

ERIE COUNTY LEGISLATURE
MEETING NO. 19
September 25, 1997

The Legislature was called to order by Chairman SWANICK.

All Members present.

A Moment of silent was held.

The Pledge of Allegiance was led by Mr. FITZPATRICK.

Minutes of the previous meeting were APPROVED.

MISCELLANEOUS RESOLUTIONS

ITEM 1 - Ms. MARINELLI & Mr. SWANICK presented a resolution of Congratulations to Lisa Lilienthal on Winning the 21st Annual Mrs. America Pageant. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 2 - Ms. MARINELLI and Et Al presented a resolution of congratulations to Virginia C. Purcell on Receiving the 9th Athena Award. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 3 - Mr. DUSZA presented a resolution in Honor of Gerald J. Hickson on His Retirement. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 4 - MESSRS. SWANICK, KUWIK, FITZPATRICK, HOLT, DUSZA & MESDAMES PEOPLES, FISHER, MARINELLI and COHEN KENNEDY presented a resolution of Congratulations to the Recipients of 3rd Annual Prime Time Award. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 5 - MESSRS. SWANICK, KUWIK, FITZPATRICK, HOLT, DUSZA & MESDAMES PEOPLES, FISHER, MARINELLI and COHEN KENNEDY presented a resolution of Congratulations Honoring Robert Donough for Receiving the First Annual Ralph Loew Humanitarian Award. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 6 - MESSRS. SWANICK, KUWIK, FITZPATRICK, HOLT, DUSZA & MESDAMES PEOPLES, FISHER, MARINELLI and COHEN KENNEDY presented a resolution of Congratulations Honoring Coordinated Care for Bestowing the 3rd Annual Prime Time Awards. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 7 - Mr. Larson presented a resolution of Congratulations Celebrating the 10th Anniversary of Friends of the Lancaster Library's Sunday Afternoon Sponsorship Program. ~~Harry Rudy's Retirement from the N.Y.S. Army National Guard~~ Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 8 - Ms. PEOPLES presented a resolution of Congratulations Honoring Tony Barnwell for His Receipt of a Labor Award. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 9 - Mr. DUSZA presented a resolution of Congratulations to the International Brotherhood of Electrical Workers, Local 41 as they celebrate their 100th Year. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 10 - Mr. Kuwik presented a resolution of Congratulations to D. Mark Cavacoli on His Retirement after 32 years of Service as Teacher in the Frontier Central School District. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 11 - CHAIRMAN SWANICK directed that Local Law Intro No. 10 (Print #1) - 1997 remain on the table.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 376

September 16, 1997

PUBLIC SAFETY
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

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

Item Page -1996 (Int. 20-13)
a. GREENAN, VILLARINI & MARSHALL: Auto Accidents on Rural Roads.
(5-0)

Item Page -1997 (Comm. 7D-14)
b. CENTRAL POLICE SERVICES: Comments Concerning the Crime Status
Hotline.
(5-0)

Item Page -1997 (Comm. 8E-5)
c. MARINELLI: Copy of Letter to Mr. Cardarelli Re: Crime Status
Hotline.
(5-0)

d. Item Page -1997 (Comm. 12D-14)
CENTRAL POLICE SERVICES: Countywide Statistics - 1996.
(5-0)

e. Item Page -1997 (Comm. 18E-3)
SHERIFF: 1996 Annual Report.
(5-0)

f. Item Page -1997 (Comm. 18M-38)
ERIE COUNTY FIRE ADVISORY BOARD: Copy of Letter to Legislator
Fisher Re: 1997 Budget for Emergency Services - Fire Safety
Division.
(5-0)

Item Page -1996 AS AMENDED
(Int. 15-17)
2. LARSON, GREENAN, MARSHALL, RANZENHOFER, SWANICK, PEOPLES,
KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DEBENEDETTI, DUSZA,
MARINELLI & COHEN KENNEDY:

