakespeare in the Park, and Shea's Buffalo attend the next scheduled Community Enrichment Committee meeting to discuss, in greater detail, the possibility of implementing a program with youth centers to introduce our children to the rewards of the performing arts, and be it further

RESOLVED, that this Honorable Body requests that youth center representatives attend a future Community Enrichment Committee meeting to discuss their possible interest in participating in the theater program, and be it further

RESOLVED, that members of the Community Enrichment Committee will work with both the theaters and youth centers, as needed, regarding this program, and be it further

RESOLVED, that certified copies of this resolution be sent to the aforementioned cultural outlets' directors, area youth center directors, and Department of Youth Services Commissioner Hare.

(5-0)

Item Page -1997 (Int. 9-24)
3. COHEN KENNEDY:

WHEREAS, on April 30, 1997, the Board of Trustees of Erie Community College adopted a resolution requesting the County Attorney to draft specific enabling legislation for consideration by the Erie County Legislature for a local law or resolution which would expand and improve the collection procedures presently employed by the County, for the collection of delinquent tuition accounts, and

WHEREAS, the Board of Trustees of Erie Community's identification of new and innovative alternatives would increase needed revenue to the College within its existing budget, thereby reducing the need for additional taxpayer financial support, and

WHEREAS, it is in the interest of county government and its taxpayers to encourage and support the Board of Trustees of Erie in its efforts to recuperate all legitimate debt owed the college, and

WHEREAS, after all other means of collection have been exhausted by the college and County, litigation or writing the debt off are the only other alternatives, and

WHEREAS, debt collection litigation is a specialized area of law, requiring not only knowledge in the practice, but also the expenditure of extreme time and energy, and

WHEREAS, the idea of involving the Assigned Counsel Program, with their ability to provide young, knowledgeable and energetic professionals, is deserving of further exploration, and

WHEREAS, fees for outside litigated debt collection services are based upon recovery not time, there would be no net cost to the county.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body believes that better, more effective measures can be taken to ensure collection of delinquent tuition accounts, and be it further

RESOLVED, that this Honorable Body requests the Erie County Attorney, Erie County Sheriff's Department-Civil Division, Erie County Assigned Counsel Program and representatives of the Erie County Community College to appear at the next meeting of the Legislature's Community Enrichment Committee to discuss what measures might and should be taken to expand and improve the collection procedures presently employed by the County, for the collection of delinquent tuition accounts, and be it further

RESOLVED, that a copy of this resolution be forwarded to Kenneth Schoetz, Esq., County Attorney, Patrick Flynn, Erie County Sheriff's Department-Civil Division, Dr. Louis Ricci, President-Erie Community College, and the Erie County Bar Association.

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

RANDI COHEN KENNEDY
Chairperson

Ms. COHEN KENNEDY requested that RESOLVES No. 2 & 3 be separated.

GRANTED.

Ms. COHEN KENNEDY moved the adoption of the balance of the report.
Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Ms. COHEN KENNEDY offered an amendment as follows to RESOLVE No.2

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

RESOLVED, that this Honorable Body does hereby request that representatives from Summerfare Theater, Theater of Youth, Studio Arena, Shakespeare in the Park, and Shea's Buffalo be invited to a future meeting of the Legislature's Community Enrichment Committee to discuss in greater detail existing programs with youth centers and other community organizations, in addition to any possible expansion of existing programs or initiation of new programs with other regional cultural organizations to introduce our children to the rewards of the performing arts, and be it further

Ms. COHEN KENNEDY moved the adoption of the amendment. Mr. LARSON seconded.

Chairman SWANICK directed that Et al be added to the sponsorship of Resolve No. 2.

Ms. COHEN KENNEDY moved the adoption of Resolve No. 2 as amended. Mr. LARSON seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that Et al be added to the sponsorship of Resolve No. 3.

Ms. COHEN KENNEDY moved the adoption of Resolve No. 3 as amended. Mr. OLMA seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 219

MAY 8, 1997

HEALTH COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

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

Item	Page	-1997	(Comm. 3M-20)
a. EXCALIBUR LEISURE SKILLS CENTER:			
Fisher Re: Request for Funding.			Copy of Letter to Legislator
(5-0)			

Item	Page	-1997	(Comm. 4M-6)
b. NYS DEPARTMENT OF HEALTH:			
State Legislature to Establish Mental Health Special Needs Plan.			
(5-0)			

Item Page -1997 (Comm. 6D-9)
c. **MENTAL HEALTH:** Notice of Meeting Held 3/20/97 & Minutes from
February Meetings.
(5-0)

Item Page -1997 (Comm. 7D-10)
d. **ERIE COUNTY MEDICAL CENTER:** Financial Statements for Two Months
Ended 2/28/97.
(5-0)

Item Page -1997 (Comm. 8D-4)
e. **MENTAL HEALTH:** Notice of Meeting 4/17/97 Erie County Mental Health
Community Services Board.
(5-0)

Item Page -1997 (Comm. 9D-8)
f. **HEALTH:** Notice of Board of Health Meeting to be Held 5/6/97 &
Minutes of Meeting Held 2/11/97.
(5-0)

Item Page -1997 (Comm. 8E-11)
2. **COUNTY EXECUTIVE:**
WHEREAS, the Erie County Department of Health operates a
Tuberculosis Control Outreach Program, and

WHEREAS, the Erie County Health Department has received a revised
grant in the amount of \$30,000 for the continuation of the Tuberculosis
Control Outreach Program, and

WHEREAS, the purpose of this program is to provide follow up of
active TB cases and suspect cases, persons receiving preventive therapy
for TB and persons exposed to TB, including outreach services.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to accept
a revised grant from the New York State Department of Health to continue
the Tuberculosis Control Outreach Program which is budgeted as follows:

