

ERIE COUNTY LEGISLATURE  
MEETING NO. 14  
July 17, 1997

The Legislature was called to order by the Chairman SWANICK.

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A moment of Silence was Held.  
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The Pledge of Allegiance was led by Mrs. Fisher.  
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The Minutes of the previous meeting were APPROVED.

ITEMS ON THE TABLE:

✓  
ITEM 1 - Ms. PEOPLES moved to ~~take the minutes~~ take the Minutes of Meetings Nos. 11 & 12, 1997 from the table for immediate consideration. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

Ms. PEOPLES moved the adoption. Mr. MARSHALL seconded,

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

ITEM 2 - Ms. MARINELLI & Mrs. FISHER presented a resolution of congratulations to Dr. Roberta A. Dayer on the Occasion of Her Retirement from the WNY International Trade Council, Inc. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 3 - Mr. HOLT presented a resolution of congratulations to Laverne L. Durham for Years of Service as a Musician in the Ellicott Community. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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ITEM 4 - Mr. HOLT presented a resolution of congratulations to Pastor Jerome L. Ferrell for Family Awareness Week. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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ITEM 5 - Mr. DUSZA presented a resolution of congratulations to Monsignor John Gabalski of St. Stanislaus Parish on the Occasion of His 75<sup>th</sup> Birthday. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 6 - Ms. PEOPLES moved to take Local Law Intro No. 6 (Print #1) - 1997 from the table to receive & file. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

✓ LL 6-1 INT. DUSZA, SWANICK, PEOPLES, KUWIK, FITZPATRICK, PAULY, FISHER, OLMA, DEBENEDETTI, MARINELLI, COHEN KENNEDY, & HOLT. A LL in rel. to Item Pricing and Scanner Accuracy in Retail Establishments in Erie Co.

RECEIVED & FILED.

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ITEM 7 - Ms. PEOPLES moved to take Local Law Intro. No. 8 - (Print #1) - 1997 from the table for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE  
LOCAL LAW INTRO. NO. 8  
PRINT #1 - 1997

A LOCAL LAW in relation to electing a retirement incentive program pursuant to Chapter 41 of the Laws of 1997.

The Erie County Legislature does enact as follows:

Section 1. The County of Erie hereby elects to provide the benefits of chapter forty-one of the laws of nineteen hundred ninety-seven to its eligible employees, pursuant to chapter forty-one of the laws of nineteen hundred ninety-seven.

Section 2. The commencement date of the retirement incentive program shall be the first day of August nineteen ninety-seven.

Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be seventy-nine days, to commence on and include the first day of August nineteen hundred ninety-seven, and to end on and include the eighteenth day of October nineteen hundred ninety-seven.

Section 4. In interpreting this local law, the calendar dates set forth above as the opening and closing days of the open period shall be deemed controlling in determining the length of such open period, it being the intent of the legislature that the last date on which eligible employees shall work shall be no later than the seventeenth day of October nineteen hundred ninety-seven.

Section 5. The County of Erie will fund the retirement incentive program provided in chapter forty-one of the laws of nineteen hundred ninety-seven by paying the New York State and local employees' retirement system five annual payments, the amount of which shall be determined by the actuary. The first such payments is due the fifteenth day of December nineteen hundred ninety-eight.

Section 6. This local law shall take effect immediately.

CHARLES M. SWANICK

CRYSTAL DAVIS PEOPLES

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

CARRIED UNANIMOUSLY.

ITEM 8 - Ms. PEOPLES moved to take Local Law Intro. No. 9 - (Print #1) - 1997 from the table for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE  
LOCAL LAW INTRO. NO.9  
PRINT #1 - 1997

A LOCAL LAW in relation to item pricing and scanner accuracy in retail establishments in Erie County.

BE IT ENACTED BY THE Erie COUNTY LEGISLAUTRE AS FOLLOWS:

Section One. Legislative findings and intent. The Erie County Legislature finds that there is a technology which utilizes computer-assisted pricing systems which offer the user numerous efficiencies and economies in the operation of the retail industries, the use of which may make it economically advantageous for retail stores to remove price markings on individual commodities.

This legislature further finds that the absence of individual price markings may make it difficult for consumers to make a fully informed purchase choice or to detect overcharges when they occur at the registers. It is the intention of this legislature to require that all retail stores place individual item prices on products, which they sell, and to require accuracy at the checkout registers. Further, it is the intention of this legislature to provide for a waiver of the item pricing requirement for certain stores which maintain a very high degree of computer-assisted pricing accuracy and which provide certain other services to permit consumers to record and verify individual item prices. It is also the intention of this legislature to require clear and legible shelf labels. Finally, it is the intention of this legislature to ensure that consumers in Erie County know what they are paying and are not charged more than that amount at the registers.

Section 2. Definitions. For the purpose of this local law, the following terms shall have the following meanings:

- a. "Advertised price" shall mean the price of a SKI which a store has caused to be disseminated by means of promotional methods such as an in-store sign, newspaper, circular, television, or radio advertising;

- "Computer-assisted checkout system" shall mean any electronic device, computer system, or machine which determines the selling price of a SKI by interpreting the item's UPC, or any other use of a price look-up function;
- "Director" shall mean the director of the Erie County bureau of weights and measures;
- "Inspector" shall mean an authorized representative of the Erie County bureau of weights and measures;
- "Item price" shall mean the tag, stamp, or mark affixed by an authorized person to a SKI which sets forth, in arabic numerals, the retail price thereof;
- "Price look-up function" shall mean the capacity of any checkout system to determine the retail price of a SKI by way of the manual entry into the system of a code number assigned to that particular SKI by the store or the checkout operator's consultation of a file maintained at the point of sale;
- "Sale price" shall mean the price of SKIs offered for sale in good faith at a price below the price for which such SKIs are usually sold in the store;
- "Shelf price" shall mean the sign or tag placed by an authorized person at each point of display of a SKU, which clearly sets forth the retail price of the SKIs within that SKU;
- "Stock-keeping item" (SKI) shall mean each item within a SKU being offered or exposed for sale;
- "Stock-keeping unit" (SKU) shall mean each group of items offered for sale of the same brand name, quantity of contents, retail price, and variety within;
- "Store" shall mean any establishment, which offers SKUs for sale at retail. Each separate building within which such SKUs are offered for sale at retail shall constitute a separate store;
- "Store-coded item" shall mean the application of an UPC to any SKI by that particular store;
- "Universal product code" shall mean the digit figure depicted through the use of bars and spaces that may be scanned into pricing systems; and
- "Waiver" shall mean a waiver from item pricing issued pursuant to section 10 of this local law.

Section Three. Item pricing required. Every person, store, firm, partnership, corporation, or association which sells, offers for sale or exposes for sale at retail, SKUs, shall disclose to the consumer the item price of such SKUs, except as provided in sections four or ten of this local law, by causing to be conspicuously, clearly, and plainly marked, stamped, typed, or affixed thereto the retail price in arabic numeral; except, however that the provisions of this section shall not apply to a store that:

has as its only full-time employees the owner or franchisee thereof, or the parent, spouse, or child of the owner or franchisee, or in addition thereto not more than two full-time employees; or

engages primarily in the sale of food for consumption on the premises; or

holds a current waiver as provided in section ten of this local law.

Section Four. Certain items exempted.

The following SKIs need not be item priced as provided in section three of this local law provided that a shelf price is posted at the point of display, consistent with section thirteen of this local law, and a price look-up function is maintained for such SKIs:

- SKIs within a multi-item package that are properly price marked;
- Milk, cream, half-and-half, and other similarly packaged liquid dairy products and juices;
- Eggs;
- Unpackaged bulk or fresh produce;
- SKIs sold through a vending machine;
- Food sold for consumption on the premises;
- Snack foods, such as cakes, gum, candies, chips, and nuts offered for sale in single packages and weighing five ounces or less;
- Cigarettes, cigars, tobacco, and tobacco products;
- Frozen foods, gelatin, pudding and yogurt;
- Baby food;
- SKIs which weigh three ounces or less and are priced under one dollar;
- Greeting cards, magazines, books, and periodicals;
- Live plants; and
- Lumber fencing, and bulk electrical wire.

SKIs that must be purchased with the assistance of a sales person need not be item priced as provided in section three of this local law, nor be shelf priced at the point of display. For purposes of this section, merely accepting payment for the merchandise does not constitute assistance.

Section Five. Item pricing inspections. For determining a store's compliance with section three of this local law, an inspection shall be conducted of a sample of no fewer than fifty and no more than three hundred SKIs. The sample shall be selected by the inspector from a cross section of all SKUs offered for sale at the store inspected, exclusive of exempt SKUs.

Section Six. Item pricing violations and penalties.

The failure to item price three or more SKIs of a particular SKU shall constitute a single violation. The failure to item price additional SKIs within the same SKU shall not constitute an additional violation. Each day a violation is continued shall constitute a separate violation.

Any store found in violation of section three of this local law shall be subject to the following penalties: For Violation discovered upon the first inspection following any twelve month period in which no violation of section three of this local law has been found, the store shall pay a penalty of fifty dollars for each of the first four violations, one hundred for each of the next twelve violations, and one hundred fifty dollars for each subsequent violation, but in no case shall the total penalty to exceed five thousand dollars. For violations discovered upon a second or subsequent inspection following a previous violation within a twelve month period, the above penalties shall be doubled, with a maximum total penalty of fifteen thousand dollars.

Section Seven. Price accuracy required. No store shall charge a retail price for any exempt or non-exempt SKI which exceeds the lowest of any item, shelf, sale, or advertised price of such SKIs.

Section Eight. Price accuracy inspections.

For any price accuracy inspection under this local law, the store representative shall afford the inspector access to the test mode of the computer-assisted checkout system in use at the store or to a comparable function of said system and to the retail price information contained in a price look-up system.

In a store with a laser scanning or other computer-assisted checkout system, the inspector shall be permitted to compare the item shelf, sale, or advertised price of any SKIs offered in the store, not to exceed five hundred SKIs selected from a cross section of all SKUs offered for sale at the location at any one inspection, with the programmed computer price. The store shall provide such access to the computer as necessary for the inspector to make the determination.

Section Nine. Price violations and penalties.

For any violation of section seven of this local law, there shall be a penalty of five hundred dollars. Each day on which a violation is continued shall constitute a separate violation.

In the event that the programmed computer price exceeds the item, shelf, sale, or advertised price of an SKI, the store will be subject to the following penalties: for violations of the provisions of section eight of this local law identified in the first inspection following any twelve month period in which no such violations have been found, a penalty in the amount of fifty dollars per violation shall be imposed for the first two percent of the SKIs compared rounded to the nearest whole number; one hundred dollars per violation for the next two percent; two hundred dollars per violation for the next two percent; and three hundred dollars per additional violation, but in no event shall the total penalty for all violations of section eight of this local law identified at such first inspection exceed two thousand dollars. For violations identified in a second subsequent inspection in a twelve month period following a previous violations of section eight of this local law, the penalties shall be doubled, with a maximum total penalty of fifteen thousand dollars.

Section Ten. Waiver from items pricing.

Every person, store, firm, partnership, corporation, or association which uses a computer-assisted checkout system and which would otherwise be required to item price as provided in section three of this local law may make application in writing to the director for waiver of said item pricing requirement. A separate application shall be required for each store. Each application shall be subject to a non-refundable processing fee to cover the cost of conducting scanner accuracy inspections as provided in subsection b of this section. The director shall determine the processing fee and may revise it from time to time to reflect said costs, but in no case shall said fee exceed one thousand seven hundred fifty dollars per application.



Waiver applications and the required fee must be received at the bureau of weights and measures on or before May 1, 1998 and on or before each May thereafter. Stores, which fail to comply, will be subject to all the provisions contained within section three. New stores or establishments which did not previously hold waivers may apply after the May 1 deadline and the application fee and the length of waiver will be appropriately adjusted.

Upon receipt of an application and fee as provided in subsection a of this section, the director shall cause to be conducted two scanner accuracy inspections of the store for which the application has been submitted. These inspections will be conducted on two separate days, and in the manner prescribed in section eight of this local law, excepting, however, that a minimum of one hundred SKIs shall be checked at each inspection. In the event that any violations are detected, penalties shall be assessed as provided in section nine of this local law. If, considering both inspections together, the number of SKIs found to be in violation does not exceed two percent of all SKIs inspected, the director shall grant to the applicant a one-year revocable waiver from the item pricing requirement. Any store with a current waiver shall be exempt from the requirements of section three of this local law.

A waiver from item pricing shall be valid for a period of one year from the date of issuance. Stores may reapply annually for renewal of a waiver. A processing fee and two inspections shall be required for each annual renewal of a waiver. A processing fee and two inspections shall be required for each annual renewal application, as required for an original waiver application.

a. In the event that total violations in excess of two percent are discovered in the inspections provided for in subsections c or d of this section, the director shall not grant a waiver to the applicant. Such a store must promptly reapply for a waiver and pay the required fee to the director within five business days after being notified of the failure.

b. In the event that the director is unable to conduct inspections pursuant to subsection c of this section within thirty days of receipt of a complete waiver application and proper processing fee, the director shall grant a temporary waiver, pending completion of the inspections to be completed as soon as practicable. If, upon completion, the inspections detect a violation rate of two percent or less, the director shall issue a regular waiver with an expiration date one year from the commencement date of the temporary waiver. If the inspections detect a violation rate in excess of two percent, the temporary waiver shall be immediately revoked and the provisions of subsection e of this section shall apply.

c. As a condition of the waiver from item pricing pursuant to this section, each store which accepts a waiver must agree to meet the following requirements, and no regular or temporary waiver shall be granted to a store which has not agreed to these requirements in writing:

i. The store shall designate and make available a price check scanner to enable consumers to confirm the price of a SKI. This price check scanner shall be in a location convenient to consumers with a sign of sufficient sized lettering identifying this unit to the consumers. Stores will submit their proposed sign and device location to the director for approval;

The store shall not charge any customer a price for any SKI which exceeds the item, shelf, sale, or advertised price of that SKI, whichever is least;

The store shall cause to be posted in conspicuous location (s), accessible by all consumers and approved by all consumers and approved by the director, sign(s) by regulation. The store is also required to post the temporary or annual waiver in the area designated for handling price discrepancies;

The store shall make payment to consumers who have been overcharged as provided in section eleven of this local law. Each store is required to designate at least one individual who is authorized to issue these payments during all of the store's operating hours; and

The store shall correct all pricing errors identified by consumers at store level within three hours and, if applicable, at their firm, partnership, corporation, or association within twenty-four hours.

Section Eleven. Consumer's right to special payment if overcharged by a store granted a waiver from item pricing. Any person who suffers a loss because the price charge for a SKI, by a store which has been granted waiver from item pricing pursuant tot section ten of this local law, is greater than least of the item, shelf, sale, or advertised price may seek special payment by notifying the store in person or in writing that the price charged is more than the item, sale, shelf, or advertised price. The notice shall include evidence of the loss suffered by the consumer. As soon as practical, and in any case within one hour after receipt of such notification and verification of the overcharge, the store shall tender to the consumer an amount equal to the difference between the price charged and the least of the item, sale, shelf, or advertised price, plus an amount equal to ten times that difference, but not less the one dollar nor more than ten dollars. If the loss is suffered by one consumer within one transaction on two or more identical SKIs, the amount to be tendered by the store shall be the difference of each item, plus and amount equal to ten times the difference on a single item, but not less than one dollar nor more than ten dollars. If the store does no tender this amount within the set forth in this local law, the consumer may request a fair hearing before the director. Within ten working days of receipt of such a request for a hearing, the director shall cause a hearing to be held, and shall rule as to what payment, if any, is due under this section.

Every store that has been granted a waiver from item pricing pursuant to section ten of this local law shall maintain records of the number, dates, times and amounts of claims made by consumers pursuant to this section, and the disposition of each claim, and shall provide copies of such records to the director upon request. The director will specify by regulation forms for use by consumers in presenting claims for such payment.

Every store which has been granted a waiver from item pricing pursuant to section ten of this local law shall make a good faith effort to resolve all legitimate complaints of overcharges by tendering payment consistent with the provisions of subsection a of this section. Failure tender this payment and use of the specified form in section 11(a) may be grounds for the director to revoke that store location's waiver from item pricing.

Section Twelve. Revocation of waiver.

The dixector may revoke a waiver from item pricing for any of the following reasons:

Failure to comply with any provision of sections ten, eleven or thirteen of this local law; Deliberate overcharging of any consumer; and Material misrepresentation in the application for a waiver.

A store which has had its waiver revoked pursuant to this section may not reapply for a new waiver for a period of twelve months following the date of revocation. This store location must be in compliance with section three of this local law within sixty days from the date of the revocation notification.