WHEREAS, life threatening situations do not always get the prompt attention they deserve because non-emergency 911 calls send police on unnecessary runs, and

WHEREAS, the summer season tends to bring an increased number of calls to the E-911 system, and

WHEREAS, a resolution was submitted by this Honorable Body on May 23, 1996, requesting that Buffalo Police Commissioner R. Gil Kerlikowske and Erie County Commissioner of the Department of Central Police Services John Cardarelli work together to implement an E-911 system that would, among other things, reduce the number of non-emergency calls, and

WHEREAS, the Buffalo Police instituted a non-emergency number as an alternative to 911 in an effort to expedite emergency calls placed with 911,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body requests a progress report from Commissioners Kerlikowske and Cardarelli on the status of the City of Buffalo's E-911 system and the effectiveness of the non-emergency police number, and be it further

RESOLVED, that Commissioners Kerlikowske and Cardarelli present said progress report at a future Public Safety Committee meeting, and be it further

RESOLVED, that copies of this resolution be forwarded to County Executive Dennis T. Gorski, Commissioner Kerlikowske and Commissioner Cardarelli.

Fiscal Impact: None.
(5-0)

Item Page -1996 AS AMENDED
(Int. 23-8)
3. LARSON, MARSHALL, GREENAN, RANZENHOFER, VILLARINI,
SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, OLMA,
DEBENEDETTI, DUSZA, MARINELLI & COHEN KENNEDY;

WHEREAS, the use and abuse of drugs has dramatically increased over the last fifteen years, and

WHEREAS, numerous studies have shown that teenagers are an "at-risk" segment of our society and that increased use of drugs continues to plague this age group, and

WHEREAS, in Erie County we've seen the effects of teenage substance abusers, and

WHEREAS, on Tuesday, October 22, 1996 a joint meeting of the Health, Mental Health and Community Enrichment Committees was held to discuss with the Erie County Committee on Alcoholism & Substance Abuse Professionals (ECCASP), the adverse impacts of substance abuse, and

WHEREAS, this meeting was extremely informative and timely, and provided the Legislature with excellent information on how to combat our war on drug use, and

WHEREAS, an officer representing the Erie County D.A.R.E. program explained that the program has been very effective, however, the Sheriff's Department has taken two officers off road patrol to run the program, and

WHEREAS, Erie County's focus is to maximize the number of officers that are used on patrol for the protection of our citizens,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body recognizes the importance of both the Erie County D.A.R.E. program as a tremendous prevention tool against substance abuse, and the Sheriff's Department road patrol unit as a vital means of protecting our citizens, and be it further

RESOLVED, that this Honorable Body does not feel that one program should be implemented at the expense of the other because of the need for and importance of both programs, and be it further

RESOLVED, that this Honorable Body requests that Erie County Sheriff Thomas Higgins and representatives of the Erie County D.A.R.E. program appear at a future meeting of the Legislature's Public Safety Committee to discuss ways which the D.A.R.E. program could be better serviced by county officials, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Dennis Gorski and Erie County Sheriff Thomas Higgins and the Erie County D.A.R.E. offices.

(5-0)

Item Page -1997 (Comm. 14E-19)
4. COUNTY EXECUTIVE:

WHEREAS, the Sheriff's Office and the Buffalo Enterprise Development Corporation wish to enter into a Service Agreement to provide Mounted Patrols in the "Theater District" of Downtown Buffalo, and

WHEREAS, funds are available within the Sheriff's budget to fund the salary and fringe benefits of Mounted Reserve Deputies to provide security Thursday through Saturday for six hours per day,

NOW, THEREFORE, BE IT

RESOLVED, that the Sheriff is authorized to sign a service agreement with the Buffalo Enterprise Development Corporation to provide law enforcement/police protection services for the "Theater District", and be it further

RESOLVED, that the Sheriff will provide these services at a cost of \$25.00 per hour, per person, for each hour of work, and be it further

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

(5-0)