TB CONTROL
2/1/97 - 1/31/98
PROJECT # 694

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
582		STATE AID	\$ <u>34,500</u>	<u>-4,500</u>	<u>\$30,000</u>
		TOTAL	\$ <u>34,500</u>	<u>-4,500</u>	\$ <u>30,000</u>
 <u>EXPENSES</u>					
800		PERSONNEL SERV	\$ 25,746	-1,746	\$24,000
805		FRINGES	6,617	-917	5,700
824		TRAVEL & MILEAGE	100	-50	50
825		OUT OF AREA TRAV	200	-200	0
826		OTHER EXPENSES	1,787	-1,587	200
880	5100	INTERFUND-DISS	<u>50</u>	<u>0</u>	<u>50</u>
		TOTAL	<u>\$34,500</u>	<u>\$(4,500)</u>	<u>\$30,000</u>

and be it further

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

(5-0)

Item Page -1997 (Comm. 9E-10)
3. COUNTY EXECUTIVE:

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

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for persons receiving mental health treatment from Western New York Independent Living Project, Inc., and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Western New York Independent Living Project, Inc. in the amount not to exceed \$495,627, and

WHEREAS, additional funds of \$105,000 in 100% New York State Office of Mental Health Reinvestment dollars are available to operate transportation services to mental health clients needing services.

NOW, THEREFORE, BE IT

RESOLVED, that the 1997 appropriation for Western New York Independent Living Project, Inc. be increased by a total of \$105,000, the source of these funds being 100% New York State Office of Mental Health Reinvestment dollars, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 1997 contract with Western New York Independent Living Project, Inc. for the period January 1, 1997 through December 31, 1997, to an amount not to exceed \$600,627, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Mental Health and the Division of Budget, Management and Finance.

(5-0)

Item Page -1997 (Comm. 9E-11)
4. COUNTY EXECUTIVE:

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

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

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Transitional Services, Inc. in the amount not to exceed \$514,851, in County operating funds, and

RESOLVED, that the following amendments to the 1997 Adopted Budget are hereby authorized:

Fund Dept	Acct Description	Adopted Approp	Amended Approp
110 Health	821 Dues & Fees	\$574,071	\$572,071
110 Health	825 Out of Area Travel	\$ 0	\$2,000

RESOLVED, that copies of this resolution be forwarded to the Commissioner of Health and the Director of Budget, Management and Finance.

(5-0)

JUDITH P. FISHER
Chairperson

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS:

ITEM 16 - Mr. PAULY presented the following resolution and requested it be referred to the HEALTH COMMITTEE.

GRANTED.

Int. 10-1 From: Leg. Pauly Re: Accountability of Health Maintenance Organization

ITEM 17 - Ms. MARINELLI presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220 Re: Requesting County Executive Gorski to declare May 22, 1997 as Erie County "Early Childhood Professionals (Int. 10-2)

WHEREAS, Success by 6, an initiative of the United Way of Buffalo & Erie County, is dedicated to helping children receive necessary and proper support, nutrition, skills and nurturing from birth through the age of six, and

WHEREAS, With cooperation from the people, businesses, governments, neighborhoods and organized groups that comprise Erie County, Success by 6 promotes a sense of community to make the needs of children and their families Erie County's highest priority, and

WHEREAS, Success by 6 has established five "action items" for 1997: 1.) Expanding child and maternal health services through utilization of prenatal and perinatal nutrition programs like WIC, 2.) Developing a pool of funding to help child care centers earn accreditation, 3.) Actively promoting a statewide legislative agenda for children 0-6 years of age, 4.) Developing a workplace resource booklet for companies researching family-friendly issues, and 5.) Funding and supporting a collaboration between Crisis Services and the Buffalo Police Department for an at-the-scene crisis intervention response for child witnesses of violent crime, and

WHEREAS, A commitment of resources to the development of children is proven to be economically cost effective, and

WHEREAS, Success by 6's first major public event will take place on May 22, 1997, when there will Dr. Edward Zigler, the co-founder of Head Start, Sterling Professor of Psychology, head of the psychology section of the Child Study Center, director of the Bush Center on Child Development and Social Policy at Yale University, author of numerous scholarly publications, and recipient of many honors, will give a presentation to early childhood professionals and corporate leaders, and

WHEREAS, Dr. Zigler's message will be the premise from which Success by 6 was founded, that learning begins at birth and every facet of the community must participate and invest their resources and professional skills in children in their crucial formative years, and

WHEREAS, This event would not be possible without the kind sponsorship of the King Urban Life Center, Buffalo State College, and the Western New York Foundation,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby respectfully request Erie County Executive Dennis T. Gorski to declare May 22, 1997 as Erie County "Early Childhood Professionals Day" in recognition of Success by 6's first major public event, a presentation to early childhood professionals and corporate leaders by Dr. Edward Zigler, and be it further

RESOLVED, That this Honorable Body does hereby highly commend Success by 6 for the outstanding contributions they have made to the well-being and development of children through their crucial formative years from birth through the age of six, and be it further

RESOLVED, That this Honorable Body does hereby express its gratitude to the distinguished professor and scholar Dr. Edward Zigler for giving this presentation, and be it further

RESOLVED, That certified copies of this resolution be sent to Erie County Executive Dennis T. Gorski and Success by 6.

Fiscal Impact: None for Resolution.

LYNN M. MARINELLI

JUDITH P. FISHER

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

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

CARRIED UNANIMOUSLY.

ITEM 18 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221 Re: Senior Citizen Tax Exemption.
(Int. 10-3)

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

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

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

WHEREAS, a Public Hearing, pursuant to Section 467, paragraph 1 (a) of the State Real Property Tax Law, as amended, was duly advertised and held by the Erie County Legislature on Tuesday, May 6, 1997, at 1:30 o'clock in the afternoon of that day, at the Amherst Senior Center, on the proposal to increase the maximum income eligibility level,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, hereby grants an exemption from County of Erie real property taxes so as to increase the maximum eligibility levels to the extent of fifty percent (50%) of the assessed valuation of real property owned by persons 65 years of age or older who qualify therefore under said section, provided said persons do not have incomes in excess of eighteen thousand five hundred dollars (\$18,500.00) for the income tax year immediately proceeding the date of application for said exemption and to the extent provided in the following schedule:

Percentage Assessed Valuation
Exempt From Taxation By
The County of Erie

ANNUAL INCOME:

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

and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to County Executive Dennis T. Gorski, Budget Director Kenneth C. Kruly, Deputy Commissioner of Real Property Tax Joseph Maciejewski, 1st Assistant County Attorney Alan P. Gerstman, Senior Services Commissioner Paul E. Fitzpatrick, and the Assessors of each city, town and village in Erie County.

