

ERIE COUNTY LEGISLATURE
MEETING NO. 13
July 3, 1997

The Legislature was called to order by Chairman SWANICK.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Mr. Olma.

The Minutes of the previous meeting were TABLED.

RECONSIDERATION:

ITEM 1 - Ms. PEOPLES moved to reconsider the ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 7, 1997. Mr. LARSON seconded.

CARRIED UNANIMOUSLY.

JUNE 12, 1997

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

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

Item Page -1997 (Comm. 11D-10)
a. DPW: Agreement with NYSDOT Preliminary Engineering Wehrle Drive
(CR 290), Town of Amherst.
(5-0)

Item Page -1997 (Comm. 11M-4)
b. NFTA: Paratransit Policy.
(5-0)

Item Page -1997 (Comm. 11M-9)
c. **M&T BANK:** Letter to Chairman Swanick Re: Study of Economic
Activity in Upstate Metropolitan Areas.
(5-0)

Item Page -1997 (Comm. 11M-12)
d. **TOWN OF COLDEN:** Certified Resolution Re: Renaming of Heath Road
Bridge.
(5-0)

Item Page -1997 (Comm. 11M-18)
e. **NFTA:** Copy of Minutes from Board Meeting Held 4/21/97.
(5-0)

Item Page -1997 (Comm. 11M-21)
f. **ECIDA:** Notice of Annual Meeting to be Held 6/11/97.
(5-0)

Item Page -1997 (Comm. 11D-16)
2. **DPW:**
WHEREAS, the New York State Thruway Authority proposes to
rehabilitate the structure which carries Crittenden Murray Corners Road
(CR 246) over the New York State Thruway at Milepost 405.45 in Contract
TAN 97-56B, and

WHEREAS, Section 359, Subdivision 4, of the Thruway Act provides
that the Municipality shall maintain and repair its municipal highways
carried over the Thruway by Authority structures, and

WHEREAS, the parties hereto desire to come to a definite understanding regarding the statutory responsibilities of Authority and Municipality, respectively, for specific contract items on maintenance and repair, and the manner in which the bridge rehabilitation will be performed, and

WHEREAS, the Authority will close Crittenden Murray Corners Road and utilize North Millgrove Road (CR 268) as part of the proposed construction detour which is scheduled to occur from approximately August 1997 to November 1997, and

WHEREAS, the Authority has agreed to be responsible for 100% of the cost of the rehabilitation contract.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to enter into an agreement with the New York State Thruway Authority to continue to maintain and repair those items of the Crittenden Murray Corners Road Bridge as required under the provisions of Section 359, Subdivision 4 of the Thruway Act, and be it further

RESOLVED, that the rehabilitation of the Crittenden Murray Corners Road Bridge over the New York State Thruway shall be performed at no cost to the County of Erie, and be it further

RESOLVED, that the Authority is authorized to close Crittenden Murray Corners Road and utilize North Millgrove as part of the construction detour for this project, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways.

(5-0)

Item	Page	-1997	(Comm. 11D-17)
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3. DPW:

WHEREAS, the Erie County Legislature approved a contract for the reconstruction of several culverts at various locations, Project Number CULVERTS - 96, between Frontier Asphalt, Incorporated of Depew, New York and the County of Erie in Meeting Number 18, held on July 25, 1996, Communication Number 15D-18, and

WHEREAS, said Company is reconstructing a culvert on the Springville Boston Road, and

WHEREAS, there is a second culvert in close proximity to the first, that also must be replaced, and

WHEREAS, it would benefit the County by scheduling both culverts so that the road would be closed a minimum of time, and

WHEREAS the Frontier Asphalt, Inc. is already in the vicinity and therefore would require less dollars for mobilization and maintenance of traffic, further benefiting the County, and

WHEREAS, the cost for the additional work exceeds the contingency amount previously authorized for this project, and

WHEREAS, the water course is protected by Department of Environmental Conservation requirements which further prohibits intrusion into said stream from June 1 to September 1 and the required work needs to be expedited to make these restrictions.

NOW, THEREFORE, BE IT

RESOLVED, that the contingency amount be increased by an additional amount of \$118,649.00 to be allocated from Bond Funds SFG 420638223 and SFG 420625223 for a change order to the construction contract with Frontier Asphalt, Incorporated of Depew, New York; 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."

(5-0)

Item Page -1997 (Comm. 11D-18)
4. DPW:
WHEREAS, the Department of Public Works received bids on May 20, 1997, for the Buffalo Convention Center - 1997 Renovations & Improvements, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Buffalo Convention Center - 1997 Renovations & Improvements:

GENERAL CONSTRUCTION WORK

Picone Construction Corp.	
Base Bid	\$ 57,485.00
Alternate Bid No. 1	\$ 27,000.00
Alternate Bid No. 2	\$ 31,500.00
Total	\$115,985.00

PLUMBING WORK

MKS Plumbing	
Base Bid	\$ 36,910.00
Alternate Bid No. 1	\$ 19,051.00
Total	\$ 55,961.00

Total for all contracts: \$171,946.00

and be it further,

RESOLVED, that the sum of \$20,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Buffalo Convention Center 1997 Renovations & Improvements Bond Account, SFG No. 807, Fund 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.
(5-0)

Item Page -1997 (Comm. 11D-19)
5. DPW:
WHEREAS, the Commissioner of Public Works desires to engage the services of Environmental Service Consultants in order to implement asbestos abatement and control programs in various County facilities, and

WHEREAS, the Department of Public Works solicited proposals from several local environmental consulting firms, and

WHEREAS, after careful review of each firm's capabilities, firms were selected having the necessary expertise, experience, and manpower to provide the required services,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with each of the following firms to provide Environmental Consulting Services at various County facilities:

Empire Soils Investigations, Inc., Division of Maxim Technologies, Inc.,
S-5167 South Park Avenue, Hamburg NY 14075

Chopra-Lee, Inc., 1741 Baseline Road, Grand Island NY 14072

Edward O. Watts, P.E., P.C., 3826 Main Street, Buffalo NY 14226

TES Environmental Corp., 1868 Niagara Falls Boulevard, Suite 305,
Tonawanda NY 14150

and be it further,

RESOLVED, that the sum of \$90,000 be allocated for said Environmental Consulting Service fees to be paid to the selected consultants on a project-by-project basis with the amount of each project fee being determined by the Commissioner of Public Works, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Asbestos Abatement, DPW County-wide, 1995 Bond Account, SFG No. 712, in the total amount of \$90,000, and be it further,