Section Thirteen. Readable shelf labels required.

Any store, which has been, granted a waiver from item pricing pursuant to section ten of this local law shall provide a clear and readable shelf label for every SKU. Each SKIs retail price shall be printed on a shelf label in characters no less than three-quarters of an inch in height. Shelf price labels on bottom shelves shall be tilted upward at an angle of between thirty and sixty degrees from the floor.

i. SKIs that are individually item priced are exempt from requirements of section 13 (a); and

In cases where the width of the facings of a particular SKI is smaller than the width of the store's standard shelf label, the store may decrease the size requirement specified in section 13(a). In these situations, the lettering cannot be reduced below three-eighths of an inch.

The director may, by regulation, specify standard shape, typeface, placement, and format of shelf labels, and may set other requirements to ensure the readability of shelf labels and the ability of consumers to identify which label applies to each SKU.

No provision of this section shall be construed to diminish the requirements of section 214-h of the agriculture and markets law; the agriculture and markets law shall control.

Section Fourteen. Penalties for failure to provide proper shelf labeling. In the event that shelf labels do not conform with the provisions of section thirteen of this local law identified in the first inspection following any twelve month period within which no such violations have been found, a penalty in the amount of ten dollars per violation shall be imposed, but in no event shall the total penalty for all violations identified at such first inspection exceed five hundred dollars.

For violations identified in a second or subsequent inspection in a twelve month period following a previous violation of section thirteen of this local law, the penalties shall be doubled, up to a maximum of two thousand dollars per inspection. Each SKU for which proper shelf labeling is not provided shall constitute a separate violation. Every day a violation is continued shall constitute a separate violation.

Section Fifteen. Enforcement by director.

The director shall have the authority to promulgate such regulations as necessary to carry out the purposes of this local law. This local law and regulations promulgated by the director

- a. The director shall, within available appropriations, cause retail stores to be inspected to ensure compliance with this local law.
- b. Upon finding a violation of the provisions of this local law, or of the rules and regulations promulgated hereunder, the director shall cause the same to be corrected and, if requested, cause a hearing to be held to determine whether a violation of this local law has occurred. At least ten days written notice of a hearing shall be served either personally upon the person in charge of the store where the alleged violation occurred, or by certified or registered mail addressed to such store. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time, and place that a hearing shall be held. Upon a finding of a violation of the provisions of this local law, the director shall be authorized to recover any civil penalty provided for in this local law.

Section Sixteen. Appeals. Any decision of the director under this local law, including assessment of penalties, denial of an application for a waiver, or revocation of a waiver, may be appealed in writing to the Erie County commissioner of Public Works. Within thirty days of receipt of such an appeal the Commissioner of Public Works shall cause a hearing to be held to review the contested decision of the director. At least ten days written notice of a hearing shall be served either personally upon the person in charge of the store filing the appeal, or by certified or registered mail addressed to such store. Such notice shall set forth the date, time, and place where a hearing shall be held. Within thirty days following such a hearing, the Commissioner of Public Works shall issue a final written ruling regarding the appeal.

Section Seventeen. Separability. If any clause, sentence, paragraph or section of this local law be adjudged by any court of competent jurisdiction to be invalid, such adjudication has been rendered; except, however, that if section eleven of this local law is adjudged to be invalid then the entirety of section ten shall also be invalid, and all waivers granted under section ten shall be null and void.

Section Eighteen. Construction, repeal of prior legislation. Local Law number eight of 1993 is hereby repealed. This local law shall be deemed to supersede any and all prior enactment of the county of Erie with respect to the subject matter contained herein. Wherever any prior local law of the county of Erie is found inconsistent or in conflict with the provisions contained herein, such prior local law shall be deemed hereby amended. This local law shall be construed liberally so as to provide maximum protection to the consumer of Erie County.

Section Nineteen. Effective date. This local law shall be effective January 1, 1998, except for section three, which shall be effective March 1, 1998.

RAYMOND K. DUSZA, CHARLES M. SWANICK, CRYSTAL D. PEOPLES,  
EDWARD J. KUWIK, MICHAEL A. FITZPATRICK, GEORGE A. HOLT, JR.,  
JUDITH P. FISHER, GREGORY B. OLMA, ALBERT DEBENEDETTI,  
LYNN M. MARINELLI, RANDI COHEN KENNEDY, WILLIAM A. PAULY

Ms PEOPLES moved the adoption. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

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ITEM 8 - Chairman SWANICK directed that Local Law Intro. No. 10 (Print #1) - 1997 remain on the table.

#### COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION 311

JUNE 17, 1997

HEALTH/MENTAL COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT.

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

Item Page -1996 (Int. 4-5)  
a. KUWIK: Asking Companies that Contract with Erie County to Consider Using Local Products.  
(5-0)

Item Page -1996 (Int. 5-10)  
b. MARSHALL, RANZENHOFER, GREENAN, LARSON, PEOPLES, VILLARINI, SWANICK, LENIHAN, FISHER & KUWIK: Support for the Creation of State Breast Cancer Science Board.  
(5-0)

Item Page -1996 (Int. 5-17)  
c. MARSHALL, LARSON & RANZENHOFER: Health Care Reform Legislation.  
(5-0)

Item Page -1996 (Int. 7-3)  
d. RANZENHOFER: Vacancies in the Erie County Health Department.  
(5-0)

Item Page -1996 (Int. 9-24)  
e. RANZENHOFER: Waiving of Autopsy Fee.  
(5-0)

Item Page -1996 (Comm. 15E-7)  
f. COUNTY EXECUTIVE: ECMC/County of Erie Lease Agreement for Development of Community Based Primary Care Health Centers.  
(5-0)

Item Page -1996 (Comm. 20D-10)  
g. HEALTH: Community Health Assessments 1996-97.  
(5-0)

Item Page -1996 (Comm. 22M-4)  
h. LAWRENCE CHEELEY: Copy of Letter to Joe Ryan Re: Diabetes Teaching Nurse at ECMC.  
(5-0)

- Item Page -1996 (Int. 22-12)  
i. MARSHALL, VILLARINI, GREENAN, LARSON & RANZENHOFER:  
Department of Health - Revised M.I.C. Project 10/1/96-9/30/97.  
(4-1) Legislator Marshall in the negative.
- Item Page -1996 (Comm. 29M-6)  
j. VNA PHARMACY INC.: Copy of Letter to Legislator Peoples Re:  
NY Regulation #6810.  
(5-0)
- Item Page -1997 (Comm. 1M-2)  
k. VNA PHARMACY: Pharmacy Education Law.  
(5-0)
- Item Page -1997 (Comm. 7M-16)  
l. WARREN STEINTHAL: Copy of Letter to Legislator Olma Re:  
Consolidating Mid-Erie Mental Health Services with ECMC.  
(5-0)
- Item Page -1997 (Comm. 9D-10)  
m. HEALTH: Quarterly Report for the Period 1/1/97 to 3/31/97.  
(5-0)
- Item Page -1997 (Comm. 10D-1)  
n. ECMC: Financial Statements for 3/31/97.  
(5-0)
- Item Page -1997 (Comm. 10D-7)  
o. EC MORGUE: Monies & Other Properties Found on Deceased  
Persons.  
(5-0)
- Item Page -1997 (Comm. 10D-9)  
p. MENTAL HEALTH: Notice of Meeting Erie County Mental Hygiene  
Community Services Board; Chairperson's Report; Commissioner's  
Report & Subcommittee Reports.  
(5-0)
- Item Page -1997 (Comm. 10M-6)  
q. WELLNESS INSTITUTE: News and Notes.  
(4-0) Legislator Marshall absent.
- Item Page -1997 (Comm. 10M-11)  
r. SENECA HOSE COMPANY #1: Smoking Ban Law Will Have Negative  
Effect on BINGO Revenue.  
(4-0) Legislator Marshall absent.



Item Page -1997 (Comm. 10M-13)  
s. NEW YORK STATE HEALTH DEPARTMENT: Copy of Order Combining  
Village of Akron & Town of Newstead Into a Single Primary  
Registration District for Births & Deaths.  
(4-0) Legislator Marshall absent.

Item Page -1997 (Comm. 11D-9)  
t. ECMC: Notice of Finance Committee Meeting to be Held 6/6/97.  
(4-0) Legislator Marshall absent.

Item Page -1997 (Comm. 11D-15)  
u. ECMC: Notice of Board of Managers Finance Committee Meeting  
& Financial Statement for Period Ending 4/30/97.  
(4-0) Legislator Marshall absent.

2. RESOLVED, that the following item is hereby received, filed  
and referred to the FINANCE AND MANAGEMENT COMMITTEE:

Item Page -1997 (Int. 6-17)  
a. OLMA: Excessive Expenditures at the Erie County Medical  
Center.  
(5-0)

Item Page -1997 (Int. 6-4)  
3. MARSHALL & GREENAN:  
WHEREAS, the recent cloning of a sheep in Scotland has brought  
to the attention of officials in federal, state and local  
governments the biological feat that might allow for the successful  
scientific reproduction of human beings, and

WHEREAS, the mass production of human beings is a brand new  
frontier that has never been successfully tread upon by our  
scientific community, and

WHEREAS, although many scientists do not believe that this  
technology can be successfully utilized to clone humans in the  
foreseeable future, it carries with it both frightening and  
promising possibilities, and

WHEREAS, scientific insight into the nature of genes has  
brought about potential therapies to correct lethal genetic  
diseases, for example, cloning organs for transplantation or  
allowing those susceptible to a genetic disease to have healthy  
children, and

WHEREAS, alternatives which may be available or developed in the medical field to produce these restorative measures should be considered first before examining the possibility of cloning to produce medical breakthroughs, and

WHEREAS, the idea of cloning human beings creates a variety of troubling and extremely serious moral, ethical and legal questions, and

WHEREAS, recent articles report that many people are concerned about cloning human cells to create armies of perfect soldiers or twin siblings to harvest for organs, and

WHEREAS, President Clinton has barred spending federal money on human cloning and has urged a halt in private research until the ethical impact is better understood, and

WHEREAS, State Legislation has been introduced recently making the cloning of human beings, or conspiring to clone, in New York State a felony, and

WHEREAS, several foreign countries already prohibit the practice, and approval of the bill would make New York the first state in this country to prohibit cloning, and

WHEREAS, Governor Pataki has urged the Legislature to move slowly on the cloning issue and give policy makers time to contemplate its legal and ethical ramifications,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body articulates its concern regarding the uncertainty of this newly explored area of science and the potential ramifications it may impart, and be it further

RESOLVED, that this Honorable Body agrees that federal agencies should not allocate money for cloning of human beings, and be it further

RESOLVED, that this Honorable Body urges President Clinton and Congressional leaders to examine this new frontier in science and review the moral, ethical and legal issues on a national scale, and be it further

RESOLVED, that this Honorable Body supports Governor Pataki's urging that the State Legislature to move slowly in determining the outcome of any and all legislation introduced on this issue, and be it further

RESOLVED, that certified copies of this resolution be forwarded to President Clinton, local members of the Congressional delegation, Governor George Pataki, New York Senate Majority Leader Joseph Bruno, New York State Assembly Speaker Sheldon Silver, New York State Senate Minority Leader Martin Connors and New York State Assembly Minority Leader Tom Reynolds.

(5-0)

Item Page -1997 (Comm. 9E-9)  
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 Restoration Society, Inc., and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Restoration Society, Inc. in the amount not to exceed \$909,577, and

WHEREAS, additional funds of \$151,267 in 100% New York State Office of Mental Health Reinvestment dollars are available to enable Restoration Society, Inc. to operate a Drop In Center for high risk seriously persistently mentally ill individuals who may concurrently be chemical abusers and/or homeless.

NOW, THEREFORE, BE IT

RESOLVED, that the 1997 appropriation for Restoration Society, Inc. be increased by a total of \$151,267, 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 Restoration Society, Inc. for the period January 1, 1997 through December 31, 1997 to an amount not to exceed \$1,060,844, 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. 10E-27)

5. COUNTY EXECUTIVE:

WHEREAS, the County of Erie leases space from the Village of Depew in the Village Municipal Building located at 85 Manitou Street, in the Village of Depew for public health purposes, and

WHEREAS, the Village formerly permitted the Erie County Probation Department to use space in Village Court for the purpose of probation interviews, and

WHEREAS, increasing space needs of the courts have made it no longer practical for the County Probation Department to use Village Court space for this purpose, and

WHEREAS, the space leased by the County for the purpose of conducting Department of Health programs can conveniently be used for Probation Department interviews purposes, and

WHEREAS, use of the leased space by the Probation Department will not interfere with any current County Department of Health use of Village facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the lease entered into by and between the Village of Depew and the County of Erie on November 1, 1994 is hereby amended to allow use by the Probation Department for interview purposes with all other terms and conditions remaining the same, and be it further

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

(5-0)

Item Page -1997 (Comm. 10E-36)

6. COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Health has joined with seven other local County Health Departments as the Western New York Public Health Coalition, and

WHEREAS, the Western New York Public Health Coalition has been awarded a Public Health Priorities Partnership Initiative Grant totaling \$150,000 for the purpose of providing support to local health units to engage community partners to identify local public health issues and together with their partners, to develop action plans to address local priorities, and

WHEREAS, the Erie County Department of Health has been designated the lead agency for this grant, and

WHEREAS, the Department of Family Medicine at SUNY Buffalo has expertise in conducting standardized population-based health risk assessment measurements at the regional, county and community levels, and

WHEREAS, the Western New York Public Health Coalition has experience in developing collaborative groups which will initiate recommendations based on local priorities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a grant award on behalf of the Western New York Public Health Coalition funded 100% by the New York Health Department which is budgeted as follows:

PUBLIC HEALTH PRIORITIES PARTNERSHIP INITIATIVE  
4/1/97-6/30/98

SFG	SUB	OBJ	REVENUE	NEW BUDGET
553			STATE AID OTHER	\$ 150,000
			TOTAL	150,000
			EXPENSES	
825			Out of Area Travel	\$ 312.00
826			Other Expenses	2,188.00
830	543		SUNYAB-School of Medicine	\$ 70,000.00
830			Contractual Expense	\$ 70,000.00
882	2709		Interdepartmental-Health Grants	\$ 7,500.00
			TOTAL	\$ 150,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the following counties who are members of the Western New York Public Health Coalition in the amount of \$10,000 per county: Allegany, Cattaraugus, Chautauqua, Genesee, Niagara, Orleans, Wyoming, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with SUNY Buffalo Department of Family Medicine in the amount of \$70,000 to accomplish the goals of the project, and be it further

RESOLVED, that the Erie County Department of Health is authorized to utilize \$7,000 for salary and fringe benefits of a Public Health Educator, Regular Part Time, who is budgeted to Project #636 Training & Technical Assistance to County Health Departments, and be it further

RESOLVED, that the budget for the Training & Technical Assistance to County Health Departments grant be amended as follows:

DEPARTMENT OF HEALTH TRAINING &  
TECHNICAL ASSISTANCE  
TO COUNTY HEALTH DEPARTMENTS  
7/1/96-6/30/97  
PROJECT # 636

<u>SFC</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT</u>	<u>REVISED</u>	<u>BUDGET</u>
			<u>BUDGET</u>	<u>CHANGES</u>	<u>BUDGET</u>
552		STATE AID	\$ 50,000	\$ 50,000	
		TOTAL	<u>50,000</u>	<u>50,000</u>	
		<u>EXPENSES</u>			
800		PERSONNEL SERVICES	34,301	6,000	40,301
805		FRINGES	8,499	1,500	9,999
810		OFFICE SUPPLIES	200		200
825		OUT OF AREA TRAVEL	5,000	0	5,000
826		OTHER EXPENSES	1,750	0	1,750
880	5100	INTERFUND-DISS	250	0	250
883	2709	CONTRACTUAL SAL. RES.	0	-7,500	(7,500)
		TOTAL	<u>\$ 50,000</u>	<u>\$ 50,000</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.

- Item Page -1997 (Comm. 11E-29)
7. COUNTY EXECUTIVE:  
WHEREAS, an existing lease renewal, with terms remaining the same, has been received from the Kenmore-Town of Tonawanda Union-Free School District.