FISCAL IMPACT: To be determined

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

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222 Re: Funding for the Veterans of foreign Wars Loyalty Day Parade
(Int. 10-4)

WHEREAS, for the past several years, the County of Erie has provided a small amount of funding to several local organizations toward the organization and performance of parades in Erie County, and

WHEREAS, in the 1997 budget, an error was made in the budget of the Department of Parks, Recreation, and Forestry, with the omission of funds to cover the costs of the Veterans of Foreign Wars (VFW) Loyalty Day Parade, and

WHEREAS, this error was supposed to have been corrected through legislative budget amendments, but was not, and

WHEREAS, the Legislature must effectuate a very small transfer of funds in the amount of \$637 to ensure that this event may be allowed to proceed,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$637 from the legislative contingency (Countywide Contingency DAC: 110923310893) to the Department of Parks, Recreation, and Forestry - Fund 110, Project 942, Department 640 - Dues & Fees (DAC: 110942640914821), for the purposes of funding the Veterans of Foreign Wars (VFW) Loyalty Day Parade for 1997, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract on behalf of the Department of Parks, Recreation, and Forestry with Loyalty Day/VFW to effectuate this transfer of funds, and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Parks, Recreation, and Forestry Commissioner James Jankowiak.

Fiscal Impact: Appropriation of 1997 budgeted funds.

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

Ms. PEOPLES moved the adoption. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223 Re: Expansion of Staging Area -
Shea's Buffalo Theater (10-5)

WHEREAS, Shea's Buffalo Theater is a historic venue at which touring musical, theatrical, and other performances may be and are staged, and

WHEREAS, Shea's Buffalo's stage is quite old and due to its smaller size is incapable of accommodating many of the more intricate and all-encompassing performances which require larger staging areas, and

WHEREAS, enhancement and improvement of the Shea's Buffalo stage will allow more and varied types of performances to choose Buffalo to perform, and

WHEREAS, by offering more and varied types of entertainment at the Shea's facility, wider audiences will be attracted to the Theater District for these performances, as well as for patronage at local restaurants, bars, and other locations where people congregate downtown, and

WHEREAS, in this effort, Buffalo will be better able to compete with other cities like Toronto and Rochester for touring theatrical and musical productions, and

WHEREAS, during the 1997 County Budget process, the Legislature identified funds to be earmarked toward assisting in the renovation of the Shea's Buffalo stage, and

WHEREAS, a resolution such as this must be approved to effectuate this transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the improved economic development of downtown Buffalo, and be it further

RESOLVED, that toward that end, the Erie County Legislature does hereby approve the transfer of \$75,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 920, Department 300, Agency Payments & Grants - Agency Payments - Cultural, (DAC: 110920300830215), as follows:

<u>NAME</u>	<u>LINE</u>	<u>BUDGET</u> <u>AMOUNT</u>	<u>+/-</u>	<u>NEW</u> <u>AMOUNT</u>	
Shea O'Connell		830/215	\$65,400	\$75,000	\$140,400
Preservation Guild					
TOTAL			\$ 75,000		

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Shea's Buffalo Theater.

Fiscal Impact: Appropriation of 1997 budgeted funds.

RANDI COHEN KENNEDY LYNN M. MARINELLI

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224 Re: Providing Funding for Various
Cultural & Civic Organizations
(Int. 10-6)

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

WHEREAS, this funding may be provided by the County of Erie to local community based organizations and agencies for the purpose 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 to effect this transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,000 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>
Town of Eden	n/a	\$3,000.00
Evans Youth Baseball League	n/a	\$1,000.00
Lake Shore Youth Soccer Association	n/a	\$1,000.00
Operation Good Neighbor	n/a	\$1,000.00
Hamburg Public Library	n/a	\$3,000.00
Windom Fire Company	n/a	\$1,000.00
<u>TOTAL</u>		\$10,000.00

and be it further

RESOLVED, that these funds will be used for the following purposes: for the purchase of new recreation equipment by the Town of Eden; the purchase recreation equipment and uniforms by the Evans Youth Baseball League; the purchase of equipment and uniforms by the Lake Shore Youth Soccer Association; operational costs and support for Operation Good Neighbor; for the purchase of computer equipment by the Town of Hamburg; and for the purchase of masks by the Windom Fire Company.

RESOLVED, that certified copies of this resolution be sent to: County Executive Dennis Gorski; Budget Director Kenneth Kruly; First Assistant County Attorney Alan Gerstman; Budget Analyst Jackie Mullen; John Tsakos, Supervisor, Town of Eden, 2795 East Church Road, Eden, New York, 14057; Mr. Rich Galfo, Evans Youth Baseball League, 1088 Karen Drive, Angola, New York, 14006; Mr. Dave Baczkowski, Lake Shore Youth Soccer league, PO Box 365, Derby, New York, 14047; Ms. Beverly Czyewski, Operation Good Neighbor, PO Box 791, Derby, New York, 14047; Ms. Lorraine Hutchinson, Hamburg Public Library, 102 Buffalo Street, Hamburg, New York, 14075; and Chief Jerry Knaval, Windom Fire Company, PO Box 446, Orchard Park, New York, 14127.

FISCAL IMPACT: Appropriation of 1997 budgeted funds.