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

(5-0)

Item Page -1997 (Comm. 11D-20)
6. DPW:
WHEREAS, the Department of Public Works received bids on May 1, 1997, for the Buffalo & Erie County Central Library Building, Mechanical Systems Rehabilitation, Phase III, Direct Digital Control, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into contracts for Buffalo & Erie County Central Library Building, Mechanical Systems Rehabilitation, Phase III, Direct Digital Control as follows:

HVAC WORK

Building Controls & Services, Inc.	
Base Bid	\$256,789.00
Alt. TC-5	<u>\$ 11,620.00</u>
	\$268,409.00

ELECTRICAL WORK

Ferguson Electric Const. Co. Inc.	
Base Bid	<u>\$ 34,200.00</u>
Total for all contracts:	\$302,609.00

and be it further,

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

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from Central Library Mechanical Rehabilitation, 1995 and 1996 Capital Budgets, SFG Nos. 711 and 766, fund 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.
(5-0)

AS AMENDED
(Comm. 11D-22)

Item Page -1997
7. DPW:
WHEREAS, the Department of Public Works received bids on May 16, 1997 for the Asbestos Abatement & Reinsulation, Phase 1, Court Facilities & Miscellaneous County Facilities project, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Asbestos Abatement & Reinsulation, Phase I, Court Facilities & Miscellaneous County Facilities project:

ASBESTOS ABATEMENT WORK

AAC Contracting, Inc.	
Base Bid	\$36,477.00
Alternate Bid No. 1	\$13,288.00
Alternate Bid No. 2	\$ 6,457.00
Alternate Bid No. 3	<u>\$ 9,333.00</u>
Total Bid:	\$65,555.00

REINSULATION WORK

AAC Contracting, Inc.	
Base Bid	\$14,497.00
Alternate Bid No. 1	\$ 6,733.00
Alternate Bid No. 2	\$ 2,727.00
Total Bid:	<u>\$23,957.00</u>
Total for all contracts:	\$89,512.00

and be it further

RESOLVED, that the sum of \$9,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the '91 and '95 Asbestos Abatement Bond Accounts, SFG Nos. 594 & 712, Fund 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.
(5-0)

AS AMENDED
(Comm. 11D-23)

Item Page -1997
8. DPW:
WHEREAS, the Department of Public Works received bids on May 5, 1997 for the Buffalo & Erie County Library, Asbestos Abatement - Phase IV, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Buffalo & Erie County Library, Asbestos abatement - Phase IV:

ASBESTOS ABATEMENT WORK

Modern Environmental Services	
Base Bid	\$99,918.00
Alternate Bid No. 1	\$ -0-
Total Bid:	\$ 99,918.00

ELECTRICAL WORK

Warrens Electric - Base Bid	\$14,006.00
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GENERAL CONSTRUCTION WORK

Miller Enterprises, Inc.-Base Bid	<u>\$25,700.00</u>
Total for all contracts:	\$139,624.00

and be it further

RESOLVED, that the sum of \$14,000.00 be allocated to a construction contingency fund with authorizaton for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the '91 and '95 Asbestos Abatement Bond Accounts, SFG Nos. 594 & 712, Fund 410, and be it further

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

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

(5-0)

MICHAEL A. FITZPATRICK
Chairman

Ms. PEOPLES requested that Resolve No. 5 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Ms. PEOPLES moved to RECIEVE & FILE Resolve No. 5. Mr. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS:

ITEM 2 - Mr. DUSZA presented a resolution of congratulations to Jerry Darlak for his induction into the International Polka Association's Hall of Fame. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 3 - Mr. DUSZA presented a resolution of congratulations to Our Lady of Czestochowa Parish in Cheektowaga on its 75th Annisversary of Service to our community. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 4 - Ms. CHASE presented a resolution of congratulations to Robbie Atkinson as a Hero. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 5 - Ms. CHASE presented a resolution of congratulations to Patricia McDonald - Retiring after Twenty-Five Years of Public Service in the Town of Evans. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 6 - 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 7 - Ms. COHEN KENNEDY presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 294

JUNE 30, 1997

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 8

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

1. **RESOLVED**, that all items are hereby Tabled.

RANDI COHEN KENNEDY
Chairperson

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS:

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 295 Re: In Support of SUNY at Buffalo Maintaining
A Significant Student Residential Presence
In the City of Buffalo at the Main Street
Campus (Int. 13-1)

WHEREAS, The State University of New York at Buffalo, is known as the "flagship" of the State University System, and

WHEREAS, The Citizens of Erie County, the City of Buffalo and the home owners, landlords, businesspersons, and students who reside in the University Heights Community, depend on the State University of New at Buffalo and its economic and social impact in its urban setting, and

WHEREAS, The City of Buffalo has proudly lent its great name to this community asset, and

WHEREAS, The City of Buffalo has had a long history of association with the State University of New York at Buffalo in its Main Street location, and

WHEREAS, The president of the State University at New York at Buffalo, William Greiner, has frequently stated that it is his goal to have every student move from the University Heights Community by 1998, and

WHEREAS, President Greiner has declared that this movement would boost efforts to improve the University Heights area, and

WHEREAS, President Greiner has stated that it is his intention to build 5,000 units of housing on 10 acres of land at the North Campus, and

WHEREAS, Over \$16 million dollars have already been spent on this project and succeeded in only 130 units being built, and

WHEREAS, The State University of New York at Buffalo is planning to move its Science and Mathematics Departments to a new multi - million dollar facility at the North Campus, and

WHEREAS, Thousands of students reside in the University Heights Community and homeowners and businesspersons rely on student economic and social activities, and

WHEREAS, Homeowners, landlords, and businesspersons in the University Heights Community would suffer the most by any negative economic impact, and