NOW, THEREFORE, BE IT

RESOLVED, that the lease for the Department of Health's Tonawanda Service and Referral Center located at 250 Cortland Avenue, Tonawanda, New York is hereby renewed for one year commencing September 1, 1997 at an annual rate of \$17,640.00, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a lease agreement with the Kenmore-Town of Tonawanda Union Free School District, 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 (Int. 11-4)
8. HOLT:  
WHEREAS, Social Security and Medicare are government programs that provide monthly payments and benefits to the elderly and the disabled, and

WHEREAS, A percentage of those deemed medically disabled under Social Security are ailing patients awaiting or having completed transplant surgery, and

WHEREAS, For those affected individuals, transplantation is a matter of life and death and can be a way to rehabilitate and return them to a healthy lifestyle, and

WHEREAS, For transplant patients to survive following surgery, it is medically required that immunosuppressive drugs are taken, and

WHEREAS, Immunosuppressive drugs are extremely expensive medications taken by the patient for the remainder of the patient's life after transplantation surgery to fight rejection from the replanted organ, and

WHEREAS, An inability to take these anti-rejection drugs could result in a necessity of returning to dialysis, organ failure and possibly death, and

WHEREAS, Individuals who are on Social Security are generally at a financial disadvantage, are unable to derive income and are set on a monthly wage and cannot afford to take these life saving medications without government assistance, and

WHEREAS, Currently under title XVIII of the Social Security Act and the Medicare Program, the immunosuppressive drugs needed for transplant patients are covered for only up to three years following their surgical procedure, yet patients must continue their treatment on the drugs past that time limit, resulting in financial hardship or in some cases the inability to afford the medication, and

WHEREAS, To that end Congress has introduced legislation (H.R. 1061) that eliminates time limitation on benefits for immunosuppressive drugs under the Medicare Program, and

WHEREAS, Modifying the three-year period to an indefinite status provides a sound investment for the federal government to transplant patients that may not able to afford the anti-rejection medications, and

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby recognize and express its concern for transplant patients that face life or death health conditions and the difficult economic conditions associated with their condition, and be it further

RESOLVED, That this Honorable Body does hereby recognize the importance of providing these transplant patients with the most technically advanced medications available for as long a period as is needed, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the United States Congress to pass, and President Bill Clinton to sign into law, House bill H.R. 1061 as a means of improving and saving the lives of our society's transplant patients, 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, Congressman Charles T. Canady (Fla.), Transplant Recipient International Organization Inc. Executive Director Lisa Kory, (1000 16<sup>th</sup> Street, NW, Suite 602, Washington, D.C., 20036) and Transplant Recipient International Organization Inc. of Western New York President Sue Smith, (4952 Transit Road, Suite 200, Depew, New York, 14043).

Fiscal Impact: None for resolution.  
(5-0)

JUDITH P. FISHER  
Chairperson

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION 312

JULY 8, 1997

ENERGY AND ENVIRONMENT  
COMMITTEE  
REPORT NO. 9

ALL MEMBERS PRESENT.

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

Item Page -1997 (Comm. 11M-28)  
a. NYSDEC: Bond Act Resolution - Madison Wire.  
(5-0)

Item Page -1997 (Comm. 12D-5)  
b. DEP: SEQR - Negative Declaration - ECSD No. 5 Stahley Road  
Sanitary Sewer.  
(5-0)

- Item Page -1997 (Comm. 12D-9)  
c. DEP: SEQR - Negative Declaration - South Park Apartments  
Construction.  
(5-0)
- Item Page -1997 (Comm. 12D-18)  
d. DEP: SEQR - Negative Declaration - Aurora Apartments  
Construction.  
(5-0)
- Item Page -1997 (Comm. 12E-28)  
e. COUNTY EXECUTIVE: ECSD No. 1 - Borden - Clinton Pumping  
Stations & Pipeline Improvement Project Construction & Engineering  
Change Orders - NYS Environmental Bond Act.  
(5-0)
- Item Page -1997 (Comm. 12E-34)  
f. COUNTY EXECUTIVE: ECSD No. 4 Overflow Retention Facilities  
Modifications Contract EC-5A - Change Order No. 3 Paul J. Gallo  
contracting Inc.  
(5-0)
- Item Page -1997 (Comm. 12E-35)  
g. COUNTY EXECUTIVE: ECSD No. 4 - Overflow Retention Facilities  
Modifications Contract EC-5A - Change Order No. 4 - Paul J. Gallo  
Contracting, Inc.  
(5-0)
- Item Page -1997 (Comm. 12E-36)  
h. COUNTY EXECUTIVE: ECSD No. 1 - Borden - Clinton Pumping  
Stations Improvement Contract "D" - Change Order No. 1 - NYS  
Environmental Bond Act.  
(5-0)
- Item Page -1997 (Comm. 12M-1)  
i. NYSDEC: Fact Sheet - 318 Urban Street - City of Buffalo.  
(5-0)
- Item Page -1997 (Comm. 12M-6)  
j. ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL: Minutes of  
Meeting Held 5/20/97.  
(5-0)
- Item Page -1997 (Comm. 12M-11)  
k. MELINDA HOLLAND CLEAN SITES: Summary of Meeting Held 6/4/97  
& Notice of Meeting Held 6/17/97.  
(5-0)

- Item Page -1997 (Comm. 12M-18)  
1. NYSDEC: Fact Sheet Re: Fourth Street Site.  
(5-0)
- Item Page -1997 (Comm. 13D-2)  
m. DEP: SEQR - Solicitation for Lead Agency Status - Demolition of  
Buildings - Lackawanna, NY.  
(5-0)
- AS AMENDED  
Item Page -1997 (Comm. 13E-23)  
n. COUNTY EXECUTIVE: ECSD No. 1 - Contract 1A - General Change Order  
No. 4 (Misc. Items) - Kenaidan Construction Corporation.  
(5-0)
- Item Page -1997 (Comm. 13E-30)  
o. COUNTY EXECUTIVE: Erie County - Southtowns Sewage Treatment Agency  
- URS Greiner, Inc. - Change Order No. 1.  
(5-0)
- OPEN ITEM  
Item Page -1997 (Comm. 2E-9)  
2. COUNTY EXECUTIVE:  
A RESOLUTION APPROVING (1) AN INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN  
THE COUNTY OF ERIE, NEW YORK AND (2) AN APPLICATION TO THE STATE  
COMPTROLLER FOR CONSENT FOR EXPENDITURE OF FUNDS FOR SAID INCREASE  
AND IMPROVEMENT OF FACILITIES.

(Introduced) January 23, 1997  
(Adopted) July 17, 1997

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg, and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, it is anticipated that upon future amendment of the Southtowns Agreement, to be approved by this Legislature on behalf of the County and by the governing boards of all other parties to such Agreement, the County, acting for an on behalf of Erie County Sewer District No. 3, will be responsible for financing the total project costs for proposed improvements to the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has on April 24, 1997 duly directed that there be prepared a map, plan, report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the Southtowns Treatment Facility, which map, plan, report and estimate of cost have been approved by the Administrative Board of the Erie County-Southtowns Sewage Treatment Agency on May 29, 1997 and the Board of Managers of said District on June 17, 1997 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said map, plan and report and estimate of cost, describe a proposed increase and improvement of the Southtowns Treatment Facility, in said County, consisting of replacement of various equipment, machinery, and apparatus, related improvements to such Facility, and improvements to Southtowns Agency sewage transmission lines and pumping stations, and related facilities, all as more fully described in the map, plan, report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of facilities of said Sewer Agency is \$10,000,000; and

WHEREAS, said County Legislature duly adopted Resolution No. 234 on the 5<sup>th</sup> day of June, 1997, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid increase and improvement of facilities in accordance with the aforesaid map, plan, report and estimate of cost, and

WHEREAS, such Resolution authorizes and directs the preparation by the Department of Environment and Planning of an Application to the State Comptroller for his consent to the total expenditure for such increase and improvement, such Application to be executed and verified by and on behalf of the County by the County Executive; and

WHEREAS, said public hearing was duly held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 17<sup>th</sup> day of July, 1997 at 2:00 P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing, and

WHEREAS, said County Legislature has reviewed said Application, as prepared by the Department of Environment and Planning; and

WHEREAS, the aforesaid increase and improvement has been determined to be a "TYPE I/TYPE II" pursuant to the Regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed will not result in any significant environmental impacts;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of said Southtowns Agency in the County of Erie, New York, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$10,000,000.

Section 2. Said Application to the State Comptroller was prepared at the direction of said County Legislature;

Section 3. Said County Legislature believes the contents of the Application to be accurate.

Section 4. Said County Legislature has determined that the expenditure for which consent is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.

Section 5. The \$10,000,000 maximum estimated cost of the expenditure will be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts Nos. 21, 7, 10, 5,4,8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg, and (iii) the Village of Blasdell as a contracting entity with the Southtowns Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtown Agreement; and all such real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded.

Section 6. Said Application is hereby directed to be forwarded by the County Executive to the State Comptroller to obtain his consent to the total expenditure authorized herein, and such expenditure shall not be made or contract let for the purposes authorized herein until such consent has been obtained.

Section 7. This resolution shall take effect immediately.  
(5-0)

AS AMENDED  
(Comm. 11E-26)

Item Page -1997  
3. COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Erie County Sewer District No. 3, Smokes Creek Exposed Pipes, Contract OP7 on June 27, 1997.

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract OP7	LDC Construction Co., Inc. 1920 Baseline Road Grand Island, NY 14072	\$48,362.00

WHEREAS, this bidder has been recognized as successfully performing similar work in Erie County, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers has moved to recommend the award of the Smokes Creek Exposed Pipes - Contract OP7 to the low bidder ,

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer District No. 3 Smokes Creek Exposed Pipes - Contract OP7 be awarded as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract OP7	LDC construction Co., Inc. 1920 Baseline Road Grand Island, NY 14072	\$48,362.00

and be it further,

RESOLVED, that the County Executive be, and hereby is authorized to execute the contract with the low bidder subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the funds for this contract be paid from Erie County Sewer District No. 3's Operating Budget, Account 2208-5383-0823 and Account 2208-5383-0830; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office and to Richard J. Schechter, Assistant County Attorney.

(5-0)

Item Page -1997 (Comm. 12E-27)  
4. COUNTY EXECUTIVE:

WHEREAS, in August 1991 the USEPA Great Lakes Soil Erosion and Sedimentation Program provided the County of Erie \$200,000 in federal grant funding to implement an agricultural pollution prevention project, and

WHEREAS, on September 5, 1991 the Erie County Legislature passed a resolution allowing the Erie County Executive to enter the agreements necessary to accept this grant and establishing a grant budget for this project, and

WHEREAS, the Department of Environment and Planning assembled an advisory committee of representatives from the agriculture community and other assistance agencies to guide county staff and help determine how to best use the grant resources to accomplish the program objectives, and

WHEREAS, the best use of the grant resources was not consistent with the original categorized budget established by the USEPA and Erie County Resolution, and

WHEREAS, the necessary budget changes have been made by the granting agency, the USEPA, and

WHEREAS, the project period officially ended on December 31, 1995 before the Department of Environment and Planning could secure authorization to appropriately revise the county budget for this grant project, and

WHEREAS, it is necessary to revise the county budget to successfully bring the agricultural pollution prevention project to a close.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Agricultural Pollution Prevention Project (SFG# 331) will be revised as follows:

<u>ACT</u>	<u>DESCRIPTION</u>	<u>CURRENT BUDGET</u>	<u>REVISIONS</u>	<u>REVISED BUDGET</u>
800	Salaries	\$125,566	\$ 15,334	\$140,900
805	Fringe Benefits	\$ 30,532	\$ 119	\$ 30,651
810	Office Supplies	\$ 3,089	\$ (2,668)	\$ 421
824	Travel & Mileage	\$ 2,000	\$ (370)	\$ 1,630
825	Out-of-Area Travel	\$ 4,000	\$ (653)	\$ 3,347
826	Other Expenses	\$ 4,206	\$ (2,702)	\$ 1,504
830	Contractual Serv.	\$ 5,338	\$ (4,804)	\$ 534
880	Intercept. Pymts.	\$ 21,429	\$ (2,256)	\$ 19,173
933	Lab & Tech. Equip	\$ <u>3,840</u>	\$ <u>(2,000)</u>	\$ <u>1,840</u>
	Total Expenditures	<u>\$200,000</u>	<u>\$ - 0-</u>	<u>\$200,000</u>

AND BE IT FURTHER

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management, Commissioner of Environment and Planning, the Deputy Commissioner of Environmental Compliance and the County Attorney.

(5-0)



Item Page -1997 (Comm. 12E-29)  
5. COUNTY EXECUTIVE:

WHEREAS, County of Erie/Erie County Sewer District No.3 herein called the "Municipal Applicant" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the the Windom Trunk Sewer Project and identified as 6649-03, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, the State Water Pollution Control Revolving Fund Act (the "SRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the SRF Act; and

WHEREAS, the Act authorizes the establishment of a program for short-term financial assistance for the planning of eligible projects in addition to its program for long-term financial assistance or planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for SRF assistance in the form of required by the Corporation in conformity with the SRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or SRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required.

The COUNTY EXECUTIVE  
(Authorized Representative)  
The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following SRF Program for either short-term or long-term financing or both.

4. That five (5) certified copies of this resolution be prepared and sent to Charles J. Alessi, P.E., Department of Environment and Planning, Division of Sewerage Management.

5. This Resolution shall take effect immediately.  
(5-0)

Item Page -1997 (Comm. 12E-31)  
6. COUNTY EXECUTIVE:

WHEREAS, the County of Erie has previously received a grant from the USEPA-Great Lakes National Program Office to develop a Buffalo River Fish and Wildlife Habitat Restoration Demonstration Project, and

WHEREAS, it is necessary to submit a Letter of Intent and to enter into an agreement with the U. S. Army Corps of Engineers to enhance and restore fish and wildlife habitat at locations along the Buffalo River Navigational Channel, in accordance with the Section 1135 Program, and

WHEREAS, the Federal Program must be considered habitat restoration at areas affected by an U.S. Army Corps of Engineer's Project, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to submit a Letter of Intent and to enter into an agreement with the U. S. Army Corps of Engineers, to secure Section 1135 funding under the Water Resources Development Act, needed to further restore fish and wildlife habitat along the Buffalo River, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Environment and Planning and the County Attorney.

(5-0)

Item Page -1997 (Comm. 12E-32)  
7. COUNTY EXECUTIVE:

WHEREAS, the Erie County Legislature has awarded Contract No. EC-5B to Buffalo Sheet Metals, Inc., and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. EC-5B in the amount of \$20,000.00 which includes Change Order No. 2 (final) a decrease of \$2,000.00 and Final Payment No. 3 in the amount of \$6,101.50.

NOW, THEREFORE, BE IT

RESOLVED, that Contract EC-5B between the County of Erie and Buffalo Sheet Metals, Inc., 303 Central Avenue, Buffalo, New York 14202, be accepted in the amount of \$20,000.00 which includes Change Order No. 2 (final) a decrease of \$2,000.00 and Payment No. 3 (final) in the amount of \$6,101.50, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. EC-5B in the amount of \$20,000.00 and make final payment from Sewer Capital Account SD #4, Fund No. 430, Project No. 535, Department No. 810, Object No. 973, Sewer Construction Expenditure, Subobject No. 200, between the County of Erie and Buffalo Sheet Metals, Inc. and return the unused portion \$2,000.00 to Unallocated Object No. 891, and be it further

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

(5-0)

Item Page -1997 (Comm. 12E-33)  
8. COUNTY EXECUTIVE:

WHEREAS, the United States Environmental Protection Agency Great Lakes National Program Office (EPA-GLNPO) granted the Erie County Department of Environment and Planning a grant titled "Buffalo River Fish and Wildlife Habitat Restoration Demonstration Project" in the amount of \$1,250,000, and

WHEREAS, the Erie County Legislature previously approved resolutions authorizing the County Executive to enter into agreements with the EPA and the City of Buffalo, and to establish a budget for the above mentioned grant program, and

WHEREAS, it is necessary to amend the originally established Contractual Services category of this federal grant program to include \$100,000 from the Buffalo Urban Renewal Agency needed to support construction of public amenities, and

NOW, THEREFORE BE IT

RESOLVED, that the County Executive enter into agreement with the Buffalo Urban Renewal Agency to transfer \$100,000 to the Buffalo River Habitat Budget to support selected construction activities, and be it further

RESOLVED, that unanticipated revenue of \$100,000 is hereby appropriated in the Buffalo River Habitat Restoration Project, SFG 194, in Account 830, Contractual Services, and be it further

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

(5-0)

Item Page -1997 (Comm. 12E-43)  
9. COUNTY EXECUTIVE:

WHEREAS, the Erie County Legislature had awarded Willmuth Street Pumping Station, Contract "E" to Tunney Electric Inc., and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Willmuth Street Pumping Station, Contract "E" in the amount of \$83,473.65 which includes Change Order No. 2 (final) a decrease of \$3,650.35 and Final Payment No. 7 in the amount of \$1,047.46.