JEANNE Z. CHASE

Ms. CHASE moved the adoption. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 22 - Mr. LARSON presented the following resolution and moved for immediate consideration. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225 Re: Providing Funding for Various
Cultural & Civic Organizations
(Int. 10-7)

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

WHEREAS, this funding may be provided by the County of Erie to local community based organizations and agencies for the purpose 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 to effect this transfer of funds,

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
West Seneca Fire Chiefs Association	n/a	\$5,000.00
Boys and Girls Club of Elma, Marilla and Wales	n/a	\$4,000.00
Town of Elma	n/a	\$4,000.00
Town of West Seneca	n/a	\$1,500.00
	<u>TOTAL</u>	\$14,500.00

and be it further

RESOLVED, that these funds will be used for the following purposes: purchase of high angle rescue gear by the West Seneca Fire Chiefs Association; financial assistance to the capital campaign of the Boys and Girls Club of Elma, Marilla and Wales; financial assistance to aid the construction of a playground by the Town of Elma; and financial assistance for the West Seneca Summer Youth Corps/DARE programs, and be it further

WHEREAS, many private sector businesses, both large and small, as well as governments across our nation, have recognized the need to accommodate work rules and scheduling in order that their non-traditional employees can remain employed, and

WHEREAS, non-traditional employees are no less dedicated to their jobs than full-time employees; rather, they may require special scheduling options to permit them to fulfill the requirements of their employment, and

WHEREAS, it has come to the attention of the Erie County Legislature that the Department of Probation does not offer flex time, part time, job sharing other scheduling options to non-traditional employees, and

WHEREAS, the lack of scheduling options resulted in a decision by a Probation Department employees to resign from her position so that family obligations could be met,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body does hereby state its support for the use of flex time, part time and job sharing in Erie County government as a means of addressing the needs of non-traditional employees, and be it further

RESOLVED, that this Honorable Body requests that the Department of Probation adopt flexible scheduling options in order to better accommodate its non-traditional employees, and be it further

RESOLVED, that this Honorable Body calls upon County Executive Dennis Gorski and Commissioner of Personnel Leonard Lenihan to explore the implementation of a county-wide governmental policy regarding the provision of flex time and other forms of flexible scheduling options for county employees, and be it further

RESOLVED, that this Honorable Body requests that Probation Director Christopher Clark and Personnel Commissioner Leonard Lenihan appear before the next meeting of the Government Affairs Committee to discuss the Department's scheduling policies and overall county scheduling, respectively, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Dennis Gorski, Christopher Clark and Leonard Lenihan.

MICHAEL H. RANZENHOFER JEANNE Z. CHASE DALE W. LARSON
JOHN W. GREENAN FREDERICK J. MARSHALL

Ms. PEOPLES offered an amendment as follows:

ADD the following to the RE: statement OPTIONS...In ERIE COUNTY GOVERNMENT

DELETE the following from the sixth WHEREAS clause: "employees" and REPLACE with the following: "employee"

ADD the following to the fifth RESOLVE clause: Jill Monticelli of the Erie County Probation Association

ADD the following FISCAL IMPACT statement: Fiscal Impact: To be Determined.

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

CARRIED UNANIMOUSLY.

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227 Re: Federal Funding to Rebuild Schools
(Int. 10-10)

WHEREAS, Education is the process of obtaining skill, providing formal knowledge, schooling, information, training or experience, and

WHEREAS, Education and the learning process involved is the foundation for society's mental, physical and social growth, and

WHEREAS, A conducive learning environment complete with adequate or better facilities and a strong, positive infrastructure provides the best methods for education and lifelong learning, and

WHEREAS, A local, state and national concern has developed over deteriorating facilities and schools along with overpopulation in the classrooms that will continue to negatively impact our students, and

WHEREAS, The City of Buffalo School District has an aging infrastructure, with some of its physical facilities in need of major repair, renovation and modernization to promote a positive learning environment, and

WHEREAS, The City of Buffalo School district has been found to be among the lowest income level districts in the United States and cannot afford the multi-million dollars required to bring our schools up to acceptable learning environments, and

WHEREAS, To that end, President Bill Clinton, the United States House of Representative and the United States Senate have introduced legislation to provide the billions of dollars in necessary funding to rebuild, revamp and revitalize our schools,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby recognize and express its concern regarding the City of Buffalo's financial restraints and recognize its needs for modernization, renovation and construction to improve and enhance the Buffalo school district, and be it further

RESOLVED, That this Honorable Body does hereby recognize the importance of providing a sound, stable educational environment complete with quality facilities, modern classrooms and resources, and be it further

RESOLVED, That this Honorable Body does hereby the House and Senate to pass, and President Bill Clinton sign into law, House bill H.R. 1104 and Senate bill S.456 as a means of improving the infrastructure of our schools, and be it further

RESOLVED, That certified copies of this resolution be forwarded to President Clinton, all members of the Western New York delegation of Congress and Senate and City of Buffalo Superintendent James Harris.

Fiscal Impact: None for resolution.

CHARLES M. SWANICK

CRYSTAL D. PEOPLES

Chairman SWANICK directed that E1 al be added to the sponsorship.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 228 Re: Calling on State Leaders to Restore & Prioritize CHIPS Funding for 1997 Construction Season (Int. 10-11)

WHEREAS, Consolidated Highway Improvement Program (also known as "CHIPS") funding is provided to counties by the state of New York to assist in the repair and maintenance of roads and bridges, and

WHEREAS, in the 1997 Erie County budget, the county estimated CHIPS funding for Operation and Maintenance (O&M) of \$1.2 million, and for Capital Projects of \$4.47 million, which includes funding for the county's Overlay program, for culvert replacement and rehabilitation, and for guard rail replacement, and

WHEREAS, Governor Pataki's proposed 1997-98 state budget included O&M CHIPS funding for all towns and small cities within New York State, but eliminated such funding for the state's six largest cities and for all counties within the state, and