WHEREAS, The State University of New York at Buffalo is a bulwark that maintains the University Heights Neighborhood and moving a significant number of students from the University Heights area and academic departments from the Main Street Campus will have a deleterious effect on the community and the city.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby recognize the significant contribution that the State University of New York at Buffalo Urban Campus has provided for the stability of the University Heights Community, and be it further

RESOLVED, That this Honorable Body does hereby urge State University of New York at Buffalo President William R. Greiner to retain the remaining departments at the Main Street Campus, and be it further

RESOLVED, That SUNY at Buffalo President William R. Greiner be forthcoming and make available any current and future plans to reduce the number of departments and students at the Main Street Campus, and be it further

RESOLVED, That this Honorable body urges President Greiner to provide a plan that would accommodate his stated goal of boosting efforts to improve the University Heights Community, and be it further

RESOLVED, That this Honorable Body does hereby urge President William R. Greiner to make available any economic impact study that is in the making or was completed in anticipation of reaching his stated goal of moving academic departments to the North Campus and move all student housing and 5,000 students away from the University Heights Community, and be it further

RESOLVED, That certified copies of this resolution be sent to SUNY at Buffalo President William R. Greiner, SUNY Chancellor John Ryan, New York State Senators Anthony R. Nanula and William T. Stachowski, New York State Assembly Members Arthur O. Eve and Sam Hoyt, Buffalo Mayor Anthony M. Masiello, and University District Council Member Kevin J. Helfer.

Fiscal Impact: None for Resolution

GREGORY B. OLMA
LYNN M. MARINELLI

CRYSTAL D. PEOPLES
AL DEBENEDETTI

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

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

CARRIED UNANIMOUSLY.

ITEM 9 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 296 Re: Support for the NYS Assembly's Juvenile Justice Plan (Int. 13-2)

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ERIE COUNTY LEGISLATURE

1005

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George Pataki and all members of the Western New York delegation of the New York State Legislature.

Fiscal Impact: To be determined.

JUDITH P. FISHER

Mr. MARSHALL offered an amendment as follows:

Amend the 2nd WHEREAS clause to read as follows:

WHEREAS, the New York State Assembly Majority and New York State Senate Majority are proposing similar legislation (A.8179/S.2379) which addresses the issue of juvenile crime by increasing penalties on youthful offenders, reform the courts that handle juvenile cases, strengthen juvenile crime prevention programs and restructure the state Division for Youth, and

Amend the 3rd RESOLVE clause to read as follows:

RESOLVED, that this Honorable Body does hereby memorialize the New York State Assembly Majority and New York Senate Majority to work in cooperation to reach an uni-bill which addresses the issue of juvenile crime and for Governor Pataki to sign such legislation as a means of promoting priorities for children through opportunity and accountability, and be it further

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

CARRIED UNANIMOUSLY.

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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July 3, 1997

1007

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 297 Re: In Support of Closing the School of the
Americas (Int. 13-3)

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record as supporting the closure of the School of the Americas, and be it further

RESOLVED, that this Honorable Body does hereby urge the President and Congress to support the closure of the School of the Americas, and be it further

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

Fiscal Impact: None for resolution.

GREGORY B. OLMA

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

Mr. RANZENHOFER moved to send to committee. Mr. LARSON seconded.

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

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

CARRIED.

Legislators Greenan and Ranzenhofer.

ITEM 11 - Ms. COHEN KENNEDY presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 298 Re: Erie Community College Budget Process
(Int. 13-4)

WHEREAS, the Erie County Legislature is required to adopt the 1997-98 Erie Community College Budget on July 3, 1997, and

RANDI COHEN KENNEDY LYNN M. MARINELLI JUDITH P. FISHER
CHARLES M. SWANICK CRYSTAL D. PEOPLES

Ms. COHEN KENNEDY offered an amendment as follows:

Delete the original resolution in its entirety and replace with the following:

WHEREAS, on 7/28/77, in accordance with the provisions of Section 6304 of the N.Y.S. Education Law, a resolution was adopted by this Legislature (Communication 14D-23) mandating certain dates for review and recommendation by the County Executive, and adoption by the County Legislature, of the ECC Budget, and

WHEREAS, that the aforementioned 1977 resolution mandates that final adoption of the budget by the County Legislature occur on the first regularly scheduled meeting in the month of July, and

WHEREAS, that on May 1, 1997, a resolution was adopted by this Legislature (Communication 8D-10) modifying the dates for review and recommendation by the County Executive, and adoption by the County Legislature, of the 1997 ECC Budget, and establishing July 3, 1997 as the date for adoption by the County legislature, of the 1997 ECC Budget, and

WHEREAS, that on May 1, 1997, the resolution cited that "in order for Erie Community College to prepare an accurate budget proposal, it is necessary to know the State Aid reimbursement and the amount of tuition that can be charged", further stating that "the State Budget for 1997-1998 has not been finalized which would provide this needed financial data", and

WHEREAS, the continued failure of the State to finalize the State Budget for 1997-1998 has rendered adoption by the County Legislature of an accurate 1997 ECC budget on July 3, 1997 impossible,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves modification of the May 1, 1997 resolution (Communication 8D-10) submittal and approval schedule as follows:

- 1 the Erie County Legislature will adopt the Erie County Community College budget on the last scheduled meeting in the month of July 1997,
- 2 the County Executive may object to any additions to the budget made by the Legislature, such objections to be presented to the Legislature within one week from the date of the adoption of the budget,
- 3 The Legislature shall enter those objections upon its journal and proceed to reconsider the additions and increases so objected to no later than one week from the date of the presentation to the Legislature by the County Executive of his objections,
- 4 If upon such reconsideration two-thirds of all members of the county legislature vote to approve such additions and increases, or any of them, the budget with any additions and increases so approved, together with any additions and increases not so objected to by the county executive, shall be deemed adopted
- 5 After final approval of the budget by the County Executive and the Erie County Legislature as described in the above paragraph, the Board shall have the discretionary power to make such transfers and adjustments, within and between major accounts, as it deems necessary for the operation of the college. Such discretionary powers shall not include:
 - i) creation of full-time positions other than temporary (less than one year) positions
 - ii) Salary or fringe benefit adjustments of all personnel and be it further.