NOW, THEREFORE, BE IT

RESOLVED, that the Willmuth Street Pumping Station, Contract "E" between the County of Erie and Tunney Electric, Inc., 8565 Roll Road, Clarence Center, New York 14032, be accepted in the amount of \$83,473.65 which includes Change Order No. 2 (final) a decrease of \$3,650.35 and Payment No. 7 (final) in the amount of \$1,047.40, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Willmuth Street Pumping Station, Contract "E" in the amount of \$83,473.65 and make final payment from Sewer Capital Account SD #6, Fund No. 430, Project No. 532, Department No. 820, Object No. 973, Sewer Construction Expenditure, Subobject No. 200, between the County of Erie and Tunney Electric Inc. and return the unused portion \$3,650.35 to Unallocated Object No. 891, and be it further

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

(5-0)

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

RESOLVED, that the County Executive is authorized and directed to file an application in the format prescribed by the New York State Canal Corporation for financial assistance from the Municipal Canal Development Program in an amount not to exceed \$50,000 and upon approval of said request to enter into and execute a project agreement with the Canal Corporation for such financial assistance to this county for the Ellicott Creek Park Improvements Project, and be it further

RESOLVED, that copies of the certified resolution be sent to the Commissioner of Environment and Planning, Commissioner of Parks, Recreation and Forestry, and Budget Director.

(5-0)

Item Page -1997 (Comm. 13E-17)  
11. COUNTY EXECUTIVE:

WHEREAS, the Erie County has received funding to support the "Buffalo River Fish and Wildlife Habitat Restoration Demonstration Project" in the amount of \$1,350,000, and

WHEREAS, the Erie County Legislature previously approved resolutions authorizing the County Executive to enter into agreements to establish a budget for the above mentioned grant program, and

WHEREAS, it is necessary to amend the originally established budgets for this grant program in order that the Department of Environment and Planning can best utilize the available funding resources, and

WHEREAS, the EPA-GLNPO will grant Erie County a no-cost time extension of the budget and project through September 30, 1998,

NOW, THEREFORE, BE IT

RESOLVED, that the following budget changes are hereby approved in the Buffalo Fish and Wildlife Habitat Restoration Demonstration Grant (SFG 194) to support the project:

Appropriations	Current Budget	Revisions	Revised Budget
800 Personnel Services	\$ 271,153	\$ 92,747	\$363,900
805 Fringe Benefits	60,497	16,859	77,356
810 Office Supplies	5,000	(3,550)	1,450
825 Out-of-Area Travel	14,000	3,184	17,184
830 Contractual	765,500	(82,043)	683,457
Maintenance & Repair	4,200	0	4,200
824 Local Travel & Mileage	500	498	998
826 Other Expenses	3,500	773	4,273
Office Equipment	0	500	500
933 Lab and Technical Equipment	83,800	(9,770)	74,030

880	Interfund Transfers	141,850	(19,198)	122,652
	TOTAL	\$1,350,000	- 0 -	\$1,350,000

and be it further

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

(5-0)

Item Page -1997 (Comm. 13E-18)  
12. COUNTY EXECUTIVE:

WHEREAS, the Erie County Legislature had awarded Willmuth Street Pumping Station, Contract "H" to Buffalo Sheet Metals, Inc., and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Willmuth Street Pumping Station, Contract "H" in the amount of \$135,969.00 which includes Change Order No. 2 (final), a decrease of \$18,031.00 and Final Payment No. 6 in the amount of \$22,164.63.

NOW, THEREFORE, BE IT

RESOLVED, that the Willmuth Street Pumping Station, Contract "H" between the County of Erie and Buffalo Sheet Metals, Inc., 303 Central Avenue, Buffalo, New York 14206, be accepted in the amount of \$135,969.00 which includes Change Order No. 2 (final) a decrease of \$18,031.00 and Payment No. 6 (final) in the amount of \$22,164.63, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Willmuth Street Pumping Station, Contract "H" in the amount of \$135,969.00 and make final payment from Sewer Capital Account SD #6, Fund No. 430, Project No. 532, Department No. 820, Object No. 973, Sewer Construction Expenditure, Subobject No. 200, between the County of Erie and Buffalo Sheet Metals, Inc. and return the unused portion \$18,031.00 to Unallocated Object No. 891, and be it further

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

(5-0)

Item Page -1997 (Comm. 13E-19)  
13. COUNTY EXECUTIVE:

WHEREAS, the Erie County Legislature had awarded Contract No. EC-5D to Industrial Power & Lighting, Corp., and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. EC-5D in the amount of \$91,239.00 which includes Change Order No. 2 (final) a decrease of \$4,761.00 and Final Payment No. 5 in the amount of \$6,119.00.

NOW, THEREFORE, BE IT

RESOLVED, that Contract EC-5D between the County of Erie and Industrial Power & Lighting Corp., 701 Seneca Street, Buffalo, New York 14210, be accepted in the amount of \$91,239.00 which includes Change Order No. 2 (final) a decrease of \$4,761.00 and Payment No. 5 (final) in the amount of \$6,119.00, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. EC-5D in the amount of \$91,239.00 and make final payment from Sewer Capital Account SD #4, Fund No. 430, Project No. 535, Department No. 810, Object No. 973, Sewer Construction Expenditure, Subobject No. 200, between the County of Erie and Industrial Power & Lighting Corp., and return the unused portion \$4,761.00 to Unallocated Object No. 891, and be it further

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

(5-0)



Item Page -1997 (Comm. 13E-20)  
14. COUNTY EXECUTIVE:

WHEREAS, the Erie County Legislature had awarded Contract No. 29L to Joseph J. Kelley Blacktop, Inc., and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 29L in the amount of \$120,855.00 which includes Change Order No. 2 (final) a decrease of \$1,530.00 and Final Payment No. 5 in the amount of \$24,952.46.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 29L between the County of Erie and Joseph J. Kelley Blacktop, Inc., 295 Meyer Road, West Seneca, New York 14224, be accepted in the amount of \$120,855.00 which includes Change Order No. 2 (final) a decrease of \$1,530.00 and Payment No. 5 (final) in the amount of \$24,952.46, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 29L the amount of \$120,855.00 and make final payment from Repair and Maintenance Charges Account No. SFG DAC 220 851 810 823 for Sewer District Nos. 1, 4, & 5, between the County of Erie and Joseph J. Kelley Blacktop, Inc., and be it further

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

(5-0)

AS AMENDED  
(Comm. 13E-21)

Item Page -1997  
15. COUNTY EXECUTIVE:

WHEREAS, it was determined that modifications in the sodium hypochlorite storage and handling system for the Sewer District No. 1 Overflow Retention Facility and Pump Stations Project were necessary in order for the facilities to be in compliance with the most recent revisions in the State's Chemical Bulk Storage Regulations.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 5 to the Agreement with Kenaidan Construction Corp. dated February 12, 1996 be approved subject to approval by the Department of Environment and Planning in an amount not to exceed \$155,000, and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process the necessary Change Order, subject to certification of availability of funds from the project fund balance by the Comptroller's Office, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate \$155,000 from Sewer Capital, ECSD No. 1, Fund No. 430, Project No. 694, Department No. 810, Object No. 891 unallocated to Object No. 973, Sewer Construction Expenditures, Subobject No. 200 General Construction Contract for payment of this Change Order, and be it further

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

(5-0)

Item Page -1997 (Comm. 13E-22)  
16. COUNTY EXECUTIVE:

WHEREAS, the Division of Budget, Management and Finance recognizes that due to a highly labor intensive process the County's tax maps out of date, and

WHEREAS, State law requires counties to maintain tax maps in a current condition, no more than one year out of date, and

WHEREAS, current technology is available to digitize paper maps, thereby increasing the efficiency of the current mapping staff to maintain the County tax maps in a current state, and

WHEREAS, once the County digitizes the County's tax maps they can form the basis of a county GIS system, and

WHEREAS, the Division of Budget, Management and Finance issued a Request for Proposal (RFP) to bring the County's tax maps up to date to meet State guidelines and regulations, and

WHEREAS, six outside agencies submitted proposals to digitize the County tax maps and bring the County tax maps current, and

WHEREAS, after reviewing the six written proposals, the RFP review committee selected four vendors to submit digital copies of selected County tax maps and make an oral presentation of their proposal, and

WHEREAS, the RFP committee after due deliberation, chose one vendor as clearly superior to the other three vendors, that vendor being Analytical Surveys, Inc., and

WHEREAS, Analytical Surveys, Inc., has extensive national experience in digitizing tax maps; for example, having completed a similar project for the City of Seattle, Washington, and

WHEREAS, Analytical Surveys, Inc., meets the requirements of the RFP by scheduling delivery of a digital version of the County's tax maps within the agreed schedule of one year, and

WHEREAS, the sub contractor chosen by Analytical Surveys, Inc., Weiler Engineering, has extensive experience in drawing and maintaining County tax maps in New York State, and

WHEREAS, Analytical Surveys, Inc. proposal will have the County purchase the digital version of the tax maps for its use and the County can provide the digital version to other municipalities through future agreements between the County and the municipalities, and

WHEREAS, Analytical Survey's Inc. total cost of the project was essential the same as the other vendors when compared on a total municipal cost basis,

NOW, THEREFORE, BE IT

RESOLVED, that Dennis T. Gorski, as County Executive of the County of Erie, be, and hereby is, authorized to enter into a contract with Analytical Surveys, Inc., of Colorado Springs, Colorado, for the Digital Conversion of Erie County's Tax Maps project, for an amount not to exceed \$1,400,000.00; all applicable provisions of Sections 19.08 of the Administrative Code regarding requests for proposal having been complied with, and be it further

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

(5-0)

Item Page -1997 (Comm. 13E-26)  
17. COUNTY EXECUTIVE:

WHEREAS, between January 1993 and January 1996, the USEPA, through resources available under Section 104 of the Federal Clean Water Act, provided the County of Erie \$340,000 in federal grant funding to implement an agricultural pesticides collection events throughout the Great Lakes Basin, and

WHEREAS, the Erie County Legislature has passed resolutions allowing the Erie County Executive to enter the agreements necessary to accept these grants and establishing a grant budget for this project, and

WHEREAS, the best use of the grant resources was not consistent with the original categorized budget established by the USEPA and Erie County Resolution, and

WHEREAS, the necessary budget changes have been made by the granting agency, the USEPA, and

WHEREAS, the project period officially ended on May 31, 1997, before the Department of Environment and Planning could secure authorization to appropriately revise the county budget for this grant project, and

WHEREAS, it is necessary to revise the county budget to successfully bring the agricultural pesticides collection project to a close, and

WHEREAS, Erie County received an additional \$132,000 grant from the USEPA Region II to continue pesticide collection efforts throughout 1997, and

WHEREAS, the absence of interested participants has resulted in the refocusing of the 1997 workplan to implementing a Mercury Education and Prevention Program, and

WHEREAS, it is necessary to acquire the services of an additional grant funded employee to complete the work contained in the revised workplan

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Agricultural Pesticides Collection Grant Program (SFG# 331) will be revised as follows:

<u>ACT</u>	<u>DESCRIPTION</u>	<u>CURRENT BUDGET</u>	<u>REVISIONS</u>	<u>REVISED BUDGET</u>
800	Salaries	\$ 94,750	\$ 9,052	\$103,802
805	Fringe Benefits	\$ 21,325	\$ (905)	\$ 20,420
810	Office Supplies	\$ 566	\$ (46)	\$ 520
824	Travel & Mileage	\$ 1,000	\$ (873)	\$ 127
825	Out-of-Area Travel	\$ 1,500	\$ (269)	\$ 1,231
826	Other Expenses	\$ 5,000	\$ (180)	\$ 4,820
830	<u>Contractual Serv.</u>	<u>\$ 215,859</u>	<u>\$ (6,779)</u>	<u>\$209,080</u>
	Total Expenditures	<u>\$ 340,000</u>	<u>\$ - 0-</u>	<u>\$340,000</u>

AND BE IT FURTHER

RESOLVED, that the following grant position is hereby added to the Department of Environment and Planning, in the Mercury Education and Prevention Grant Program (SFG#751):

Junior Environmental Specialist - Nonpoint Source Pollution (JG-9); and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management, Commissioner of Environment and Planning, the Deputy Commissioner of Environmental Compliance and the County Attorney.

(5-0)

Item Page -1997 (Comm. 13E-29)  
18. COUNTY EXECUTIVE:

WHEREAS, the EPA Great Lakes National Program Office (EPA-GLNPO) awarded the Erie County Department of Environment and Planning grants totalling \$172,038 to support an investigation of the Buffalo River and to conduct an International Symposium, and

WHEREAS, the Erie County Legislature previously approved resolutions authorizing the County Executive to enter into agreements with the EPA Great Lakes National Program Office and to establish budgets for the above mentioned grant programs, and

WHEREAS, the Erie County Department of Environment and Planning has remaining federal funding to support an Environmental Education Specialist position, needed to conduct workshops and seminars, and to distribute Great Lakes Environmental Education material throughout the basin, and

WHEREAS, the Department of Environment and Planning's Junior Environmental Specialist/Nonpoint Source Pollution position will be deleted once the Environmental Education Specialist position is created;

NOW, THEREFORE, BE IT

RESOLVED, that the following personnel changes are hereby approved for the Department of Environment and Planning, needed to develop environmental workshops and events:

Delete: Junior Environmental Specialist/Nonpoint  
Source Pollution (JG IX)

Add: Environmental Education Specialist (JG IX)

and be it further

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

(5-0)

AS AMENDED  
(Comm. 13E-31)

Item Page -1997  
19. COUNTY EXECUTIVE:

WHEREAS, the Erie County Legislature has awarded Sheridan Drive Contract 1- Replacement in Kind to LDC Construction Co., Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all items required by the contract documents have been completed; and

WHEREAS, the Department of Environment and Planning has recommended the final acceptance of Sheridan Drive Contract 1 - Replacement in Kind in the amount of \$13,503.45 which includes Change Order No. 1 (final) a decrease of \$2,763.55 and make final payment in the amount of \$675.18 for release of retainage.

NOW, THEREFORE, BE IT

RESOLVED, that Sheridan Drive Contract 1 - Replacement in Kind between the County of Erie and LDC Construction Co., Inc., 1920 Baseline Road, Grand Island, N. Y. 14072 be accepted in the amount of \$13,503.45 which includes Change Order No. 1 (final) a decrease of \$2,763.55 and make final payment in the amount of \$675.18 for release of retainage; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Sheridan Drive Contract 1 - Replacement in Kind in the amount of \$13,503.45 from the Sewer Operating Fund for Sewer District No. 5, Fund 220, Project No. 851, Department No. 810, Object 826, between the County of Erie and LDC Construction Co., Inc.; and be it further

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

(5-0)

GREGORY B. OLMA  
Chairman

Mr. OLMA requested that Resolve No. 16 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Mr. OLMA offered an amendment to Resolve No. 16 as follows:

Delete the original resolution in its entirety and replace with the following to read as follows:

WHEREAS, the County of Erie and URS Consultants, Inc. entered into an agreement dated April 7, 1994 for the purpose of providing engineering services associated with the design and construction of Contract Nos. EC-4, EC-5 and EC-6 Improvements; and

WHEREAS, the Engineer's original cost for services assumed that all scheduled improvements would be designed and constructed at the same time; and

WHEREAS, the final design and bidding of Contract EC-6 was delayed for reasons beyond the control of the Engineer which has now caused added expense for engineering services; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends the approval of Engineering Amendment No. 3 to URS Consultants Inc. Agreement dated April 7, 1994.

NOW, THEREFORE, BE IT

RESOLVED, that Engineering Amendment No. 3 to the URS Consultant's Inc. Agreement dated April 7, 1997 be approved in the amount of \$142,620.00; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process the necessary Engineering Amendment, subject to certification of availability of funds from the project fund balance by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate \$142,620.00 from Sewer Capital, ECSD No. 4, Fund No. 430, Project No. 535, Department No. 810, Object No. 891 unallocated to Object No. 973, Sewer Construction Expenditures, Subobject No. 100 Professional Service Contract for payment for this Amendment; and be it further

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

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

CARRIED UNANIMOUSLY.

Mr. OLMA moved the adoption of Resolve No. 16 as amended. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.



RESOLUTION NO. 313

JULY 10, 1997

FINANCE AND MANAGEMENT  
COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT.