WHEREAS, the State Assembly has passed budgetary legislation that restored CHIPS O&M funding to counties, but such legislation has not yet been considered by the State Senate, and

WHEREAS, failure by the state legislature to restore this \$1.2 million in CHIPS O&M funding will adversely impact Erie County's ability to perform routine O&M on its roads, and

WHEREAS, additionally, the delay in the passage of the state budget - and the resulting delay in the payment of CHIPS funds to localities - has necessarily impacted negatively the county's ability to proceed with its planned road projects, and

WHEREAS, the longer the delay in adoption of the state budget, the farther the delay will stretch into the county's construction season, and

WHEREAS, for the county to meet financial and construction timetables and estimates, the state must adopt a budget very soon, with full CHIPS O&M and Capital funding included, or it must include said funding in any stop-gap spending plans approved by the state legislature and the Governor in advance of passage of a full state budget,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby call upon Governor Pataki and Legislative leaders to maintain their commitment to safe roads throughout counties in the State of New York, and be it further

RESOLVED, that this Honorable Body does hereby call upon state leaders to restore CHIPS O&M funding to counties, including \$1.2 million to Erie County, in a final adopted state budget, and be it further

RESOLVED, that this Honorable Body does hereby request that Governor Pataki and Legislative Leaders pay heed to the upcoming road construction season by including CHIPS funding in upcoming stop-gap legislation to be passed in advance of a full state budget, or by adopting a full state budget in short order, with complete CHIPS O&M and Capital funding included, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, State Assembly Speaker Sheldon Silver, State Senate Majority Leader Joseph Bruno, Assembly Ways and Means Committee Chairman Herman D. Farrell, Senate Finance Committee Chairman Ronald Stafford, Assembly Transportation Committee Chairman David Gantt, Senate Transportation Committee Chairman Norman Levy, the Western New York Delegation to the New York State Assembly and Senate, and to Erie County Executive Dennis T. Gorski.

Fiscal Impact: Impact of State Inaction is Negative to Local Taxpayers.

RANDI COHEN KENNEDY
EDWARD J. KUWIK

LYNN M. MARINELLI
CHARLES M. SWANICK

RAYMOND K. DUSZA
CRYSTAL D. PEOPLES

Chairman Swanick directed that the names of Legislators Olma, Fisher, Fitzpatrick, Holt, Pauly, Chase, Greenan, Ranzenhofer, Marshall and Larson be added as co-sponsors.

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

CARRIED.

Legislator DeBendetti in the negative.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 229 Re: Support of ECC Trustees Position
Concerning Campus Consolidation
(Int. 10-12)

WHEREAS, Erie Community College (ECC) is part of the SUNY system and is administered by a (10) ten member Board of Trustees appointed by the Governor, County Executive and students, and

WHEREAS, The ECC Board of Trustees sets educational policy at the college in accordance with the general policy guidelines as established by SUNY and the Commission on Higher Education of the Middle States Association of College and Schools, and

WHEREAS, Recently, much public controversy and confusion has centered on a proposal by a state legislator to consolidate the three ECC campuses into one downtown campus, and

WHEREAS, The ECC Board of Trustee has voted in opposition to campus consolidation and is concerned that uncertainty regarding consolidation is causing confusion, thereby serving to undermine the college's recruiting efforts, and

WHEREAS, While there may be varying opinion with respect to the impact on this consolidation proposal, the exclusive decision making authority with respect these and other policy issues concerning ECC rests with the college Board of Trustees, and

WHEREAS, It is important for the County Legislature to support and uphold the policy making authority of the ECC Board of Trustees who have been appointed to serve and are vested with the authority to establish educational and administrative policy, including issues of long-term planning, concerning the college, and

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its support of the ECC Board of Trustees and their decision to at this time to reject and oppose the proposed campus consolidation, and

RESOLVED, That this Honorable Body does hereby encourage the Board of Trustees to study ways of instituting administrative and operational efficiencies to remain competitive, thereby securing ECC's financial viability well into the future, and

RESOLVED, That the Erie County Legislature does hereby reaffirm its support for ECC and the fundamental the missions of the this important public institution, including:

- ▶ A commitment to serving all segments of society through an open-access admissions policy that offers equal and fair treatment to all students, regardless of gender, race or religion;
- ▶ A commitment to remain accessible, thereby meeting its obligation as a community based institution of higher learning committed to serving the needs of its designated geographic area, including City residents, as well as residents living in the Northtowns and Southtowns of Erie County;

- ▶ A commitment to meet the needs of the college's service area, both city and suburban, while operating within its mission and resources;

RESOLVED, That certified copies of this resolution be forwarded to ECC President Dr. Louis Ricci, the ECC Board of Trustees and County Executive Dennis T. Gorski.

Fiscal Impact: None for Resolution

RANDI COHEN KENNEDY CHARLES M. SWANICK CRYSTAL D. PEOPLES

Mr. MARSHALL offered an amendment as follows:

Add a new 2nd RESOLVE clause to read as follows:

RESOLVED, that State Senator Anthony Nanula withdraw his ill-advised proposal to consolidate the three (3) Erie Community College campuses, and be it further

Mr. MARSHALL moved the adoption of the amendment. Mr. GREENAN seconded.

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

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

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

Chairman SWANICK directed that a Roll Call be taken.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 230 Re: \$9.9 Million Reserve for 1998
Property Tax Relief (Int. 10-13)

WHEREAS, The County's property tax relief account was established for the purposes of stabilizing the County's property tax growth by designating budgetary surpluses for future property tax relief, and

WHEREAS, According to the November 1997 Budget Monitoring Report (BMR), the 1998 property tax relief account can be funded from 1996 surplus accounts and prior year balances, and

WHEREAS, Designated property tax relief has proved to be a useful tool in carrying forward previous years budgetary surpluses for future property tax relief, and

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby designate \$9.4 million from 1996 budgetary surpluses and prior years balances for the establishment of the 1998 property tax relief account, and be it further

RESOLVED, The County Budget Director and County Comptroller are hereby authorized to make any and all technical adjustments that may be necessary in order to establish the 1998 property tax relief account in the amount of \$9.4 million, and be it further

RESOLVED, That certified copies of this resolution be forwarded to County Executive Dennis T. Gorski, County Comptroller Nancy A. Naples, County Attorney Kenneth Schoetz and County Budget Director Kenneth C. Kruly.