RESOLVED, that insofar as the budgetary submissions and adoption procedures are concerned, they shall be the same as provided in the Erie County Charter and Administrative Code for all County departments or administrative units, except as to the dates of submission and adoption which are governed by Section 6306 of the Education law and be it further

RESOLVED, that all prior resolutions dealing with this subject are hereby superceded, and that in the event of any inconsistency between this resolution and any prior resolution, this resolution shall be controlling, and be it further

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

Fiscal Impact: None for Resolution

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Pauly, DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 15. Noes - Marshall, Ranznehofer - 2.

CARRIED.

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, Pauly, DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 15. Noes - Marshall, Ranznehofer - 2.

CARRIED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 299 Re: Transfer of Funds - Legislature
(Int. 13-5)

WHEREAS, the Legislature has determined that a transfer of funds within its departmental budget will be necessary for the operation of the department throughout the remainder of the 1997 fiscal year, and

WHEREAS, the Legislature must pass a resolution such as this to effectuate this change,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby delete the position of Sr Clk Typ Leg RPT, position number 001658 (800 hours @ \$11.775/hr.), from the Legislature's Personal Services budget, effective immediately, and be it further

RESOLVED, that the resultant savings within the Personal Services budget of \$11,775 (\$9,420 in salary, plus \$2,355 in fringe benefits), be and hereby is transferred to the Legislature's 1997 Other Expenses budget line [DAC 110905100826], and be it further

RESOLVED, that the Legislature does hereby approve the transfer of \$15,000 from the 1997 Legislative Contingency [Countywide Contingency DAC 110923310893] to the Legislature's 1997 Other Expenses [DAC 110905100826], and be it further

RESOLVED, that the Clerk of the Legislature and the Division of Budget, Management & Finance are hereby authorized to complete all necessary paperwork to effectuate these changes, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management & Finance and to Alan Gerstman, First Assistant County Attorney.

FISCAL IMPACT: None. All funds necessary to effect this change are within the 1997 adopted budget.

CHARLES M. SWANICK CRYSTAL D. PEOPLES

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

CARRIED UNANIMOUSLY.

ITEM 13 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 300 Re: Designation of Official Tourist
Agency for the County of Erie
For 1997 (Int. 13-6)

WHEREAS, the promotion, development, and expansion of the tourist travel, report, and vacation business are vital and necessary concerns of the citizens of Erie County, since such tourism business strengthens the county's economy, increases employment opportunities, and promotes the general welfare of county residents, and

WHEREAS, the New York State Legislature, in 1977, recognizing the value of local and state involvement and assistance in tourism promotion, enacted the New York State Tourism Protection Act, and

WHEREAS, this Tourism Protection Act authorizes the state's Department of Commerce to initiate a program of matching state funds for non-profit tourist promotion agencies designated by county legislative bodies as agencies authorized to apply for and receive grants for recognized media advertising programs, and

WHEREAS, the Greater Buffalo Convention and Visitors Bureau, a non-profit tourism promotion association, has begun to bring together many new segments of the county, servicing the tourism industry in a coordinated effort,

NOW, THEREFORE, BE IT

RESOLVED, that the Greater Buffalo Convention and Visitors Bureau, having been designated as the authorized tourism promotion agency for Erie County in 1974, is hereby redesignated as such for 1997, and be it further

RESOLVED, that this Honorable Body does hereby request that the Greater Buffalo Convention and Visitors Bureau make the appropriate application to the Commissioner of the New York State Department of Commerce for state matching funds to assist said tourism promotion agency in the financing of a recognized media advertising program, as defined and set forth in the New York State Tourism Protection Act, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Commerce, and to Richard Geiger and David Lacki of the Greater Buffalo Convention and Visitors Bureau, 617 Main St., Suite 400, Buffalo, NY 14203.

Fiscal Impact: None.

CHARLES M. SWANICK CRYSTAL D. PEOPLES EDWARD J. KUWIK
MICHAEL A. FITZPATRICK 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. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 14 - Ms. MARINELLI presented the following resolution and moved for immediate consideration. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 301 Re: Support for State Senate
Insurance Reform Bill
(Int. 13-7)

WHEREAS, Insurance is a protective measure to make sure, certain or secure a life, automobile, housing or any other earthly possession, personal or professional properties that may come into damage or harm is compensated for, and

WHEREAS, Insurance is a legal contract binding a company to indemnify an insured party against specified loss, the sum for which something is insured, and

WHEREAS, Unfortunately, there are cases that occur daily in which policyholders must effectuate claims when their specified insured possessions or property are harmed, damaged, or stolen, and

WHEREAS, As insurers doing business in New York State, companies should be mandated to process factual and justified policy holder claims in an orderly and timely manner so that consumers are awarded their due settlement, and

WHEREAS, There have been many cases have been documented recently that show various insurance companies failing to act in good faith when policy holder's settlement is due, and

WHEREAS, These unfair practices involve refusal to pay, unreasonable delay of payments to policy holders, failure to provide written denials of claim and failure to make final determination of claims within standard six month time frame, and

WHEREAS, Unfair practices have led policyholders to take extreme legal measures in an effort to recuperate their due payments, of which the insurers are not legally obligated to reimburse, and

WHEREAS, Currently, if an insurance company refuses to pay a legitimate claim, attempts to prolong the payment process while the policyholder may be forced to expend a tremendous amount of monetary resources towards legal fees, the most the insurer will have to pay is the amount of the claim, and not the holder's legal expenses, and

WHEREAS, To that end, members of the New York State Senate have introduced, a bill to provide policy holders the right to recover due payments, legal fees and other related expenses should an insurance company act in negative negotiations and relations, and

WHEREAS, The New York State Assembly has already approved this legislation,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature hereby recognizes and expresses its concern for victims of insurance company entanglements, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York State Legislature to pass, and Governor George Pataki sign into law, Senate bill S486 as a means of holding insurers doing business in New York State liable to policy holders for refusal or unreasonable delay of payment if not substantially justified as well as legal costs, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Governor George Pataki, New York State Senate Majority Leader Joseph Bruno and all members of the Western New York delegation of the New York State Assembly and Senate.

Fiscal Impact: To be determined.

RAYMOND K. DUSZA LYNN M. MARINELLI

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

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

CARRIED UNANIMOUSLY.