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

- |    |  |      |       |                               |
|----|--|------|-------|-------------------------------|
| a. | Item   | Page | -1997 | (Comm. 5M-23)                 |
|    | NEW YORK STATE ASSOCIATION OF COUNTIES:  |      |       | Contract for Sales Tax Study. |
|    | (5-0)  |      |       |                               |
| b. | Item   | Page | -1997 | (Int. 9-4)                    |
|    | PAULY: Finance Department/Bed Tax.   |      |       |                               |
|    | (5-0)  |      |       |                               |
| c. | Item   | Page | -1997 | (Comm. 10E-6)                 |
|    | COMPTROLLER: Copy of Letter to Mr. Hart Re: Collection of Hotel Bed Taxes.                             |      |       |                               |
|    | (5-0)  |      |       |                               |
| d. | Item   | Page | -1997 | (Comm. 10E-15)                |
|    | COMPTROLLER: Copy of Letter to William Hart Re: Accrual of Uncollected Bed Taxes.                      |      |       |                               |
|    | (5-0)  |      |       |                               |
| e. | Item   | Page | -1997 | (Comm. 10M-7)                 |
|    | WILLIAM P. HART: Copy of Letter to Comptroller Re: 1996 Year-End Reconciliation of the Bed Tax.        |      |       |                               |
|    | (5-0)  |      |       |                               |
| f. | Item   | Page | -1997 | (Comm. 10M-15)                |
|    | GREATER BUFFALO CONVENTION & VISITORS BUREAU: Unaudited Financial Statement for Period Ending 3/31/97. |      |       |                               |
|    | (5-0)  |      |       |                               |
| g. | Item   | Page | -1997 | (Comm. 11M-15)                |
|    | NEW YORK STATE BOARD OF REAL PROPERTY SERVICES: 1996 Class Equalization Rates.                         |      |       |                               |
|    | (5-0)  |      |       |                               |

Item	Page	-1997	(Comm. 12D-21)
h. BUDGET, MANAGEMENT & FINANCE:			Response to Audit - Hotel
Occupancy Tax.			
	(5-0)		

Item	Page	-1997	(Comm. 12E-1)
i. COMPTROLLER:			Audit - Division of Budget, Management & Finance
- Hotel Occupancy Tax Collection Procedures			7/1/95-6/30/96.
	(5-0)		

Item	Page	-1997	(Int. 12-15)
j. MARSHALL:			Hotel Room Occupancy Tax.
	(5-0)		

			OPEN ITEM
Item	Page	-1997	(Comm. 1D-19A)
2. BUDGET, MANAGEMENT & FINANCE:			
(A) WHEREAS,			the Erie County Director of Real Property Tax
Services has received applications for corrected tax billings			and/or refunds for taxes previously paid in accordance with New
York State Real Property Tax Law sections 554 and 556, and			

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

RESOLVED, that Petitions numbered 221 through 231 inclusive, be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and/or Cities.

Petition No. 221/9697 - ASSESSOR - Refund - \$60.30  
 SBL No. 259.04-1-13 - TOWN OF COLDEN  
 Acct. No. 112 - 0.00  
 Acct. No. 132 - 60.30

Charge to: SPRING-GRIFFITH 60.30

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 34,000 IT SHOULD BE 31,000. RPTL 550(2)A.

Petition No. 222/1997 - ASSESSOR - Refund - \$47.10  
 SBL No. 259.04-1-13 - TOWN OF COLDEN  
 Acct. No. 112 - 26.80  
 Acct. No. 132 - 20.30

Charge to: TOWN OF COLDEN 13.52  
COLDEN FIRE DIST 6.78

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED ON THE TAX ROLL. THE ASSESSMENT WAS 34,000 IT SHOULD BE 31,200. RPTL 550(2)A. CHECK IN FAVOR OF: LEANORA KORNITZ.

MEETING NO. 14  
July 17, 1997

ERIE COUNTY LEGISLATURE

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1091

MEETING NO. 14  
July 17, 1997

ERIE COUNTY LEGISLATURE

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1092

Petition No. 231/1997 - ASSESSOR - Refund - \$235.00  
SBL No. 235.19-3-63 - TOWN OF EVANS  
Acct. No. 112 - 0.00  
Acct. No. 132 - 235.00

Charge to:ERIE CO SEWER DIST 235.00

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED FOR ONE SEWER UNIT. RPTL 550(2)E. CHECK IN FAVOR OF: RONALD & ROBERT MILLER.  
(5-0)

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

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

RESOLVED, that Petitions numbered V-1 through V-17 inclusive, be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and/or Cities.

Petition No. V-1/9798 - ASSESSOR - Cancel - \$96.56  
SBL No. 266.15-1-4 - TOWN OF BRANT  
Acct. No. 112 - 0.00  
Acct. No. 132 - 96.56

Charge to: VILLAGE OF FARNHAM 96.56

CANCEL - CLERICAL ERROR, THIS PARCEL WAS ENTITLED TO AN AGRICULTURAL EXEMPTION IN THE AMOUNT OF 9,320 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. V-2/9798 - ASSESSOR - Cancel - \$163.56  
SBL No. 266.19-1-2 - TOWN OF BRANT  
Acct. No. 112 - 0.00  
Acct. No. 132 - 163.56

Charge to: VILLAGE OF FARNHAM 163.56

CANCEL - CLERICAL ERROR, THIS PARCEL WAS ENTITLED TO AN AGRICULTURAL EXEMPTION IN THE AMOUNT OF 15,788 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

MEETING NO. 14  
July 17, 1997

ERIE COUNTY LEGISLATURE

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1094

MEETING NO. 14  
July 17, 1997

ERIE COUNTY LEGISLATURE

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1095

MEETING NO. 14  
July 17, 1997

ERIE COUNTY LEGISLATURE

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1096



Petition No. V-16/9798 - ASSESSOR - Cancel - \$138.50  
SBL No. 78.23-5-23 - TOWN OF TONAWANDA  
Acct. No. 112 - 0.00  
Acct. No. 132 - 138.50

Charge to: VILLAGE OF KENMORE 138.50

CANCEL - CLERICAL ERROR, AN RPTL 520 WAS PLACED ON THE PARCEL IN ERROR. THIS WAS PAID ON THE 1996/1997 VILLAGE TAX BILL. RPTL 550(2)E.

Petition No. V-17/9798 - ASSESSOR - Cancel - \$223.02  
SBL No. 78.25-2-28 - TOWN OF TONAWANDA  
Acct. No. 112 - 0.00  
Acct. No. 132 - 223.02

Charge to: VILLAGE OF KENMORE 223.02

CANCEL - CLERICAL ERROR, AN RPTL 520 WAS PLACED ON THE PARCEL IN ERROR. THIS WAS PAID ON THE 1996/1997 VILLAGE TAX BILL. RPTL 550(2)E.  
(5-0)

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

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

RESOLVED, that Petition numbered 232 through - inclusive, be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and/or Cities.

RESOLVED, that the following petition be denied based upon the Director of Real Property Tax Services recommendation,

Petition No. 232 - Gentner, William & Shirley - S.B.L. 335.18-2-23.11 Town of Concord/Village of Springville

the assessed value was entered incorrectly on the tax roll. The correct assessment is 53,400. This is a Clerical Error. The filing period expired on June 1, 1997. The petition was received on July 9, 1997. (\$18.87 - Village of Springville 1994/1995 Refund) R.P.T.L. 556(2)a.

(5-0)

OPEN ITEM  
(Comm. 1D-19B)

Item Page -1997  
3. BUDGET, MANAGEMENT & FINANCE:

WHEREAS, the Erie County Legislature approved a contract for the reconstruction of the Heath Road Bridge BR 562-1, Town of Colden between Concrete Applied Technologies d.b.a. CATCO of 5 West Main Street, Lancaster, New York, and the County of Erie in Meeting Number 15, held on July 25, 1996, Communication Number 15D-17, and

WHEREAS, the approach road has to be realigned to meet minimum safety standards which included lowering the existing roadway approximately three (3) feet, and

WHEREAS, property including the domicile at Station 4+75+-House No. 8403 owned by Laurie W. Hanney has been adversely impacted to the extent the existing garage is no longer accessible, due to the large difference in elevation between the garage floor and the new curb, and

WHEREAS, a sidewalk must be constructed, consistent with Federal and State standards, between the garage and the highway at an elevation and offset which further adversely offsets the accessibility of the garage, and

WHEREAS, it is necessary to remove the front of the attached garage and reconstruct a closure for the remaining portion thereof, for providing required sight distance as well as to complete road side development, and

WHEREAS, the owner will need to construct another garage on the easterly portion of the subject property.

NOW, THEREFORE, BE IT

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

RESOLVED, that the amount of \$11,100.00 be appropriated from the 1975 Highway Road Widening Program to compensate the owner for damages and the necessary restoration work, 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)

AS AMENDED

Item Page -1997 (Int. 9-7)  
4. SWANICK, PEOPLES, KUWIK, FITZPATRICK, DEBENEDETTI, MARINELLI,  
DUSZA, FISHER & HOLT:

WHEREAS, Many people purchasing a home cannot afford to make a down payment of more than 20 percent of the purchase price, and

WHEREAS, In such cases, home buyers are typically required to purchase mortgage insurance, which acts as a safety net for the lender if the buyer defaults on the loan as the buyer has so little equity in the home, and

WHEREAS, While this is a reasonable assurance for the lender, when the homeowners builds up enough equity in their home through their payments the insurance is no longer needed, and

WHEREAS, Despite adequate equity, many insurance companies do not inform the homeowner that their mortgage insurance is no longer needed, resulting in unnecessary continued payments by the homeowner, and

WHEREAS, this profit through omission on the part of the insurance companies is an unconscionable yet not uncommon practice, as estimates show that up to 250,000 homeowners nationwide have mortgage insurance even though they have enough equity, as they do not know the insurance is no longer needed, and

WHEREAS, to correct this situation the United States House of Representatives recently passed the Homeowners Insurance Protection Act, requiring automatic cancellation of mortgage insurance once homeowners have built up enough equity to secure their loan (once the loan-to-value ratio of the house reaches 75 percent of the original purchase price), and would mandate that lenders notify homeowners in annual statements of their right to cancel the insurance, and

WHEREAS, Similar legislation is currently before the United States Senate,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby voice its strong support for the Homeowners Insurance Protection Act as a tool to save homeowners from retaining mortgage insurance longer than it is necessary, and be it further

RESOLVED, that this Honorable Body does commend the United States House of Representatives for putting the needs of the public, whose interests they - and all elected officials - are duly elected to represent and champion above the lobbying efforts of special interests in this matter, and be it further

RESOLVED, that this Honorable Body does hereby memorialize the United States Senate to pass the aforementioned legislation, and does further memorialize United States President Bill Clinton to sign said legislation into law, and be it further

RESOLVED, that certified copies of this resolution be forwarded to President Bill Clinton, United States Senators Alfonse M. D'Amato and Daniel Patrick Moynihan, and to United State Representatives John LaFalce, Bill Paxson and Jack Quinn.

Fiscal Impact: Positive under proposed legislation.  
(5-0)

Item Page -1997 (Comm. 12E-17)  
5. COUNTY EXECUTIVE:  
WHEREAS, the following grant programs are included in Book B of the 1997 Adopted Budget, and

WHEREAS, the 1997 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 1997.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget and Management with respect to the availability of State and/or Federal funds, for the following grant programs which commence after July 1, 1997 and before October 1, 1997:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	1997 Budget Book B <u>Page No.</u>
140 - Dist. Atty.	Child Victim Advocacy Program	07/01/97-06/30/98	35
140 - Dist. Atty.	Victim/Witness Assistance Program	07/01/97-06/30/98	36
650 - CPS	Points of Entry Drug Interdiction	07/01/97-06/30/98	59
150 - Sheriff	COPS Ahead	07/01/97-06/30/98	71
260 - Probation	Juvenile Intensive Supervision Program	07/01/97-06/30/98	99
260 - Probation	Alternatives to Incarceration	07/01/97-06/30/98	99
270 - Health	Women's Health Services	07/01/97-06/30/98	121
270 - Health	HIV Seroprevalence Study	07/01/97-06/30/98	122
270 - Health	Infant Mortality Review Program	07/01/97-06/30/98	122
200 - Soc. Svcs.	Day Care Registration	08/16/97-08/15/98	185
620 - Env.& Plg.	Home Rehabilitation Program	08/01/97-07/31/98	343

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget and Management with respect to the availability of State and/or Federal funds, for the following grant programs which commence on October 1, 1997 and thereafter:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	1997 Budget Book B <u>Page No.</u>
140 - Dist. Atty.	Points of Entry Grant	11/01/97-10/31/98	35
150 - Sheriff	C.E.O.S.C. Security Grant	10/01/97-09/30/98	72
660 - Corr. Fac.	High Impact Incarceration Prg.	11/01/97-10/31/98	95
270 - Health	Immunization Action Plan	11/01/97-10/30/98	121
270 - Health	Women Infants and Children's Supplemental Nutrition Program (WIC)	10/01/97-09/30/98	121
270 - Health	Healthy Neighborhoods Grant	10/01/97-09/30/98	123
270 - Health	Infant/Child Health Assessment Program	10/01/97-09/30/98	123
270 - Health	Physically Handicapped Children's Program (PHCP) Case Mgmt.	10/01/97-09/30/98	123
200 - Soc. Svcs.	Energy Services Packaging Project	11/01/97-10/31/98	185
200 - Soc. Svcs.	Home Energy Assistance Program (HEAP)	10/01/97-09/30/98	186
200 - Soc. Svcs.	CPS Domestic Violence Project	11/01/97-10/31/98	187

200 - Soc. Svcs.	Child Care Development Block Grant (CCDBG)	10/01/97-09/30/98	187
200 - Soc. Svcs.	Food Stamp Employment and Training Project	10/01/97-09/30/98	188
252 - Youth-Child Special Needs	Early Intervention Case Management	10/01/97-09/30/98	315
252 - Youth-Child Special Needs	Early Intervention Administration	10/01/97-09/30/98	316

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by decreases in Federal or State aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: District Attorney, the Office of the Sheriff, Correctional Facility, the Health Department, the Department of Social Services, the Youth Department, the Probation Department, the Department of Environment and Planning, the Law Department and the Division of Budget, Management and Finance.

(5-0)

Item Page -1997 (Int. 12-1)  
6. **SWANICK, PEOPLES & MARSHALL:**  
WHEREAS, the Banking Member's term on the Audit Committee for Erie County has expired, and

WHEREAS, pursuant to applicable law, Audit Committee members have received nominations for a representative of the Banking community from commercial banks located within Erie County, and

WHEREAS, following a review of the qualifications of each nominee, pursuant to applicable law, the Audit Committee for Erie County has recommended that the Erie County Legislature appoint R. Anthony Downey, Jr. to serve as a member of the Audit Committee for Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint R. Anthony Downey, 91 Huntington Court, Williamsville, NY 14221, to serve as a member of the Audit Committee for Erie County, as a representative of the banking community, and be it further

RESOLVED, that said appointment will be effective June 26, 1997, and will expire June 26, 1999, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Erie County Comptroller Nancy Naples, Deputy County Comptroller Chris Rego, and to R. Anthony Downey.

Fiscal Impact: None.  
(5-0)

Item Page -1997 (Comm. 13D-4)  
7. BUDGET, MANAGEMENT & FINANCE:

RESOLVED, that the following described parcel of land be sold without Public Auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to: Frank J. Lombardo, 8759 Main Street, Williamsville, New York 14221 for the sum of Three Hundred and 00/100 Dollars (\$300.00).

All That Tract or Parcel of Land, situate in the Town of Clarence, County of Erie and State of New York being part of Farmlot 11, Township 12, Range 6;

Further described on Erie County Tax Maps as Section, Block and Lot No. 70.200-1-10 (Heather Drive 38.50 x 129.58) and

Intending to convey all land acquired by Erie County as Serial No. 1025 in the County In Rem Tax Foreclosure Action No. 145; and be it further

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

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

(5-0)



Item Page -1997 (Comm. 13D-5)  
8. BUDGET, MANAGEMENT & FINANCE:

RESOLVED, that the following described parcel of land be sold without Public Auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to: Benderson Development Company, Inc. 570 Delaware Avenue, Buffalo, New York 14202 for the sum of Five Hundred and 00/100 Dollars (\$500.00).