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

WHEREAS, the Erie County Sheriff's Office currently offers D.A.R.E. (Drug Abuse Resistance Education) Programs in schools throughout Erie County, and

ERIE COUNTY LEGISLATURE

WHEREAS, citizens are willing to make contributions to insure the continuation of these programs in their area schools,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to accept donations from individuals citizens to assist in the funding of the D.A.R.E. Programs they offer in schools throughout Erie County, and be it further

RESOLVED, that the Sheriff's Office will deposit such funds with the Finance Office until such a time as they are needed, and be it further

RESOLVED, that the Sheriff's Office will request the appropriation of these funds at that time with a legislative resolution, and be it further

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

(5-0)

Item Page -1997 (Comm. 18E-26)
6. COUNTY EXECUTIVE:

WHEREAS, District Attorney grant monies are available for additional telecommunication services per four resolutions (July 17, 1997, Comm. 12E-40; June 26, 1997, Comm. 11E-37; July 17, 1997, Comm. 14E-9; and May 1, 1997, Comm. 6E-34) that adjust grant budgets, and

WHEREAS, the Division of Information and Support's budget also needs to be adjusted.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer funds within the Division of Information and Support Services as follows:

DEPARTMENT OF INFORMATION & SUPPORT SERVICES
OPERATING FUND

Appropriation

Acct. 820 - Utilities	\$4,113
Total Appropriation	\$4,113

Revenue

Acct. 685/1409 Interfund-District Atty. Grants	<u>\$4,113</u>
Total Revenue	<u>\$4,113</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the District Attorney and the Division of Information and Support Services.

(5-0)

Item Page -1997 (Comm. 18E-28)
7. COUNTY EXECUTIVE:

RESOLVED, that authorization is hereby provided for the County Executive to enter into contract with and accept CODIS program funding in the amount of \$77,135 from the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that authorization is hereby provided to establish the following grant budget:

Grant Fund 280 - Department 650
Central Police Services 1/1/97 to 12/31/97

<u>Revenue</u>	<u>Increase</u>
Acct. 627 State Aid Criminal Justice Program	<u>\$77,135</u>
Total Revenue	<u>\$77,135</u>

<u>Appropriations</u>	<u>Increase</u>
Acct. 814 - Medical Supplies	\$ 3,295
Acct. 826 - Other Expenses	7,500
Acct. 933 - Equipment	<u>\$66,340</u>
Total Appropriations	<u>\$77,135</u>

and be it further

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

(5-0)

Item Page --1997 (Comm. 18E-31)
8. COUNTY EXECUTIVE:

RESOLVED, that the County Executive is hereby authorized, for the benefit of the District Attorney's Office, to accept the following television which was purchased with a fraudulent credit card and recovered during an investigation. The television is further described as an RCA Remote Monitor Colortrak XS Steco set, Model Number F2725/WN, Serial Number 509316767, and be it further

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

(5-0)

Item Page -1997 (Comm. 18E-36)
9. COUNTY EXECUTIVE:

RESOLVED, that the following budgetary transactions are authorized in order to establish a third grant which will assist in updating of local emergency planning for the Department of Emergency Services:

Department of Emergency Services
HMTUSA Grant Phase III

Revenue

214 - Federal Aid-Other	\$1,500.00
TOTAL	\$1,500.00

Appropriations

826 - Other Expenses	\$1,500.00
TOTAL	\$1,500.00

and be it further

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

(5-0)

EDWARD J. KUWIK
Chairman

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 377

September 16, 1997

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.