ITEM 15 - Ms. COHEN KENNEDY presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 302 Re: Promoting Pride in Local Heritage Through Education (Int. 13-8)

WHEREAS, the Amherst Museum is quickly becoming one of the foremost sources of historical information and resources in Western New York, and

WHEREAS, the Museum's 35 acre site is replete with restored homes, educational and historical exhibits and guided tours, and is the site for guild seminars and festivals that add to the general quality of life throughout our community, and

WHEREAS, despite its remote location, the Amherst Museum is moving beyond its long-maintained status as "Amherst's Best Kept Secret;" the Museum will distribute more than 50,000 brochures this spring and summer, and will sponsor a free performance of the Buffalo Philharmonic Orchestra on July 9, and

WHEREAS, the Museum expects a large crowd to gather and enjoy the many other groups and organizations that will come together to make this event an enjoyable one for local residents, and

WHEREAS, in order for this event to take place, a small amount of funding is necessary from the County of Erie, and

WHEREAS, the Legislature 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 purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,000 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>
Amherst Heritage Committee c/o Amherst Museum	n/a	\$ 1,000
TOTAL		\$ 1,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to the Amherst Heritage Committee, c/o Lynn Beman, Director, Amherst Museum, 3755 Tonawanda Creek Rd., Amherst, NY 14228.

Fiscal Impact: Appropriation of 1997-budgeted funds.

RANDI COHEN KENNEDY

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

CARRIED UNANIMOUSLY.

ITEM 16 - Mr. GREENAN presented the following resolution and moved for immediate consideration. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 303 Re: Reaffirmation of Loss of Welfare
Benefits Due to Illegal Activities
(Int. 13-9)

WHEREAS, The receipt of welfare benefits is in essence a social contract between the recipient and government and that it is expected of individuals receiving benefits to be law abiding, demonstrate personal responsibility, and strive to become independent of the social welfare system,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature believes that social service recipients who involve their welfare benefits in illegal activities should forfeit their right to those benefits.

Fiscal Impact: To be determined.

JOHN W. GREENAN

Ms. PEOPLES offered an amendment as follows:

Delete the 1st RESOLVE clause and replace with the following RESOLVE clause to read as follows:

RESOLVED, That the Erie County Legislature believes that social service recipients found, after full due process of the law, to have involved their welfare benefits in illegal activities should forfeit their right to those benefits.

Ms. PEOPLES moved the adoption of the amendment. Mr. FITZPATRICK 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.

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

CARRIED UNANIMOUSLY.

ITEM 17 - Mr. OLMAN presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 304 Re: Personnel Adjustments - Erie County Legislature (Int. 13-10)

WHEREAS, the Erie County Legislature currently has departmental positions titled SEC ASST LEG DIS RPT, SEC ASST LEG DIS OFF [JG 05], and CLERK TYP (LEG) PT, and

WHEREAS, the Legislature has determined that adjustments are necessary within its Personal Services budget, and

WHEREAS, the Legislature must approve the following resolution to effect these adjustments,

NOW, THEREFORE, BE IT

RESOLVED, that the following changes are made within the personal services budget of the Erie County Legislature, effective July 7, 1997:

DELETE one (1) position of SEC ASST LEG DIS RPT (position #001362), for a total savings, including fringe benefits, of \$11,268.00, and

ADD one (1) new position of SEC ASST LEG DIS OFF, Job Group 5, Step 5 for a total cost, including fringe benefits, of \$15,024.00, and

ADD forty-eight (48) RPT hours [@ \$12.52 per hour] to an existing position of SEC ASST LEG DIS RPT (position # 001366) for a total cost, including fringe benefits, of \$752.00, and

ADD one hundred sixty-eight (168) PT hours [@ \$10.60 per hour] to an existing position of CLERK TYP (LEG) PT (position # 001720) for a total cost of \$1,781.00, and

RESOLVED, that a variable minimum hiring rate of Job Group 5, Step 5 be established for the new position of SEC ASST LEG DIS OFF, and be it further

RESOLVED, that the Legislature does hereby approve the transfer of \$6,289.00 from the 1997 Legislative Contingency [Countywide Contingency DAC 110923310893] to the Legislature's 1997 Personal Services DAC 110905100800] to fund the net cost of these personnel adjustments, and be it further

RESOLVED, that the Clerk of the Legislature, the Department of Personnel, and the Division of Budget, Management & Finance are authorized to complete all necessary paperwork to effectuate these changes, effective July 7, 1997, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Personnel, the Director of Budget, Management & Finance and to Alan Gerstman, First Assistant County Attorney.

FISCAL IMPACT:None. All funds necessary to effect this change are within the 1997 Adopted budget.

GREGORY B. OLMA

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 305 Re: Funding for Youth Activities in the Town of Amherst (Int. 13-11)

WHEREAS, among the most critically important elements of a society must certainly be its level of community-wide activities and programs aimed toward enhancing the educational, physical, or social activity of its youth population, and

WHEREAS, within the Town of Amherst, several groups throughout the community continue to contribute positively to our youth by providing quality programming, and

WHEREAS, one of those groups, the Amherst Girls Softball League, has provided young girls with a chance to participate in a competitive youth athletic program since its inception in 1971, and

WHEREAS, the Amherst Girls Softball League has since grown to become the largest community-sponsored all-girls youth athletic program in the Town of Amherst, and is believed to be the largest girls program of its kind in Western New York, and

WHEREAS, the Amherst Girls Softball League has for many years sponsored successful fund-raising efforts, assisting in the construction of a fieldhouse/concession stand at their ballpark, and

WHEREAS, the League is in need of additional funds to be put toward the construction of another structure, to be used to house equipment, signs, and other necessary materials, and

WHEREAS, the Legislature 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 purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$6,500 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Amherst Girls Softball League	n/a	\$ 6,500
TOTAL		\$ 6,500

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Peter Ruppard of the Amherst Girls Softball League, 73 Fleetwood Terrace, Williamsville, NY 14221.

Fiscal Impact: Appropriation of 1997-budgeted funds.

RANDI COHEN KENNEDY

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

CARRIED UNANIMOUSLY.

ITEM 19 - Ms. PEOPLES presented the following resolution and requested that it be referred to the FINANCE AND MANAGEMENT COMMITTEE.