All That Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York being part of Farm Lot 11, Township 11, Range 7;

Further described on Erie County Tax Maps as Section, Block and Lot No. 102.16-6-1./a (Walden Avenue 12.11 x 156.00) and Intending to convey all land acquired by Erie County as Serial No. 714 in the County In Rem Tax Foreclosure Action No. 148; and be it further

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

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

Item Page -1997 (Comm. 13D-6)  
9. BUDGET, MANAGEMENT & FINANCE:

RESOLVED, that after public advertisement, notification to adjacent property owners and a public auction held by the Erie County Deputy Commissioner of Real Property on June 3, 1997, the following described County owned inventory parcels were sold to indicated successful bidders:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Amherst, County of Erie and State of New York being part of Farm Lot 80, Township 12, Range 7 (Chestnut Ridge Road - Garage 7). Being known as SBL# 54.34-1-1./Z7 and intending to convey all land acquired by the County of Erie under In Rem 150 Serial 904 to Salvatore A. Zambito, 24 Huntington Court, Williamsville, New York 14221 for the sum of One Thousand and 00/100 Dollars (\$1000.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, Village of Depew, County of Erie and State of New York being part of Farm Lot 72, Township 11, Range 7 (Broadway 57.29 x 200.00). Being known as SBL# 103.16-1-10 and intending to convey all land acquired by the County of Erie in a deed filed on 12/7/59 under Liber 6507 Page 1 to Metalworking Institute of WNY, Inc., 4400 Broadway, Depew, New York 14043 for the sum of Nine Hundred Fifty and 00/100 Dollars (\$950.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, Village of Depew, County of Erie and State of New York being part of Farm Lot 72, Township 11, Range 7 (Broadway 77.00 x 647.31). Being known as SBL# 103.19-1-9 and intending to convey all land acquired by the County of Erie in a deed filed on 6/10/26 under Liber 1765 Page 384 to Anthony M. Reger, 258 Terrace Blvd., Depew, New York 14043 for the sum of Five Thousand and 00/100 Dollars (\$5000.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, Village of Sloan, County of Erie and State of New York being part of Farm Lot 32, Township 11, Range 7, Pt 46 as shown on Map Cover 1289 (1926 Harlem Road 3.50 x 108.22). Being known as SBL# 113.22-4-8 and intending to convey all land acquired by the County of Erie under In Rem 113 Serial 31 to Scherrer Auctions, Inc., 808 Borden Road, Cheektowaga, New York 14227 for the sum of Two Hundred and 00/100 (\$200.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, Village of Sloan, County of Erie and State of New York being part of Farm Lot 32, Township 11, Range 7, Sublots 48 and 47 as shown on Map Cover 1289 (Harlem Road 71.00 x 108.22). Being known as SBL# 113.22-4-9 and intending to convey all land acquired by the County of Erie under In Rem 143 Serial 670 to Michael J. Kruse, 1046 Union Road, Apt. 193R, West Seneca, New York 14224 for the sum of Four Hundred and 00/100 Dollars (\$400.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, County of Erie and State of New York being part of Farm Lot 50, Township 10, Range 7, Sublot 21 as shown on Map Cover 2292 (Sprucewood 35.34 x 123.70). Being known as SBL# 125.11-3-1 and intending to convey all land acquired by the County of Erie in a deed filed 9/30/83 under Liber 9267 Page 212 to Michael J. Kruse, 1046 Union Road, Apt. 193R, West Seneca, New York 14224 for the sum of Two Thousand and 00/100 Dollars (\$2,000.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Evans, County of Erie and State of New York being part of Farm Lot 87, Township 8, Range 9, Sublots 8462 and 8463 as shown on Map Cover 1129 (Utica Street 40.00 x 90.00). Being known as SBL# 250.17-3-9 and intending to convey all land acquired by the County of Erie under In Rem 144 Serial 1323 to William Pawloski, 9773 Utica Street, Angola, New York 14006 for the sum of Five Hundred and 00/100 Dollars (\$500.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Evans, Village of Angola, County of Erie and State of New York being part of Farm Lot 64, Township 8, Range 9 (24 John R. Drive 75.00 x 148.56). Being known as SBL# 251.07-1-4 and intending to convey all land acquired by the County of Erie under In Rem 152 Serial 1347 to Jack B. Heinrich, 1078 Northwood Drive, Derby, New York 14047 for the sum, of Three Thousand Five Hundred and 00/100 Dollars (\$3,500.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Evans, County of Erie and State of New York being part of Farm Lot 73, Township 8, Range 9, Sublots 5771 - 5775 as shown on Map Cover 1132 (Walden Avenue 100.00x100.00). Being known as SBL# 251.13-1-33 and intending to convey all land acquired by the County of Erie under In Rem 141A Serial 275 to Kurt Haight, 679 Walden Avenue, Angola, New York 14006 for the sum of Three Hundred and 00/100 Dollars (\$300.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg, County of Erie and State of New York being part of Farm Lot 13, Township 9, Range 8, Sublot 807, Block 8 as shown on Map Cover 712 (Harvard Street 31.00 x 118.00). Being known as SBL# 170.67-4-3 and intending to convey all land acquired by the County of Erie under In Rem 146 Serial 1275 to David T. and Sandra S. Swiech, 5036 Pittsburgh Street, Hamburg, New York 14075 for the sum of Four Hundred and 00/100 Dollars (\$400.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg, County of Erie and State of New York being part of Farm Lot 13, Township 9, Range 8, Sublot 808, Block 8 as shown on Map Cover 712 (Harvard Street 31.00 x 118.00). Being known as SBL# 170.67-4-4 and intending to convey all land acquired by the County of Erie under In Rem 146 Serial 1276 to David T. and Sandra S. Swiech, 5036 Pittsburgh Street, Hamburg, New York 14075 for the sum of Four Hundred and 00/100 Dollars (\$400.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg, County of Erie and State of New York being part of Farm Lot 6, Township 9, Range 8 (South Park Avenue 128.00 x 400.00). Being known as SBL# 171.00-1-45 and intending to convey all land acquired by the County of Erie under In Rem 146 Serial 1287 to B/B Circle Inc., 101 Niagara Street, Buffalo, New York 14202 for the sum of Five Hundred and 00/100 Dollars (\$500.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg, County of Erie and State of New York being part of Farm Lot 45, Township 9, Range 8 (Old Lakeshore Road 1.20 acres). Being known as SBL# 180.15-2-15 and intending to convey all land acquired by the County of Erie under in Rem 147 Serial 1217 to John S. Duengfelder, Jr., 5715 Old Lakeshore Road, Lakeview, New York 14085 for the sum of Five Hundred Fifty and 00/100 Dollars (\$550.00).

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

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

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie for each of the above properties to the approved purchaser, and be it further

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

(5-0)

AS AMENDED  
(Int. 13-25)

Item Page -1997

10. MARSHALL:

RESOLVED, that the following described parcel of land be sold without Public Auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to: Lynn Bowman, Bowman Farms, Inc. 11259 Gowanda State Road, North Collins, New York 14111 for Five Hundred and 00/100 Dollars (\$500.00) per acre.

All That Tract or Parcel of Land, situate in the Town of Brant, County of Erie and State of New York being part of Farmlot 38, Township 7, Range 7;

Further described on Erie County Tax Maps as Section, Block and Lot No. 285.000-3-2 (Milestrip Road 22.11 acres) and

Intending to convey all land acquired by Erie County as Serial No. 880 in the County In Rem Tax Foreclosure Action No. 151; and be it further

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

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

(5-0)

CRYSTAL DAVIS PEOPLES  
Chairperson

Ms. PEOPLES requested to that Resolve No. 1j be separated.

GRANTED.

Ms. PEOPLES moved the balance of the report. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that Resolve No. 1J be sent back to committee.

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ITEM 12 - Mr. FITZPATRICK presented the following and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 314

July 10, 1997

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 8

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. 12M-26)  
a. **ECIDA**: 1996 Audited Financial Statements.  
(5-0) Legislator Holt absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 13D-7)  
b. **DPW**: Supplemental Agreement to General A/E Contract, Statement of Conditions for Joint Commission of Accreditation of Erie County Home.  
(5-0) Legislator Holt absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 13D-12)  
c. **DPW**: Environmental Engineering Services - Various Projects.  
(5-0) Legislator Holt absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 13M-6)  
d. **NFTA**: NFTA/NFT Metro System Board Meeting Minutes.  
(5-0) Legislator Holt absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 13M-8)  
e. **PRICE WATERHOUSE LLP**: NFTA Financial Statements 3/1/97 & 1996.  
(5-0) Legislator Holt absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 12D-20)  
2. **DPW**:

WHEREAS, the Erie County Legislature authorized the County Executive to enter into contracts with four consulting firms specializing in environmental and asbestos abatement services, and

WHEREAS, subsequently contracts were executed for said services with the firms of Empire Soils Investigation, Inc., Division of Maxim, Chopra-Lee, Inc., Edward O. Watts, P.E., P.C.,

and TES Environmental Services, to provide Environmental Engineering Services on project-by-project basis, and

WHEREAS, the Erie County Legislature authorized an allocation of \$90,000 to cover the fees for said environmental services, and

WHEREAS, for the past year, services have been provided which have been allocated toward services and will soon be exhausted, and

WHEREAS, additional environmental services will be required in the future, and

WHEREAS, in order to assure continuation of these necessary services, the Commissioner of Public Works is requesting an increase in the fee allocation to cover the cost of said additional services.

NOW, THEREFORE, BE IT,

RESOLVED, that the previous \$90,000 fee allocation be increased by \$40,000.00 to a total of \$130,000.00, and be it further

RESOLVED, that the Commissioner of Public Works be authorized to issue change orders to the existing contracts with the firms of Empire Soils Investigations, Inc., Division of Maxim, Chopra-Lee, Inc., Edward O. Watts, P.E., P.C. and TES Environmental Services 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 payments for said fees be from the 1995 Asbestos Abatement Bond Account, SFG No. 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)

Item Page -1997 (Comm. 12D-22)  
3. DPW:

WHEREAS, A project for the Reconstruction of North Forest Road, from NY Route 263, Millersport Highway to Dodge Road in the Town of Amherst, Erie County, P.I.N. 5753.74 is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

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

WHEREAS, the County's share of costs for Preliminary Engineering (Design I-IV) and Right-of-Way Incidentals Phases is estimated to be \$39,800.

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

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

RESOLVED, that the County Legislature of the County of Erie, hereby, authorizes the County of Erie to pay in the first instance the full non-Federal share of the cost of Preliminary Engineering (Design I-IV) and Right-of-Way Incidentals Phases of the Project or portions thereof; and be it further

RESOLVED that the sum of \$39,800 is hereby appropriated from the 1993 Bridge Design and Construction Program and made available to cover the cost of the County of Erie's participation in the above phases of the Project; and be it further

RESOLVED, that in the event the full non-Federal share costs of these phases of the project exceed the amount appropriated above, the County of Erie shall convene its Legislature to appropriate said excess amount immediately upon the notification by the NYSDOT; 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".

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

AS AMENDED  
(Comm. 12D-23)

Item Page  
4. DPW:

-1997

WHEREAS, the Department of Public Works received bids on June 23, 1997, for the Erie Community College, City Campus - Atrium Rehabilitation, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into the following contract for the Erie Community College, City Campus - Atrium Rehabilitation:

GENERAL CONSTRUCTION WORK

All State Development, Inc.	
Base Bid	\$64,000.00
Alternate G-1	<u>\$16,000.00</u>
Total	<u>\$80,000.00</u>

and be it further,

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

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 1996 ECC City Atrium Rehabilitation capital bond account, SFG No. 735, Fund 480, and be it further

RESOLVED, that two (2) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner. (5-0) Legislator Holt absent. Chairman Swanick present as ex-officio member.

AS AMENDED  
(Comm. 12D-24)

Item Page -1997  
5. DPW:  
WHEREAS, the 1997 capital budget contains \$612,000.00 for Botanical Gardens Dome Reconstruction, and

WHEREAS, New York State has provided a grant for \$88,000.00 for Botanical Gardens Dome Reconstruction, bringing funding for the project to a total of \$700,000.00, and

WHEREAS, the firm of Flynn Battaglia Architects, PC is being recommended by the Consultant Selection Committee after interviewing several architectural/engineering firms,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with Flynn Battaglia Architects, PC, 213 Theatre Place, Buffalo, NY 14202, and be it further

RESOLVED, that the amount to be paid for said consulting services for this work, on a time and material basis, not exceed \$52,100.00, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment from the 1997 Botanical Gardens Dome Rehabilitation Capital Bond Account, SFG No. 779, Fund 410, and Environmental Protection Fund Grant, and be it further

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

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

Item Page -1997 (Comm. 12D-25)  
6. DPW:  
WHEREAS, the Department of Public Works received bids on June 5, 1997 for the Cleaning and Caulking of the Rath Building, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract for the Cleaning and Caulking of the Rath Building:

GENERAL CONSTRUCTION WORK

Progressive Weatherproofing	\$535,000.00
Alternate #1	<u>\$ 10,000.00</u>
Total Contract	\$545,000.00

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 payments for all of the above from the 1996 Exterior Building Rehabilitation - Rath Building capital project, SFG No. 752, Fund 410, 1994 Code Compliance, SFG No. 668, Fund 410, 1995 Code Compliance, SFG No. 710, Fund 410, 1996 Code Compliance, SFG No. 748, Fund 410, and 1997 Code Compliance, SFG No. 804, Fund 410, in the amount of \$575,000.00, and be it further,

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

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

AS AMENDED  
(Comm. 12D-26)

Item Page -1997  
7. DPW:  
WHEREAS, the Department of Public Works received bids on June 16, 1997, for the Buffalo & Erie County Central Library, Local Area Network for OPAC (Card Catalog Computerized System), and

WHEREAS, the Department of Public Works and the Buffalo and Erie County Library are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with Ferguson Electric Construction Company, Inc. in the amount of \$339,000.00 for the Buffalo & Erie County Central Library, Local Area Network for OPAC (Card Catalog Computerized System), and be it further,

RESOLVED, that the sum of \$48,000.00 be allocated to a construction contingency fund and DPW overhead 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 the 1996 Capital Bond Account, Online Public Access Catalog Phase II, SFG No. 663, Fund 490, and be it further,

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

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

AS AMENDED  
(Comm. 12D-27)

Item Page -1997  
8. DPW:  
WHEREAS, the Department of Public Works received bids on June 26, 1997 for the Ellicott Creek Park, Drainage Improvement Project, 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 for Ellicott Creek Park, Drainage Improvement Project as follows:

UNDERGROUND UTILITY WORK

Northeast Diversification, Inc.  
Base Bid \$225,410.00

and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to TVGA Engineering Surveying PC, 1000 Maple Road, Amherst, NY 14221 to provide full time site inspection services to the Department of Public Works during the construction of the drainage improvement contract, and be it further

RESOLVED, that the services provided shall be on a time and material basis, not to exceed \$19,000.00, and be it further

RESOLVED, that the amount of \$5,000.00 be allocated to cover the maximum amount of bonus/penalty payment to the contractors permitted by the contracts, and be it further

RESOLVED, that the sum of \$15,000.00 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 the 1996 Ellicott Creek Park Improvements Capital Bond Account, SFG No. 751, Fund 410, and 1997 Code Compliance Capital Bond Account, SFG No. 804, Fund 410, and be it further

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

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

AS AMENDED  
(Comm. 12D-29)

Item Page -1997  
9. DPW:  
WHEREAS, the Department of Public Works received bids on June 19, 1997, for the ECC Exterior Masonry Restoration Work, 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 ECC Exterior Masonry Restoration Work:

MASONRY RESTORATION WORK (City Campus)

Heritage Brick & Mas. Contr., Inc.  
Base Bid \$207,000.00

MASONRY RESTORATION WORK (North & South Campuses)

Lupini Construction  
Base Bid \$ 81,895.00

GENERAL CONSTRUCTION WORK (North & South Campuses)

Cloverbank Construction  
Base Bid \$150,000.00

Total for all contracts: \$438,895.00

and be it further,

RESOLVED, that the sum of \$45,000.00 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 expenditure of funds beyond \$300,000.00 is wholly contingent upon and shall be executory only to the extent that the State proceeds are made available for the ECC Exterior Improvements and that the County of Erie shall not incur any obligation in excess of \$300,000.00, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 1996 ECC Exterior Masonry Restoration Capital Bond Account, SFG No. 738, Fund 480, and be it further

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

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

AS AMENDED  
(Comm. 12D-30)

Item Page -1997  
10. DPW:  
WHEREAS, the Department of Public Works received bids on June 19, 1997, for Re-roofing Communication Building at Chestnut Ridge Park, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract:

Roofing Work

All-Weather Roofing	
Base Bid	\$49,581.00

and be it further,

RESOLVED, that the sum of \$5,000.00 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 1997 Roof Replacement & Waterproofing Bond Account, SFG No. 808, Fund 410, in the amount of \$54,581.00, and be it further,

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

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

AS AMENDED  
(Comm. 12D-31)

Item Page -1997  
11. DPW:  
WHEREAS, the Department of Public Works received bids on June 24, 1997, for the Erie Community College - South Campus, HVAC Alterations & Improvements, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for Erie Community College - South Campus, HVAC Alterations & Improvements project as follows:

HVAC WORK

John W. Danforth Co.		
Base Bid	\$593,000.00	
Alternate H-1	<u>-(25,000.00)</u>	
Total		\$568,000.00

ELECTRICAL WORK

Industrial Power & Lighting Corp.		
Base Bid	\$111,800.00	
Alternate E-1	<u>\$(4,000.00)</u>	
Total		\$107,800.00

PLUMBING WORK

R.G. Rechin, Inc.		
Base Bid		\$ 47,468.00

GENERAL CONSTRUCTION WORK

Amherst Construction, Inc.		
Base Bid		<u>\$ 28,886.00</u>

Total for all contracts		\$752,154.00
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and be it further

RESOLVED, that the sum of \$70,000.00 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 the project from the following: 1994 ECC South Campus HVAC Alterations & Improvements Capital Bond Account, SFG 673, Fund 480, in the amount of \$372,154.00; 1995 ECC All Campuses HVAC Improvements Capital Bond Account, SFG No. 682, Fund 480, in the amount of \$400,000 and 1997 ECC Capital Chargeback Fund in the amount of \$50,000.00 in the total amount of \$822,154.00. The project being fifty percent (50%) funded by NYS Aid, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy to Erie Community College.