Fiscal Impact: \$9.4 million in 1998 property tax relief

CHARLES M. SWANICK CRYSTAL D. PEOPLES

Ms. PEOPLES offered an amendment as follows:

In the 2nd WHEREAS clause change "November 1996" to November 1997".

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

CARRIED UNANIMOUSLY.

Chairman Swanick directed that the names of the following Legislators be added as co-sponsors Dusza, Fitzpatrick, Holt, Kuwik, Marinelli, Olma, Marinelli, Cohen Kennedy, Chase, Greenan, Larson, Marshall, Pauly, and Ranzenhofer.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

ITEM 29 - Mr. LARSON moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Int. 9-1. Mr. LARSON seconded.

Int. 9-1 From Leg. Larson Re: Proposed Consolidation at Erie Community College.

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

ITEM 30 - Mr. FITZPATRICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 9D-15. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231 Re: Jewett Holmwood Road CR 368 Project
No. RC 369-96, Town of Aurora

Mr. FITZPATRICK offered an amendment as follows:

Add the following resolution to the original communication to read as follows:

WHEREAS, bids were taken for the Reconstruction of Jewett-Holmwood Road, CR 368, Town of Aurora, on May 8, 1997, the low bidder being Omer Construction Company, Incorporated of 621 Aero Drive, Cheektowaga, New York at a low bid amount of \$1,184,116.45.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number RC 368-96 for the Reconstruction of Jewett-Holmwood Road, CR 368, Town of Aurora, between the County of Erie and the low bidder Omer Construction Company, Incorporated of Cheektowaga, New York at its low bid of \$1,184,116.45, and be it further

RESOLVED, that an amount of \$1,184,118.45 be allocate from the 1996 Road Construction Program, and be it further

RESOLVED, that an additional amount of \$200,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$200,000.00 from the 1996 Road Construction Program, and be it further

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

ITEM 31 - Ms. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 10E-41 From: Leg. Marinelli Re: ECC Consolidation.

Chairman SWANICK directed that Communication 10E-41 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

ITEM 32 - Ms. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 10E-42 From: Leg. Marinelli Re: Flex-Time.

Chairman SWANICK directed that Communication 10E-42 be referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 33 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Int. 10-14 From: Leg. PEOPLES Re: Support for Integrity in Government Act

Chairman SWANICK directed that Int. 10-14 be referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 34 - Mrs. FISHER moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 10M-16 From: Niagara Frontier Radio Reading Service Inc. Re: Copy of Letter to Legislator Fisher Re: Erie County and the Niagara Frontier Radio Reading Services

Chairman SWANICK directed that Communication 10M-16 be referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

ITEM 35 - (COMM. 10E-1) Sales Tax Receipts for February.

ITEM 36 - (COMM. 10E-2) Year-End Closing for General Ledger 1996.

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

FROM LEGISLATOR MARSHALL

ITEM 37 - (COMM. 10E-3) Appointment of Mrs. Gretchen Stringer to the Erie County commission on the Status of Women.

RECEIVED & FILED.

ITEM 38 - (COMM. 10E-4) Copy of Letter to Commissioner Loffredo Requesting Update on Court Facilities Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR DUSZA

ITEM 39 - (COMM. 10E-5) Notice of Absence from Energy Y Environment and Public Safety meetings on 5/6/97.

RECEIVED & FILED.

FROM THE COMPTROLLER

ITEM 40 - (COMM. 10E-6) Copy of Letter to Mr. Hart Re: Collection of Hotel Bed Taxes.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIRMAN SWANICK

ITEM 41 - (COMM. 10E-7) Appointment of Legislator Marinelli to the Erie County Development Coordination Board.

RECEIVE, FILE & PRINT.

Dear Madame Clerk:

Pursuanr to Section 3.08-A of the Erie County Administrative Code, I hereby appoint Legislator LYNN M. MARINELLI as the Legislature's appointment to the Erie County Development Coordination Board.

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

RECEIVED, FILED & PRINTED.

FROM THE COMPTROLLER

ITEM 42 - (COMM. 10E-8) Duplicate of Communication 10E-6.

RECEIVED & FILED.

FROM LEGISLATOR MARSHALL

ITEM 43 - (COMM. 10E-9) Copy of letter to Budget, Finance & Management Re: Technical Accounting Adjustments.

FROM LEGISLATOR DEBENEDETTI

ITEM 44 - (COMM. 10E-10) Copy of Letter to Budget, Finance & Management Re: Requesting Buffalo Bills Existing Lease Information.

ITEM 45 - (COMM. 10E-11) Copy of Letter to Comptroller Re: Requesting Buffalo Bills Existing Lease Information.

ITEM 46 - (COMM. 10E-12) Copy of Letter to DPW Re: Requesting Costs of Relieving Bills From Maintaining Rich Stadium.

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

FROM THE COMPTROLLER

ITEM 47 - (COMM. 10E-13) Bond Resolution to ECC South Campus Vehicle Technical Center.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CHAIRMAN SWANICK

ITEM 48 - (COMM. 10E-14) Reappointment of Member to Erie County Agricultural & Farmland Protection Board.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

ITEM 49 - (COMM. 10E-15) Copy of Letter to William Hart Re: Accrual of Uncollected Bed Taxes.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 50 - (COMM. 10E-16) Position Change Report PP# 10/97.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 51 - (COMM. 10E-17) Amendment to Agreement Between Erie County & Greater Buffalo Convention & Visitors Bureau.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ITEM 52 - (COMM. 10E-18) Filing Vacant Positions 3/97.