GRANTED.

Int. 13-12 From:Legs. Swanick & Peoples Re: Support for Proposal to Raise Penalty Rate on Delinquent Erie County Property Tax Payment

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 306 Re: Support for City of Tonawanda Consolidation Proposals (Int. 13-13)

WHEREAS, The 1997 county consolidation budget includes \$150,000 each for service consolidation initiatives with the cities of Tonawanda and Lackawanna, and

WHEREAS, The cities of Tonawanda and Lackawanna have (or are developing) developed consolidation proposals for the review and consideration of the County Municipal Consolidation Committee, and

WHEREAS, The County Municipal Consolidation Committee met on Friday, June 27, 1997 to consider a consolidation proposal presented by City of Tonawanda municipal officials, and

WHEREAS, the City of Tonawanda's proposal includes a study for the consolidation of the city's water delivery system with the Erie County Water Authority or the Town of Tonawanda, in addition to a proposal for utilizing the county's Employee Assistance Program (EAP) to assist city municipal employees, and

WHEREAS, City of Tonawanda's water delivery system study is being undertaken because Tonawanda city officials say their system is antiquated and that they do not have the technical capabilities necessary to comply with the new EPA regulations for water quality, and

WHEREAS, The City of Tonawanda's consolidation proposal was thoroughly reviewed and subsequently approved by the County Consolidation Committee for funding, and

WHEREAS, The City of Tonawanda's consolidation proposal has been filed with this Honorable Body for review and consideration, and

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby conceptually approve the City of Tonawanda's consolidation proposal, including the water system delivery study and use of the county's EAP for Tonawanda city municipal employees, and be it further

RESOLVED, That this Honorable Body does hereby designate Erie County Department of Environment and Planning Commissioner Richard M. Tobe and Erie County Legislature Chief of Staff Brian M. Higgins as the county's representatives in any negotiations with the City of Tonawanda toward these consolidation initiatives, and be it further,

RESOLVED, that Messrs. Tobe and Higgins are hereby directed to commence negotiations with the City of Tonawanda toward reaching an agreement as to the provisions of a consolidation agreement, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Environment and Planning Commissioner Richard M. Tobe, City of Tonawanda Mayor Alice Allen Roth and City of Tonawanda Common Council President Carelton Zeisz, c/o Tonawanda City Hall, 200 Niagara St., Tonawanda, NY 14150.

Fiscal Impact: To Be Determined.

CHARLES M. SWANICK CRYSTAL D. PEOPLES

Ms. PEOPLES moved the adoption. Mr. MARSHAL: seconded.

CARRIED UNANIMOUSLY.

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

Int. 13-14 From: Legs. Chase, Larson. Greenan & Ranzenhofer Re: Support for Workfare Participants to Undergo Backgrounds Checks and Be Tested for Controlled Substances or Communicable Diseases

Chairman SWANICK directed that Int. 13-14 be referred to the HEALTH COMMITTEE.

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

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Subsequently, Int. 13-14 was referred to the HEALTH COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 307 Re: Support for the Ability to Request
Criminal Histories of Prospective
Employees to Certain Service Providers
of Disabled Persons (Int. 13-15)

WHEREAS, Currently, service providers for persons with mental retardation or developmental disabilities do not have the option to request fingerprints from new and prospective employees, and

WHEREAS, Without fingerprints, accurate criminal background checks are not possible, and

WHEREAS, Persons in the care of such providers are often severely disabled making them extremely vulnerable, and

WHEREAS, It is vital that the persons entrusted with their care be checked for a history of criminal activity, and

WHEREAS, The New York State Senate has introduced and approved legislation (S.3831) that will allow a provider of services to the mentally retarded and developmentally disabled authorization to request fingerprints from new and perspective employees in order to receive accurate information on the criminal history of prospective employees from the Division of Criminal Justice Services (DCJS), and

WHEREAS, With access to new and prospective employees criminal histories, providers will have the opportunity to make an informed decision regarding the qualifications of a prospective employee and allow the provider to disqualify those individuals whose previous conduct indicates that they may jeopardize the health and safety of such customers,

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature does hereby recognize and express concern for all mentally retarded and developmentally disabled persons who are in need of care, and be it further

RESOLVED, That for the protection of mentally retarded and developmentally disabled persons, those entrusted with their care can be fingerprinted and their background checked for a history of criminal behavior, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the NYS Legislature to pass and Governor George Pataki sign into law Senate Bill S.3831 as a means to ensure safety to mentally retarded and developmentally disabled persons, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Governor George Pataki, Assembly Speaker Sheldon Silver, and all members of the WNY Legislative Delegation.

Fiscal Impact: To be determined.

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

Ms. PEOPLES Offered an amendment as follows:

Add the following new WHEREAS clause following the 5th WHEREAS clause to read as follows:

WHEREAS, the bill provides for the applicants' right to privacy by including confidentiality requirements for the prospective employer, and

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

CARRIED UNANIMOUSLY.

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

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

CARRIED UNANIMOUSLY.

ITEM 23 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 308 Re: United States Treasury Community
Development Financial Institutions
Fund Support for Low-Income Micro
Enterprise (Int. 13-16)

WHEREAS, Community Development Financial Institutions (CDFIs) emerged in response to the needs of economically and socially distressed communities, and

WHEREAS, the United States Treasury's Community Development Financial Institution Fund (CDFI) bolsters economic development by assisting financial organizations whose primary mission is community development, and

WHEREAS, the CDFI Fund could do more to support micro-enterprise development, building the skills, assets, and earnings of low income and disadvantaged individuals, and

WHEREAS, CDFI aim to create permanent solutions to pressing problems by financing business, social service and voluntary organization development, job creation, and affordable housing, and

WHEREAS, funding for micro-enterprise organizations serving low income clients is needed to increase their capacity to 1) deliver training, loans and other assistance to low-income entrepreneurs; 2) expand the reach of these organizations; and 3) identify and promote best practices in U.S. micro-enterprise,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges the United States House of Representatives Appropriations Subcommittee on Veteran's Affairs, Housing and Urban Development and Independent Agencies appropriate \$125 million for the CDFI Fund, and be it further

RESOLVED, that this Honorable Body does hereby urge the United State House of Representatives to direct the Community Development Financial Institution to support micro-enterprise organizations serving low-income Americans, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the United State House of Representatives Appropriations Subcommittee Chair Rep. Jerry Lewis, Rep. Louis Stokes, and to the Western New York Delegation to the House of Representatives.