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

AS AMENDED  
(Comm. 12D-32)

Item Page -1997  
12. DPW:

WHEREAS, bids were taken for the 1997 Overlay "A" Program, Project Number CHIPS OP-97A, consisting of milling and overlay of asphalt concrete pavement on Beach Road (CR 221) from NYS Route 5 to Evans Center-Eden Road, and on Evans Center-Eden Road (CR-32) from Beach Road to US Route 20; cold recycling of asphalt concrete of four parking lots and access roads on the South Campus of Erie Community College; milling of asphalt concrete pavement of access road and one parking lot at the Erie County Home in Alden and three access roads at Erie County Medical Center in Buffalo; removal of asphalt concrete pavement and repaving asphalt concrete pavement at the Erie County Sheriffs Communication Center located in Chestnut Ridge Park; in the Towns of Evans, Orchard Park, Alden, Hamburg and the City of Buffalo, on June 19, 1997, the low bidder being Omer Construction Company, Incorporated of Cheektowaga, New York, at a low bid amount of \$1,476,275.25.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number CHIPS OP-97A, between the County of Erie and the low bidder. Omer Construction Company, Incorporated at its low bid of \$1,476,275.25; and be it further

RESOLVED, that an amount of \$1,476,275.25 be allocated from various funding sources listed below; and be it further

RESOLVED, that an additional amount of \$194,196.06 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 \$194,196.06; and be it further

RESOLVED, that the amounts required, as enumerated and itemized below, be allocated from the indicated funds;

	<u>CONTRACT AMOUNT</u>	<u>CONTINGENCY</u>
1. <u>E.C. Home Parking Lot</u>		
1997 Renovations of Parking Areas	\$ 96,035.12	\$ 3,964.88
1995 Safety and Code Compliance		\$ 15,000.00
2. <u>ECC South Campus Parking Lot</u>		
ECC North and South Improvements Sidewalks, Road and etc. - 1996	\$ 473,155.31	\$ 76,844.69
3. <u>ECMC Parking Lot</u>		
1994 ECMC Facilities Improvements	\$ 118,710.61	\$ 16,289.39
4. <u>E.C. Sheriff's Communication Center</u>		
1997 Chestnut Ridge Parking Lot	\$ 51,902.90	\$ 8,097.10
5. <u>Evans Center - Eden Road</u>		
1997 Consolidated Highway Imp. Funds	<u>\$ 736,471.31</u>	<u>\$ 74,000.00</u>
	\$1,476,275.25	\$194,196.06

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) Legislator Holt absent. Chairman Swanick present as ex-officio member.

AS AMENDED  
(Comm. 12D-33)

Item Page -1997  
13. DPW:

WHEREAS, bids were taken for the Reconstruction of Phillips Road, CR 535, Project Number CHIPS 535-97, Towns of Colden, Holland and Sardinia, on June 12, 1997, the low bidder was Pine Ridge, Incorporated of West Falls, New York, at a low bid amount of \$1,428,193.20.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number CHIPS 535-97 for the Reconstruction of Phillips Road, in the Towns of Colden, Holland and Sardinia, between the County of Erie and the low bidder Pine Ridge Incorporated at its low bid of \$1,428,193.20, and be it further

RESOLVED, that an amount of \$1,428,193.20 be allocated from the 1997 Consolidated Highway Improvement Program, and be it further

RESOLVED, that an additional amount of \$71,806.80 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 \$71,806.80 from the 1997 Consolidated Highway Improvement 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.

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

Item Page -1997 (Comm. 12D-34)  
14. DPW:

WHEREAS, the Department of Public Works received bids on May 27, 1997 for the Wastewater Systems Repairs & Modifications - Sheriff's & Radio Communication Building, Chestnut Ridge, 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 for Wastewater Systems Repairs & Modifications - Sheriff's & Radio Communication Building, Chestnut Ridge project as follows:

SEPTIC TANK & SYSTEMS WORK

North Boston Construction

Base Bid: \$29,170.00

and be it further,

RESOLVED, that the sum of \$3,000.00 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 the following bond accounts: Building & Utility Bond Account, SFG No. 538, Fund 410, 1995 Code Compliance, SFG No. 710, Fund 410, and Construction Storage Building, SFG No. 554, 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) Legislator Holt absent. Chairman Swanick present as ex-officio member.

Item	Page	-1997	(Comm. 12D-35)
15. DPW:			

Reconstruction of George Urban Boulevard, CR 316, Town of Cheektowaga, Village of Depew between Diamond "D" Construction Corporation of Depew, New York and the County of Erie in Meeting Number 13, held on July 7, 1994, Communication Number 12D-19, and

WHEREAS, additional work was performed on the project that was not initially anticipated and the County needs to place additional fill required to establish an acceptable grade for the Village of Depew property, adjacent to the raised roadway, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the contingency amount be increased by an additional amount of \$6,935.00 to be allocated from the 1982 Bridge and Road Widening Program, for a change order to the construction contract with Diamond "D" Construction Corporation 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) Legislator Holt absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 12D-36)  
16. DPW:  
WHEREAS, the Department of Public Works received bids on June 12, 1997 for the Chestnut Ridge Park Water Line Installation - Phase I, 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 contracts for Chestnut Ridge Park Water Line Installation - Phase I as follows:

PLUMBING WORK

Fairway Construction  
Base Bid \$183,538.32

ELECTRICAL WORK

Warrens Electric  
Base Bid \$ 5,969.00  
Total of both contracts: \$189,507.32

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 payment for all of the above from the following bond account: 1996 Chestnut Ridge Park Water Line Installation - Phase I, SFG No. 747, 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) Legislator Holt absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 12E-18)  
17. COUNTY EXECUTIVE:

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

WHEREAS, positions in this Capital Fund project are devoted exclusively to cleaning the courts, and

WHEREAS, the Capital Fund project that pays for operation and maintenance of the Courts has a significant balance, and

WHEREAS, administrators of the Eight Judicial District have requested that part of this balance be used to fund six additional part-time laborers in Buildings & Grounds, and

WHEREAS, the additional positions will be used to improve the cleanliness of the courts;

NOW, THEREFORE, BE IT

RESOLVED, that six Laborer - PT positions (JG 3) in the Division of Buildings & Grounds are created, and be it further

RESOLVED, that the Division of Budget, Management & Finance is authorize to make the following adjustments to the 1997 Division of Building & Grounds budget:

<u>Account</u>	<u>Description</u>	<u>Current</u> <u>Budget</u>	<u>Changes</u>	<u>Revised</u> <u>Budget</u>
800	PERSONAL SERVICES	5,167,580	28,786	5,196,366
805	FRINGE BENEFITS	1,391,672	2,202	1,393,874
685-2208	INTERFUND-DPW CAPITAL	177,812	20,988	208,800

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Public Works, and the Division of Budget, Management and Finance.

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

AS AMENDED  
(Comm. 13D-8)

Item Page -1997  
18. DPW  
WHEREAS, the Department of Public Works received bids on July 8, 1997, for the Riverwalk Reconstruction - 1997, 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 Joe Steffan Paving & Excavating, Inc. in the amount of \$55,389.00 for the Riverwalk Reconstruction - 1997, and be it further

RESOLVED, that the sum of \$4,611.00 be allocated to a construction contingency fund and DPW overhead 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 the above from the Legislative Contingency (Countywide Contingency DAC 10923310893) to the Department of Public Works & 1996 Code Compliance Bond Fund, SFG No. 748, 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) Legislator Holt absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 13D-9)  
19. DPW:

WHEREAS, the Erie County Legislature approved a contract for the 1996 Overlay B Program, Project Number CHIPS OP-96B, which included Brighton Road, CR 196, Town of Tonawanda; Maple Road, CR 192, Town of Amherst; Sweet Home Road, CR 301, Town of Amherst; Dodge Road, CR 45, Town of Amherst; Clarence Center Road, CR 217, Town of Clarence; and Goodrich Road, CR 216, Town of Clarence, on June 20, 1996 between Omer Construction Company, Incorporated, of Cheektowaga, New York, at a bid amount of \$1,657,745.00, and the County of Erie, and the 1996 funding was inadequate by the amount of \$510,600.00 for full funding at the time of award of contract, and



WHEREAS, the original approval of the contract was predicated on availability of funds from the then designated sources, and

WHEREAS, the County of Erie now has sufficient funds from other sources which can be utilized for completing this project, and

WHEREAS, additional roadway length on the Maple Road portion of the contract has deteriorated further and is in need of remedial rehabilitation due to the extreme high traffic count which is in excess of 25,000 vehicles per day, and

WHEREAS, this necessary work can be accomplished if the contract is increased by \$299,289.00, providing a savings to the County of Erie in: maintenance and protection of traffic costs; utilizing existing low bid unit costs; additional engineering costs, and

WHEREAS, time is of the essence to correct the deficiencies on this section of road and without this funding, the completion of this project will be delayed for a year or more.

NOW, THEREFORE, BE IT

RESOLVED, that the contingency amount be increased by an additional amount of \$299,289.00, to be allocated from the 1996 Consolidated Highway Improvement Program - Roads Projects Fund, for a change order to the construction contract with Omer Construction Company Incorporated; and be it further

RESOLVED, that the balance of the existing contract with Omer Construction Company be funded from the following sources:

\$200,000 - 1996 Consolidated Highway Improvement Program  
\$ 62,600 - 1994 Road Construction Program  
\$ 35,000 - 1993 County Road Construction Program  
\$ 41,000 - 1992 Dodge Road Construction  
\$ 72,000 - 1992 Design and Construction of Various Roads  
\$100,000 - 1995 Bridge 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."

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

Item Page -1997 (Comm. 13D-10)  
20. DPW:

WHEREAS, the 1997 capital budget contains \$2.1 million for Rehabilitation Work at Rich Stadium in accordance with the Memorandum of Understanding between the Buffalo Bills and Erie County, and

WHEREAS, the Buffalo Bills have requested that the County proceed with certain portions of this work which should be completed before the regular football season begins in order not to jeopardize the operation and safety at the Stadium, and

WHEREAS, in order to comply, the Stadium Rehabilitation Consulting Engineer, DiDonato Associates, must begin design on this project immediately. The Department of Public Works must receive bids and issue construction contracts while the Legislature is on summer recess.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to DiDonato Associates to prepare contract documents and provide design and inspection services for portions of the 1997 Rich Stadium Capital Rehabilitation Project on a time and material basis, and be it further,

RESOLVED, that in order to proceed with construction for critical safety items, during the Legislature's summer recess, the Commissioner of Public Works is hereby authorized to receive bids and award contracts to the lowest responsible bidders and/or issue change orders to existing contracts for the following:

1. Replacement of Ticket and Gate House Roofs
2. Replacement of Cooling Tower
3. Expansion joint repair between Club Level and Stadium
4. Billboard sheetmetal repair
5. Guide rail replacement

and be it further,

RESOLVED, that the total design fees and construction contracts shall not exceed a total amount of \$430,000.00, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from Bond Account, Rich Stadium Rehabilitation - 1997, SFG No. 803, 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.

(3-2) Legislators Chase and Ranzenhofer in the negative. Legislator Holt absent. Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 13D-11)  
21. DPW:

WHEREAS, there is a need for Engineering Services performed by a firm specializing in the provision of such services, and

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

WHEREAS, this method of assigning projects to any one of the four selected firms will permit a more timely execution of projects,

NOW, THEREFORE, BE IT

RESOLVED, that your Honorable Body authorize the County Executive to enter into an agreement with each of the following firms to provide General Engineering Services for miscellaneous construction projects:

\* Wilson, Klaes, Brucker & Worden PC, Centerpoint Corporate Park, 300 Essjay Road, Suite 150, Buffalo, NY 14221-4300

\* Gordon J. Crone, P.E., Professional Engineers, 695 Main Street, East Aurora, NY 14052

\* Critoph Engineering, 337 Cleveland Drive, Buffalo, NY 14215

\* M/E Engineering, P.E., Suite 1, 255 Great Arrow Avenue, Buffalo, NY 14207

and be it further

RESOLVED, that the Engineering fees will 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 approved by the Erie County Legislature, and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized to issue a change order/supplementary agreement to the consultants for each project, and be it further

RESOLVED, that funding for such services be identified separately for each such project that is to be accomplished, and be it further

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

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

Item Page -1997 (Comm. 13E-13)  
22. COUNTY EXECUTIVE :

WHEREAS, the County of Erie, has been requested to assist in the expansion of Ingram Micro at its offices in Amherst, and

WHEREAS, Ingram Micro has grown in the last six years to become one of the largest private sector employers in Erie County, and

WHEREAS, the proposed expansion of Ingram Micro by 150,000 square feet will result in up to 1,200 new jobs to Erie County, and

WHEREAS, Erie County has offered to contribute \$1,000,000 to the expansion project for the purpose of constructing a public parking lot to serve the new facility,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Amherst Industrial Development Agency in amounts not to exceed a total of \$1,000,000 for the purpose of constructing a public parking lot, and be it further

RESOLVED, that the contract will be charged to the 1997 Capital budget, Ingram Micro Public Parking Lot, Project Number 815, account 830 Contractual Expense, and be it further

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

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

Item Page -1997 (Comm. 13E-16)  
23. COUNTY EXECUTIVE:

WHEREAS, the County of Erie. has been requested to assist in the study of transportation impacts in the Town of Lancaster, and a north-south corridor in particular, and

WHEREAS, the County has access to Community Development Block Grant funds which may be used in the Town of Lancaster, and

WHEREAS, the Niagara Frontier Transportation Committee is the Metropolitan Planning Organization for transportation planning in the Erie-Niagara Region, and

WHEREAS, the Niagara Frontier Transportation Committee has funding for transportation studies and desires to work cooperatively with Erie County and the Town of Lancaster to study the traffic problems in the Town,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Niagara Frontier Transportation Committee in amounts not to exceed \$25,000, for the purpose of funding a study to define potential transportation corridors in the Town of Lancaster, and be it further

RESOLVED, that the source of these funds will be federal Community Development Block Grant dollars available to Erie County for this purpose, and be it further

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

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

MICHAEL A. FITZPATRICK  
Chairman

Mr. FITZPATRICK requested that Resolve No. 18 be separated.

GRANTED.

Mr. DEBENEDETTI requested that Resolve No. 20 be separated.

GRANTED.

Mr. FITZPATRICK moved the balance of the report. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Mr. FITZPATRICK moved the adoption of Resolve No. 20. Mr. HOLT seconded.

CARRIED.

Legislators Chase, Ranzenhofer and DeBenedetti in the negative.

Mr. FITZPATRICK offered an amendment as follows to Resolve No. 18:

ADD the following before the 1<sup>st</sup> WHEREAS clause:

WHEREAS, the Erie County Legislature approved intro. 4-17(1997) at Meeting No. 4 on February 20, 1997 which appropriated 40,000.00 from the 1997 Legislative Contingency (Countywide Contingency DAC 110923310893) to the Department of Public Works, 1996 Code Compliance Bond Fund, SFG No. 748, and

WHEREAS, the County Executive duly held a public hearing on Intro. 4-17 on Tuesday, March 11, 1997 an, after due deliberation, approved said resolution on the same day, and

DELETE the 4<sup>th</sup> RESOLVE clause in its entirety and REPLACE with the following:

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the Department of Public Works, 1996 Code Compliance Bond Fund, SFG No. 748, Fund 410, and be it further

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

CARRIED UNANIMOUSLY.

Mr. FITZPATRICK moved the adoption of Resolve No. 18 as amended. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

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ITEM 13 - Ms. COHEN KENNEDY presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 315

JULY 10, 1997

COMMUNITY ENRICHMENT  
COMMITTEE  
REPORT NO. 9

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

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

Item Page -1997 (Comm. 6E-6)  
a. MARINELLI: Efforts to Ensure Gender Equity in Sports & Intramural Activities.