ITEM 53 - (COMM. 10E-19) Filling Vacant Positions 4/97.

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

ITEM 54 - (COMM. 10E-20) ECSD No. 4 - Construction & Engineering Change Order Overflow Retention Facilities.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ITEM 55 - (COMM. 10E-21) DISS - Lease for Surplus Center.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 56 - (COMM. 10E-22) Staff Adjustment - Office of Comptroller.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ITEM 57 - (COMM. 10E-23) Youth Services - Authorization to Contract - Delinquency Prevention Program

ITEM 58 - (Comm. 10E-24) Youth Services - Authorization to Accept DCJS Grant Award & Execute Contractual Agreement.

ITEM 59 - (COMM. 10E-25) Youth Services - Equipment & DISS Services.

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

ITEM 60 - (Comm. 10E-26)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232 Re: Erie County Department of Senior Services - Authorization to Amend 1997 Grant Budgets

WHEREAS, the final overall 1997 Federal allocations for the Areawide Agency on Aging (AAA) and the Title III-D Respite Grants have been revised, and

WHEREAS, it is necessary to revise the 1997 County Budget in order to reflect the changes in these grants, and

WHEREAS, no additional County funds are required, and

WHEREAS, it is recommended that a portion of the additional funds under the AAA Grant be used to replace three (3) of the Department's older "Going Places" vans which have high mileage and/or in poor repair, and

WHEREAS, it is recommended that a portion of the additional funds under the Areawide Agency on Aging Grant be used to purchase computer equipment that will enable the Department of Senior Services to meet the detailed data collection requirements which will be imposed by the Federal government by April 1, 1999,

NOW, THEREFORE, BE IT

RESOLVED, that the 1997 Erie County Budget for the AAA Grant, Project 703, be revised as follows:

REVENUES

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Revised Budget</u>
664	Federal Aid	\$1,399,388	\$+87,284	\$1,486,672
686	Interfund Revenue	297,920	- 1,428	296,492
	Total Change		<u>\$ 85,856</u>	

APPROPRIATIONS

825	Out of Area Travel	\$ 10,000	\$- 1,144	\$ 8,856
930	Motor Vehicle Equipment	-0-	+72,000	72,000
933	Lab and Technical Equipment	-0-	+15,000	15,000
	Total Change		<u>\$ 85,856</u>	

and be it further

RESOLVED, that the 1997 Erie County Budget for the Title III-D Respite grant, Project 704, be revised as follows:

REVENUES

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Revised Budget</u>
664	Federal Aid	\$38,893	\$+13,181	\$52,074
686	Interfund Revenue	4,358	+ 1,428	5,786
	Total Change		<u>\$ 14,609</u>	

APPROPRIATIONS

830	Contractual Services	\$43,251	<u>\$ 14,609</u>	\$57,860
	Total Change		<u>\$ 14,609</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 Senior Services.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

ITEM 61 - (COMM. 10E-27) Health - Village of Depew lease Amendment.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

ITEM 62 - (COMM. 10E-28) ECSD No. 1 Contract #2 - Change Order #2 Easement Abandonment - Town of Cheektowaga.

ITEM 63 - (COMM. 10E-29) ECSD No. 5 Clarence Town Sewer District Service Agreement.

ITEM 64 - (COMM. 10E-30) ECSD No. 2 Big Sister Creek Bank Erosion Protection.

ITEM 65 - (COMM. 10E-31) ECSD Pumping Station Elimination Program Annual Report.

ITEM 66 - (COMM. 10E-32) ECSD - No. 4 Construction & Engineering Change Order: Bowmansville-Warner Road Pumping Stations.

ITEM 67 - (COMM. 10E-33) ECSD - No. 2 Lake Bay Grove Pumping Station Replacement Bid Opening.

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

ITEM 68 - (COMM. 10E-34) Contract with Empire State Development Corporation for Niagara Trade & Distribution Study.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ITEM 69 - (COMM. 10E-35) Senior Services - Revision of Various Nutrition Grants in 1997 Budget.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 70 - (COMM. 10E-36) Health - Public Health Priorities Partnership Initiative Grant.

Received and referred to the HEALTH COMMITTEE.

FROM LEGISLATORS COHEN KENNEDY, MARINELLI, DUSZA, KUWIK,
SWANICK & PEOPLES

ITEM 71 - (COMM. 10E-37) Copy of Letter to Governor Re: CHIPS Operation & Maintenance Funds.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR COHEN KENNEDY

ITEM 72 - (COMM. 10E-38) Copy of Letter to ECC Board of Trustees
Re: Consolidation of Campuses.

ITEM 73 - (COMM. 10E-39) Copy of Letter to Buffalo news Re: ECC'S
North Campus Vital to Area's Future Workforce.

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

FROM COUNTY EXECUTIVE

ITEM 74 - (COMM. 10D-40) Social Services - Approved Capital Budget
Authorization to Contract.

Received and referred to the SOCIAL SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS:

FROM ECMC

ITEM 75 - (COMM. 10D-1) Financial Statements for 3/31/97.

Received and referred to the HEALTH COMMITTEE.

FROM DEP

ITEM 76 - (COMM. 10D-2) SEQR-Negative Declaration - ECC South:
Purchase Vehicle Technical Training Center.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMC

ITEM 77 - (COMM. 10D-3) Notice of Meeting Board of managers Held
5/8/97.

RECEIVED & FILED.

FROM ECC

ITEM 78- (COMM. 10D-4) Notice of Meeting Board of Managers Held 3/26/97.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DEP

ITEM 79 - (COMM. 10D-5) SEQR - Solicitation for Lead Agency - Aurora Apartments.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LAW

ITEM 80 - (COMM. 10D-6) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ERIE COUNTY MORGUE

ITEM 81 - (COMM. 10D-7) Monies & Other Properties Found on Deceased Persons.

Received and referred to the HEALTH COMMITTEE.