Fiscal Impact: To be determined.

JUDITH P. FISHER

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGE FROM COMMITTEE:

ITEM 24 - Ms. PEOPLES moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 12E-19. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 309 Re: Department of Personnel Transfer of Funds

WHEREAS, the Personnel Department has an inefficient personal computer in the department's administrative division that cannot adequately accommodate the information systems used by the department, and

WHEREAS, the continued use of this personal computer will adversely affect the department's ability to efficiently utilize the computer information technology available, and

WHEREAS, the replacement of this personal computer with a new, more efficient personal computer will allow the department to more effectively utilize the information systems used to maintain and process employee and salary information,

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance and the Department of Personnel are authorized to transfer \$1,800 from the Department of Personnel SFG account 826, Other Expenses to account 933, Technical Equipment, and be it further

RESOLVED, that copies of this resolution shall be provided the Department of Personnel and Director of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES:

ITEM 25 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 13-17 From: Legs. Swanick & Peoples Re: Regional Historical Documents Center

Chairman SWANICK directed that Int. 13-17 be referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 26 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Int. 13-18 From: Leg. Peoples Re: Increased Penalties for Criminal Sale of Firearms Support for A6246 and S4346

Chairman SWANICK directed that Int. 13-18 be referred to the PUBLIC SAFETY COMMITTEE.

ITEM 27 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Int. 13-19 From: Leg. Peoples Re: Waiver of Medicaid Right of Recovery

Chairman SWANICK directed that Int. 13-19 be referred to the HEALTH COMMITTEE.

ITEM 28 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Int. 13-20 From: Leg. Peoples Re: Payment Program for Delinquent Real Property Tax, Penalties and Interest

Chairman SWANICK directed that Int. 13-20 be referred to the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 29 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Int. 13-21 From: Leg. Peoples Re: Support for Firearms Storage Safety Bill S592 Child Access Prevention (CAP) Legislation

Chairman SWANICK directed that Int. 13-21 be referred to the PUBLIC SAFETY COMMITTEE.

ITEM 30 - Ms. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Int. 13-22 From: Leg. Marinelli Re: Establishment of Erie County Employee Assistance Program and Personnel Intervention Procedures to Combat Domestic Violence

Chairman SWANICK directed that Int. 13-22 be referred to the GOVERNMENT AFFAIRS COMMITTEE.

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

GRANTED.

Int. 13-23 From: Leg. Fisher Re: ECC Inter-Campus Transportation Program

Chairman SWANICK directed that Int. 13-23 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

ITEM 32 - Mr. KUWIK moved for a suspension of the rules to include an item not on the agenda. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 310 Re: Waiver of Shelter Fee for CAO
Southtowns Head Start (Int. 13-24)

WHEREAS, the CAO Southtowns Head Start Program is a not-for-profit agency which offers a comprehensive development program to service low-income children and families, and

WHEREAS, the organization is interested in reserving one shelter at Elma Meadows Park for the purposes of conducting its annual orientation on August 27 & 28, and

WHEREAS, in that Southtowns CAO Head Start is a not-for-profit agency funded in part by the county, it would be fitting for this Legislature to approve a waiver of the normal shelter fee for the agency's purposes,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby direct the Commissioner of the Department of Parks, Recreation, and Forestry to waive any and all fees associated with the reservation of Shelter #1 at the Elma Meadows Park on August 27-28, 1997, for the CAO Southtowns Head Start Program, and be it further

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

Fiscal Impact: Minimal

EDWARD J. KUWIK

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

CARRIED UNANIMOUSLY.

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

GRANTED.

Int. 13-25 From: Leg. Marshall Re: Sale of County Owned Inventory

Chairman SWANICK directed that Int. 13-25 be referred to the FINANCE AND MANAGEMENT COMMITTEE.

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

GRANTED.

Comm. 13D-11 From: DPW Re: Award of General Engineering Services Agreement for Miscellaneous Projects

Chairman SWANICK directed that Comm. 13D-11 be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ITEM 35 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 13D-12 From: DPW Re: Environmental Engineering Services - Various Projects

Chairman SWANICK directed that Comm. 13D-12 be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ITEM 36 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 13M-12 From: YWCA Re: Letter to Leg. Peoples Re: Operation of a Child Care Center at ECC

Chairman SWANICK directed that Comm. 13M-12 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR SWANICK

ITEM 37 - (Comm. 13E-1) Copies of letters Re: ECC Early Childhood Lab.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SHERIFF

ITEM 38 - (Comm. 13E-2) Response to Public Safety Committee's Request for Information Re: Sheriff's Mounted Division.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR MARINELLI

ITEM 39 - (Comm. 13E-3) Copy of Letter to County Attorney Re: Erie County Library Protection Act.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SHERIFF

ITEM 40 - (Comm. 13E-4) Proposed SWAT Training Facility in Town of Alden.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 41 - (Comm. 13E-5) Position Change Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 42 - (Comm. 13E-6) Health - Public Health Campaign Grant
4/1/97 - 3/31/98

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

ITEM 43- (Comm. 13E-7) Municipal Canal Development Program Funding
Application.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ITEM 44 - (Comm. 13E-8) Youth Services - Authorization to Contract
- Delinquency Prevention Programs.

ITEM 45 - (Comm. 13E-9) Social Services - Independent Living
Program.

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

ITEM 46 - (Comm. 13E-10) Creation of temporary Computer Programmer
Positions to Achieve "Year 2000 Compliance."

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 47 (Comm. 13E-11) Probation - Grant Adjustment.

ITEM 48 (Comm. 13E-12) PEOPLES seconded. - Indemnification Agreement

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

ITEM 49 - (Comm. 13E-13) contract with Amherst IDA to Construct a Public Parking Lot for Ingram Micro.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ITEM 50 - (Comm. 13E-14) Senior Services - Authorization to Amend the W.R.A.P. - O.F.A. Grant Budget.