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

- Item Page -1997 (Comm. 12D-11)  
b. BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Meeting Notice & Agenda for Board Meeting Held 6/19/97.  
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 12D-13)  
c. ERIE COMMUNITY COLLEGE: Meeting Notice & Agenda for Meeting Held 6/25/97.  
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 12D-15)  
d. ERIE COMMUNITY COLLEGE: 1995-1997 Long Range Plan.  
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 12D-17)  
e. ERIE COMMUNITY COLLEGE: Subcommittee Meeting Minutes - June 1997.  
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 12M-7)  
f. VILLAGE OF WILLIAMSVILLE: Certified Resolution Re: Support for ECC North Campus.  
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 13D-3)  
g. ERIE COMMUNITY COLLEGE: Response to Community Enrichment Committee Re: Title IX.  
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 11E-35)  
2. COUNTY EXECUTIVE:  
RESOLVED, that the Erie County Legislature does hereby confirm the following individuals to the Erie County Commission on the Status of Women:

REAPPOINTMENTS

Term Expires

Bodil Gellman	6/2000
Joyce Wilson-Nixon	6/2000
Lourdes Iglesias	6/2000
Catharine Weiss*	6/2000

\*Appointment by the Minority

APPOINTMENTS

Dorcas Colvin 6/2000  
Cynthia Schwartz 6/2000  
(6-0) Chairman Swanick present as ex-officio member.

RANDI COHEN KENNEDY  
Chairperson

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 316

JULY 14, 1997

PUBLIC SAFETY  
COMMITTEE  
REPORT NO. 6

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

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

Item Page -1997 (Comm. 13E-2)  
a. **SHERIFF:** Response to Public Safety Committee's Request for Information Re: Sheriff's Mounted Division.  
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 13M-5)  
b. **STUEBEN COUNTY LEGISLATURE:** Certified Resolution Re: Parole Violators.  
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 12E-2)  
2. **SHERIFF:**  
WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994, and



WHEREAS, there are adequate funds for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account,

NOW, THEREFORE, BE IT

RESOLVED, that \$204,609 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Grant, Project #493, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE GRANT-PROJECT #493

REVENUE

502	Forfeiture Crime Proceeds	<u>204,609</u>
	Total Revenue	<u>204,609</u>

APPROPRIATION

Object 880-1509	Interfund Transfer Sheriff's Grants	77,109
Object 930	Automotive Equipment	50,000
Object 932	Furniture & Office Equipment	5,500
Object 933	Lab & Technical Equipment	<u>72,000</u>
	Total Appropriations	<u>204,609</u>

and be it further

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

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

Item Page -1997 (Comm. 12E-20)  
3. COUNTY EXECUTIVE:

WHEREAS, the District Attorney needs an experienced trial attorney to fill the position of Assistant Chief of the Felony Narcotics Bureau, and

WHEREAS, the Step 0 is not adequate compensation due to the expertise required for this position, and

WHEREAS, the Erie County Personnel Department has reviewed and approved this resolution, and

WHEREAS, it is deemed beneficial to the District Attorney and Erie County to have the most qualified job holder in this position to provide superior prosecutorial and management service in the Narcotics Bureau.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes a variable minimum for the position of Assistant Chief, Felony Narcotics Bureau, Job Group 15, Step 5, effective June 2, 1997, and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Erie County District Attorney, Erie County Department of Personnel and the Director of Budget and Management.

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

Item Page -1997 (Comm. 12E-24)

4. **COUNTY EXECUTIVE:**

WHEREAS, funds in the amount of \$75,000 were approved in the 1997 Capital Projects Fund, and

WHEREAS, the Department of Emergency Services has requested and evaluated proposals to conduct a Public Safety Radio Communications System Implementation, Phase One Services Study pursuant to Section 19.08 of the Erie County Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with RCC Consultants, Inc. for an amount not to exceed \$75,000 for the purpose of conducting a Public Safety Radio Communications System Implementation, Phase One Services Study, the requirement for Requests for Proposals in Section 19.08 of the Erie County Administrative Code having been completely fulfilled, and be it further

RESOLVED, that funds in the amount of \$75,000 are available in 1997 Capital Projects Fund - 830 Contractual - Public Safety Radio - Emergency Services, and be it further

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

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

Item Page -1997 (Comm. 12E-25)  
5. COUNTY EXECUTIVE:  
WHEREAS, the County must continually provide immediate and efficient dispatch coordination and service to the pre-hospital care community and communications support to the Health Department, NYS Thruway Authority and the County Disaster Response Teams; and

WHEREAS, a Computer Aided Dispatch System has been installed by American Tritech to automate the dispatch function at the M.E.R.S. Communication Center; and

WHEREAS, the Computer Aided Dispatch System requires the ProQA software supplied by Medical Priority Consultants, Inc. to process Medical Emergency 911 calls.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Executive be authorized to enter into and execute a Client License Software and Maintenance agreement between Medical Priority Consultants, Inc. and the County of Erie.

RESOLVED, that certified copies of this resolution be sent to the offices of the County Executive; County Attorney; Health; and the Department of Emergency Services.

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

Item Page -1997 (Comm. 12E-40)  
6. COUNTY EXECUTIVE:  
RESOLVED, that \$63,503 in available balances in the Assets Forfeiture Trust Fund is hereby transferred to the District Attorney's Assets Forfeiture Grant, SFG Project 333, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized to provide funding for investigative, surveillance and prosecutorial purposes to benefit the Probation Department and the District Attorney's Office.

DISTRICT ATTORNEY ASSET FORFEITURE GRANT, SFG PROJECT 333, FUND 280

REVENUE

Acct. 502	DA Asset Forfeitures	\$63,503
		<u>\$63,503</u>

APPROPRIATION

Acct. 821 -	Dues and Fees	\$1,433
Acct. 825 -	Out of Area Travel	2,000
Acct. 880 -	Probation	55,000
Acct. 881 -	Interdepartmental - DISS	600
Acct. 932 -	Furniture, Fixtures & Office Equipment	1,170
Acct. 933 -	Laboratory and Technical Equipment	<u>3,300</u>
	Total Appropriation	<u>\$63,503</u>

PROBATION DEPARTMENT OPERATING FUND

REVENUE

Acct. 685	District Attorney	<u>\$55,000</u>
	Total Revenue	<u>\$55,000</u>

APPROPRIATION

Acct. 821 -	Dues and Fees	\$20,000
Acct. 933 -	Laboratory and Technical Equipment	<u>35,000</u>
	Total Appropriation	<u>\$55,000</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to approve the required transfer of funds associated with this resolution to provide funding to benefit the Probation Department and the District Attorney's Office, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Probation Department, the District Attorney's Office, and the Director of Budget and Management.

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

Item Page -1997 (Comm. 13E-4)  
7. SHERIFF:

WHEREAS, the Erie County Sheriff's Office desires to develop a SWAT Training Facility ("Facility") in the Town of Alden to promote proper training of police officers within the county of Erie; and

WHEREAS, the proposed Facility will be located at Genesee Street in the Town of Alden and will be used for SWAT training by the County Sheriff's Office, the Buffalo Police Department, and police agencies of the Towns of Amherst, Cheektowaga, Hamburg, Lancaster, Orchard Park, Tonawanda and various other local police agencies (Collectively the "Erie County Tactical Task Force"); and

WHEREAS, on May 11, 1997, by Resolution, the Erie County Legislature outlined conditions and limitations of operation of the Facility including security and safety measures, hours of operation, design of the Facility, posting, and continued County ownership; and

WHEREAS, the New York State Department of Corrections, New York State Electric and Gas, the United States Army, NYNEX, Gibraltar Steel, Project North Star, Conrail, Advanced Survey, Co., the Seabees, the 914<sup>th</sup> Airforce Reserves, the 152nd Army Engineers and the Erie County Tactical Task Force, at the direction and specifications of the Erie County Sheriff's Office in cooperation with the Erie County Department of Public Works, will gratuitously provide equipment and construction services to erect buildings and other structures at the Facility. In addition, volunteer labor for the proposed Facility will be jointly provided by the Erie County Tactical Task Force members and future benefactors of the Facility; and

WHEREAS, berms, vegetation, a perimeter fence, locked gates, signs, a wetland on the east side of the parcel, a lake to the north and west, the closing of various foot paths leading to the facility, and a daily patrol of the Facility will all deter the public from having access to the site; and

WHEREAS, the Facility as initially proposed contemplated the use of lead-free ammunition; however, suitable lead-free replacements were not available and, as a result, ammunition containing lead will be used at the Facility. The following procedures will be followed to mitigate possible contamination/pollution by lead on site:

- All gravel berms aligned with targets will have a 4-foot thick layer of clay;
- Each spring, the clay will be treated with powdered lime to neutralize any acid rain/water before it would contact any lead in the clay; and
- When the site use as a firing range ceases, Sheriff's Office will arrange for the clay layer to be shipped to an approved solid waste landfill; and

WHEREAS, the County has completed the SEQOR review process of the Facility and has found the Facility to have no negative impact on the environment, and

WHEREAS, on June 30, 1997, the Advisory Review Committee approved the Project.

NOW, THEREFORE, BE IT

RESOLVED, berms, vegetation, a perimeter fence, locked gates, signs, a wetland on the east side of the parcel, a lake to the north and west, the closing of various footpaths leading to the Facility, and a daily patrol of the Facility will all deter the public from having access to the site; and be it further

RESOLVED, the County has completed the SEQR review process of the Swat Training Facility and has found the Facility to have no negative impact on the environment; and be it further

RESOLVED, on June 30, 1997, the Advisory Review Committee approved the Project, and be it further

RESOLVED, the Erie County Legislature authorizes the Erie County Executive and/or the Erie County Sheriff's Office to accept donations in the form of equipment, construction and labor services from the New York State Department of Corrections, New York State Electric and Gas, the United States Army, NYNEX, Gibraltar Steel, Project North Star, Conrail, Advanced Survey, Co., the Seabees, the 914<sup>th</sup> Airforce Reserves, the 152<sup>nd</sup> Army Engineers with respect to this Facility; and be it further

RESOLVED, that Erie County Executive and/or the Erie County Sheriff are hereby authorized to enter into and execute all necessary agreements with respect to the Facility and to accept any and all gifts related to this Facility, and be it further

RESOLVED, acceptance of the above-noted donations and use of the Facility are expressly conditioned on the following:

1. At reasonable times, access to the Facility by representative of various County departments including Public Works and the Parks Department will be permitted to allow the removal of gravel; and
2. If lead ammunition is used by participants at the Facility then:
  - a. All gravel berms aligned with targets will have a 4-foot thick layer of clay;
  - b. Each spring, the clay will be treated with powdered lime to neutralize any acid rain/water before it could contact any lead in the clay; and

- c. When the site use as a firing range ceases, the Sheriff's Office will arrange for the clay layer to be shipped to an approved solid waste landfill;

and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Honorable Thomas F. Higgins, Sheriff of Erie County. Sergeant Mark Donahue, Deputy William Gourlay, John C. Loffredo, Richard M. Tobe, Thomas J. Dearing and the Erie County Attorney's Office.

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

Item Page -1997 (Comm. 13E-11)  
8. COUNTY EXECUTIVE:

RESOLVED, that authorization is hereby provided to adjust the current Probation Department Mental Health/Juvenile Justice Grant (Project #551) by increasing State Aid in the amount of \$1,300 and increasing account 821, Dues and Fees by the same amount, and be it further

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

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

Item Page -1997 (Comm. 13E-12)  
9. COUNTY EXECUTIVE:

RESOLVED, that in consideration of permission from the Niagara Frontier Transportation Authority for the use by the Erie County Department of Central Police Services, Law Enforcement Training Academy, of the Greater Buffalo International Airport for the purpose of conducting Defensive Driving - Emergency Vehicle Operations Training (E.V.O.C.), the County Executive be and hereby is authorized to execute Indemnification agreements under which the Niagara Frontier Transportation Authority, will be held harmless and indemnified by Erie County in the event of any claims occurring in connection with such use, and be it further

RESOLVED, that certified copies of this Resolution be forwarded by James Tuppen, County Attorney and Joseph M. Abate, Director of Training of the Erie County Department of Central Police Services, Law Enforcement Training Academy.

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

EDWARD J. KUWIK  
Chairman

Mr. KUWIK moved the adoption. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS:

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 317

Re: Requesting County  
Executive Gorski to Declare  
August 17, 1997 - National  
Airborne Day - in Erie County.  
(Int. 14-1)

WHEREAS, Airborne soldiers are a special breed who serve in active and reserve duty in the United States, and

WHEREAS, every paratrooper is a volunteer and must measure up physically and mentally to a grueling schedule of training, discipline, and teamwork, and

WHEREAS, on several occasions paratroopers are separated from their units, and must roam through enemy territory essentially alone, heavily armed, well trained, and lacking serious supervision, and

WHEREAS, "National Airborne Day" is a wonderful opportunity to recognize the men and women airborne soldiers who risk their life while happily defending our country from the enemy, and

WHEREAS, this Legislature wishes to request the County Executive Gorski declare August 17, 1997 as "National Airborne Day" in Erie County,



NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby declare that United States Airborne soldiers should be recognized for their outstanding service to this country, and be it further

RESOLVED, that this Honorable Body does hereby request that County Executive Dennis T. Gorski declare August 17, 1997 as "National Airborne Day" in Erie County, thereby recognizing the brave and valiant Airborne Soldiers of America, and be it further

RESOLVED, that a certified copy of this resolution be delivered to County Executive Dennis T. Gorski.

Fiscal Impact: None.

RAYMOND K. DUSZA

Mr. DUSZA offered the following amendment:

Change the date from August 17, 1997 to August 16, 1997.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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ITEM 16 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mr. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 318

Re: The Assaulting and  
Harassing of Officials.  
(Int. 14-2)

WHEREAS, On July 4, 1997, several rowdy citizens pelted firefighters and policemen with eggs and obscenities from the second floor of a house when the officials were trying to control the fire and help those at the house next door, and

WHEREAS, Firefighters and policemen dedicate their lives for the protection of fellow citizens and do not deserve to be assaulted or harassed when they are trying to serve and protect the public, and

WHEREAS, Firefighters and policemen are a necessity for the well-being of our community and should be treated with the utmost respect, and

WHEREAS, The penal law prohibits the interference, by assault or harassment, of a peace officer, police officer, fireman, paramedic or technician, from performing a lawful duty, and

WHEREAS, Officials need to be uninterrupted while performing duties to better serve those in need, and

WHEREAS, Penalties should be fully enforced when an official is harassed or assaulted when carrying out his/her duty, and

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature does hereby recognize and express concern for all public servants who risk their lives for the protection of others, and be it further

RESOLVED, That this Honorable Body does hereby request the Erie County District Attorney or his representative to attend the next Public Safety Committee meeting to discuss the enforcement of the appropriate Penal law sections to those performing the services, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Erie County District Attorney, Frank J. Clark.

Fiscal impact: To be determined

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

Ms. PEOPLES offered an amendment as follows:

ADD, the following the first RESOLVE clause:

RESOLVED, that this Honorable Body does hereby commend the prompt and successful efforts of the Buffalo Police Department in bringing the aforementioned perpetrators to justice, and be it further



WHEREAS, Higher ratios of clients to staff can increase the likelihood of the staff and clients to be at-risk of harm, under these circumstances, agencies can not be expected to adequately serve mentally ill youth in group care, and

WHEREAS, only \$70 million in TANF federal funds for Title XX has been proposed for the Children and Family Services Block Grant, \$138 million is needed to provide adequate child welfare services throughout the state, and

WHEREAS, With the increase in funds of \$138 million to the proposed allocation of \$507 million for the Children and Family Services Block Grant, agencies will be able to hire more staff to provide for vital family unification services, and

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature does hereby recognize and express concern for all children involved in the child welfare system, and be it further

RESOLVED, That this Honorable Body does hereby urge the NYS Legislature and Governor George Pataki to consider changing the proposed increase of \$70 million to \$138 million that is to be added on the proposed allocation of \$507 million for the Children and Family Services Block Grant, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Governor George Pataki, all members of the WNY State Legislative Delegation, and Mary T. Stengel, Advocacy Program Director for Child and Family Services.

Fiscal impact: To be determined

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

Ms. PEOPLES offered an amendment as follows:

DELETE, in its entirety, the fifth WHEREAS clause, and REPLACE with the following:

WHEREAS, the New York State Assembly has supported the advocacy community's proposal to allocate \$138 million in federal TANF funds for Title XX to the Children and Family Services Block Grant to provide adequate child welfare services throughout the state, while Governor George Pataki has proposed allocating only \$70 million, and