FROM THE ERIE COUNTY COMMISSION ON THE STATUS OF WOMEN

ITEM 82 - (COMM. 10D-8) Working Women Survey.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM MENTAL HEALTH

ITEM 83 - (COMM. 10D-9) Notice of Meeting Erie County Mental Hygiene Community Services Board; Chairperson's Report; Commissioner's Report & Subcommittee Reports.

Received and referred to the HEALTH COMMITTEE.

FROM DEP

ITEM 84 - (COMM. 10D-10) Comments on Impacts of the Sale of Conrail to CSX & NS.

FROM DPW

ITEM 85 - (COMM. 10D-11) Executed Contract for Winspear Road Bridge, Town of Elma.

ITEM 86 - (COMM. 10D-12) Executed Contract for Rapids Road Bridge, Towns of Clarence & Royalton.

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

FROM ECC

ITEM 87 - (COMM. 10D-13) Notice of Meetings: 5/13/97, 5/16/97 & 5/20/97.

ITEM 88 - (COMM. 10D-14) Resolution of Board of Trustees Addressing Downtown Consolidation.

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

FROM DEP

ITEM 89 - (COMM. 10D-15) SEQOR - Solicitation for Lead Agency - South Park Apartments.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECC

ITEM 90 - (COMM. 10D-16) Notice of Meetings: 5/12/97 & 5/20/97.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DEP

ITEM 91 - (COMM. 10D-17) SEQR - Negative Declaration - ECSD No. 1 Felber Lane Sanitary Sewer.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SOCIAL SERVICES

ITEM 92 - (COMM. 10D-18) Response to Comptroller Audit for Geneva B. Scruggs Community health Care Center.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DPW

ITEM 93 - (COMM. 10D-19) Erie County Holding Center Improvements.

ITEM 94 - (COMM. 10D-20) Angola Highway Vehicle Storage Facility, Professional Services Change Order.

ITEM 95 - (COMM. 10D-21) Agreement with NYSDOT for Preliminary Engineering & Right-of-Way Incidentals Phases, Springville-Boston Road Bridge, Town of Concord.

ITEM 96 - (COMM. 10D-22) Agreement with NYSDOT for Construction Supervision & Inspection Phases, Various Roads, Towns of Amherst & Cheektowaga.

ITEM 97 - (COMM. 10D-23) ECC - North Campus, Steam Line Replacement.

ITEM 98 - (COMM. 10D-24) ECC -North Campus, Spring Student Center - Food Services Renovations.

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

ITEM 99 - (COMM. 10D-25) Request for a Waiver with Respect to LL#5
- Smoking in Erie County.

RECEIVED & FILED.

COMMUNICATIONS FOR THE PEOPLE AND OTHER AGENCIES

FROM TOWN OF BOSTON

ITEM 100 - (COMM. 10M-1) Support of Town of Amherst Resolution
Re: Opposing the Closing of ECC North Campus.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM BUFFALO POLICE COMMISSIONER

ITEM 101 - (COMM. 10M-2) Annual Insurance Surcharge to Combat Auto
Theft.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM NYSDEC

ITEM 102 - (COMM. 10M-3) Notice of Record of Decision:
Tennessee Gas Pipeline Compressor Station 229, Town of Eden.

FROM MELINDA HOLLAND, CLEAN SITES

ITEM 103 - (COMM. 10M-4) Notice of Meeting Held 4/15/97 & Summary
of meeting Held 4//2/97.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM TOWN OF GRAND ISLAND

ITEM 104 - (COMM. 10M-5) Support of Town of Amherst's Resolution
Re: Opposing the Closing of ECC North Campus.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM WELLNESS INSTITUTE

ITEM 105 - (COMM. 10M-6) News and Notes.

Received and referred to the HEALTH COMMITTEE.

FROM WILLIAM P. HART

ITEM 106 - (COMM. 10M-7) Copy of Letter to comptroller Re: 1996 Year-End Reconciliation of the Bed Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECIDA

ITEM 107 - (COMM. 10M-8) Notice of Meeting Held 5/14/97.

RECEIVED & FILED.

FROM KEVIN COLE

ITEM 108 - (COMM. 10M-9) Copy of Letter to Legislator Kuwik Re: Sheriff's office Unfilled Positions.

Received and referred to the to PUBLIC SAFETY COMMITTEE.

FROM VILLAGE OF KENMORE

ITEM 109 - (COMM. 10M-10) Sales Compensation Use Tax for Calendar year of 1997.

FROM SENECA HOSE COMPANY #1

ITEM 110 - (COMM. 10M-11) Smoking Ban Law Will Have Negative Effect on BINGO Revenue

Received and referred to the HEALTH COMMITTEE.

FROM TOWN OF ALDEN

ITEM 111 - (COMM. 10M-12) LEGAL Notice of Telecommunications Facilities Law.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM NEW YORK STATE HEALTH DEPARTMENT

ITEM 112 - (COMM. 10M-13) Copy of Order Combining Village of Akron & Town of Newstead Into a Single Primary Registration District for Births & Deaths.

Received and referred to the HEALTH COMMITTEE.

FROM ASSEMBLYMAN REYNOLDS

ITEM 113 - (COMM. 10M-14) Acknowledgement of Receipt of Resolutions.

RECEIVED & FILED.

FROM GREATER BUFFALO CONVENTION & VISITORS BUREAU

ITEM 114 - (COMM. 10M-15) Unaudited Financial Statement for Period Ending 3/31/97.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEMORIAL RESOLUTIONS

ITEM 115 - Ms. MARINELLI moved that when this Legislature adjourns, it do so out of respect to the memory of EDMUND J. DOWLING, deceased. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ADJOURNMENT

ITEM 116 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

Ms. PEOPLES moved that the Legislature adjourn until 2:00 P.M., Thursday, June 5, 1997. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 5, 1997 at 2:00 P.M., Daylight Savings Time.

LAURIE A. MANZELLA
Clerk