ITEM 51 - (Comm. 13E-15) Senior Services - Authorization to Amend the H.I.I.C.A.P. Budgets.

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

ITEM 52 - (Comm. 13E-16) Contract with Niagara Frontier Transportation Committee for Lancaster Corridor Study.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ITEM 53 - (Comm. 13E-17) Buffalo River Fish & Wildlife Habitat Restoration Demonstration - SFG 194.

ITEM 54 - (Comm. 13E-18) ECSD No. 6 - Willmuth Street Pumping Station Contract "H" - Contract Close-Out - Buffalo Sheet Metals, Inc.

ITEM 55 - (Comm. 13E-19) - ECSD No. 4 - Contract No. Erie County-5D Contract Close-Out Industrial Power & Lighting Corporation.

ITEM 56 - (Comm. 13E-20) ECSD No. 4 - Contract No. 29L Contract Close-Out Joseph J. Kelley Blacktop Inc.

ITEM 57 - (Comm. 13E-21) Health ECSD No. 1- Contract 1A - General Change Order No. 5 Kenaidan Construction Corporation.

ITEM 58 - (Comm. 13E-22) ECSD No. 4 - URS Consultants, Inc. engineering Amendment No. 3.

ITEM 59 - (Comm. 13E-23) ECSD No. 1 - Contract 1A - General Change Order No. 4 (Misc. Items) - Kenaidan Construction Corporation.

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

ITEM 60 - (Comm. 13E-24) Pre-school Program - Authorization to Contract.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 61 - (Comm. 13E-25) ECSD No. 1 - Contract 1A - General Change Order No. 6 (Piping Modifications) Kenaidan Construction Corporation.

ITEM 62 - (Comm. 13E-26) Agricultural Pesticide Collection & Mercury education Grant Program.

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

ITEM 63 - (Comm. 13E-27) Senior Services - Authorization to Amend the HEAP Grant Budget.

ITEM 64 - (Comm. 13E-28) Senior Services - Authorization to Accept Funding, Amend Grants & Enter Into Subcontracts.

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

ITEM 65 - (Comm. 13E-29) Buffalo River Environmental Education Series - SFG 116.

ITEM 66 - (Comm. 13E-30) Erie County - Southtowns Sewage Treatment Agency - URS Greiner, Inc. - Change Order No. 1.

ITEM 67 - (Comm. 13E-31) ECSD No. 5 - Sheridan Drive Contract 1 - Replacement in Kind - L.D.C. Construction Co. Inc., - Contract Close-Out.

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

ITEM 68 - (Comm. 13E-32) Lease Agreement with Children's Hospital for Space at the Jesse E. Nash Health Center.

Received and referred to the HEALTH COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ERIE COMMUNITY COLLEGE

ITEM 69 - (Comm. 13D-1) Proposed Elimination of ECC Child Care Center/Lab.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DEP

ITEM 70 - (Comm. 13D-2) SEQR - Solicitations for Lead Agency Status - Demolition of Buildings - Lackawanna, NY.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 71- (Comm. 13D-3) Response to community Enrichment Committee Re: Title IX.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 72 - (Comm. 13D-4) Sale of County Owned Inventory - Heather Road, Clarence.

ITEM 73 - (Comm. 13D-5) Sale of County Owned Inventory - Walden Avenue, Cheektowaga.

ITEM 74 - (Comm. 13D-6) County Owned Parcels Auctioned at 6/3/97 Sale.

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

FROM DPW

ITEM 75 - (Comm. 13D-7) Supplemental Agreement to General A/E Contract, Statement of Conditions for Joint Commission of Accreditation of Erie County Home.

ITEM 76 - (Comm. 13D-8) Riverwalk Reconstruction - 1997.

ITEM 77- (Comm. 13D-9) Increase to Construction Contract - 1996 Overlay B Program Towns of Amherst, Clarence & Tonawanda.

ITEM 78 - (Comm. 13D-10) Rich Stadium - 1997 - Capital Rehabilitation Project.

The above three items were received & referred to the

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM TOWN OF PEMBROKE

ITEM 79 - (Comm. 13M-1) Notice of Public Hearing on 7/9/97.

RECEIVED & FILED.

FROM WELLNESS INSTITUTE

ITEM 80- (Comm. 13M-2) News & Notes.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM ERIE COUNTY WATER AUTHORITY

ITEM 81 - (Comm. 13M-3) 1996 Annual Report.

FROM CITIZEN TASK FORCE

ITEM 82 - (Comm. 13M-4) Notice of Meeting and Agenda.

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

FROM STUEBEN LEGISLATURE

ITEM 83 - (Comm. 13M-5) Certified Resolution Re: Parole Violators.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM NFTA

ITEM 84 - (Comm. 13M-6) NFTA/NFT Metro System Board Meeting Minutes.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECIDA

ITEM 85 - (Comm. 13M-7) Notice of Meeting to be Held 7/9/97

RECEIVED & FILED.

FROM PRICE WATERHOUSE LLP

ITEM 86 - (Comm. 13M-8) NFTA Financial Statements 3/1/97 & 1996.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM OTB

ITEM 87 - (Comm. 13M-9) Minutes of Board Meetings Held 5/28/97 & 5/29/97.

Received & referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM HEALTHCARE EMERGENCY RESPONSE VIOLENCY INTERVENTION PROJECT

ITEM 88 - (Comm. 13M-10) Domestic Violence Policy & Procedure for Hospitals.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM GOLDHABER RESEARCH ASSOCIATES

ITEM 89 - (Comm. 13M-11) Buffalo Museum of Science - Erie County Poll - March 1997 Omnibus.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

MEMORIAL RESOLUTIONS

ITEM 90 - Ms. PEOPLES moved that when this Legislature adjourn, it do so out of respect to the memory of COLLEEN COLLINS, deceased. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ADJOURNMENT:

ITEM 91 - 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, July 17, 1997. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 13
July 3, 1997

ERIE COUNTY LEGISLATURE

1040

The Chairman declared the Legislature adjourned until Thursday, July 17, 1997 at 2:00 P.M., Daylight Savings Time.

LAURIE A. MANZELLA
Clerk