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

- | | | | | |
|----|-------------------------------------|---|---------------------|----------------|
| a. | Item | Page | -1996 | (Comm. 20D-12) |
| | ECC: | Legislature Report | Comm. 11E-3 8/5/96. | |
| | (5-0) | | | |
| b. | Item | Page | -1997 | (Comm. 4E-1) |
| | LARSON: | Copy of Letter to ECC Re: Effect of Proposed 97-98 State Budget on Students and Taxpayers. | | |
| | (5-0) | | | |
| c. | Item | Page | -1997 | (Comm. 11D-12) |
| | ECC: | 1997-1998 Budget Proposal. | | |
| | (5-0) | | | |
| d. | Item | Page | -1997 | (Comm. 12D-10) |
| | ECC: | Copy of Resolution Approved by Board of Trustees in Opposition to Tuition Increase. | | |
| | (5-0) | | | |
| e. | Item | Page | -1997 | (Comm. 12M-23) |
| | COURTYARD CHILD DEVELOPMENT CENTER: | Copy of Letter to Chairman Swanick Re: Closing of Child Care Learning Lab at ECC City Campus. | | |
| | (5-0) | | | |
| f. | Item | Page | -1997 | (Comm. 13E-1) |
| | SWANICK: | Copies of Letters Re: ECC Early Childhood Lab. | | |
| | (5-0) | | | |
| g. | Item | Page | -1997 | (Comm. 13M-12) |
| | YWCA: | Copy of Letter to Legislator Peoples Re: ECC Child Care Proposal. | | |
| | (5-0) | | | |

- h. Item Page -1997 (Comm. 14D-5)
ECC: Minutes of Meeting Held 5/21/97.
(5-0)
- i. Item Page -1997 (Comm. 14D-10)
ECC: Minutes of Meeting Held 5/28/97.
(5-0)
- j. Item Page -1997 (Int. 14-5)
MARSHALL, GREENAN, LARSON, CHASE & RANZENHOFER: Amendment to
Proposed 1997-98 Erie Community College Budget.
(5-0)
- k. Item Page -1997 (Comm. 18D-3)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Minutes of Meeting Held
6/19/97.
(5-0)
- l. Item Page -1997 (Comm. 18D-7)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Director's Report of
7/97 Meeting of the Board of Trustees.
(5-0)
- m. Item Page -1997 (Comm. 18D-19)
COMMISSION ON STATUS OF WOMEN: Minutes of Meeting Held 7/9/97.
(5-0)
- n. Item Page -1997 (Comm. 18D-21)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Minutes of Meeting Held
7/31/97.
(5-0)
- o. Item Page -1997 (Comm. 18D-24)
ECC: Minutes of Meeting Held 8/27/97.
(5-0)
- p. Item Page -1997 (Comm. 18D-25)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Buffalo & Erie County
Public Library 1995/1996 Report.
(5-0)
- q. Item Page -1997 (Comm. 18D-30)
ECC: Minutes of Meeting Held 6/25/97.
(5-0)

r. Item Page -1997 (Comm. 18D-31)
ECC: Minutes of Meeting Held 8/27/97.
(5-0)

s. Item Page -1997 (Comm. 18D-37)
ECC: Notice of New Slate of Officers for Board of Trustees.
(5-0)

RANDI COHEN KENNEDY
Chairperson

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

CARRIED UNANIMOUSLY.

ITEM 14 - Mrs. FISHER presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 378

September 17, 1997

HEALTH COMMITTEE
Report No. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DEBENEDETTI.

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

a. Item Page -1997 (Int. 4-20)
FISHER, SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, OLMA,
DEBENEDETTI, DUSZA, MARINELLI, COHEN KENNEDY, GREENAN, LARSON, MARSHALL,
PAULY & RANZENHOFER: Better Health Plan's Failure to Remit Payment to
ECMC & Other Health Care Providers.
(4-0)

b. Item Page -1997 (Int. 10-1)
PAULY: Accountability of Health Maintenance Organization.
(4-0)

c. Item Page -1997 (Comm. 11E-2)
SWANICK, PEOPLES & FISHER: Copy of Letter to ECMC Re: Policies of
Board of Managers Meetings.
(4-0)

- Item Page -1997 (Comm. 11M-8)
d. FRANK A. SALADYGA: Copy of Letter to Chairman Swanick Re: Smoking
at Hens & Kelly Building.
(4-0)
- Item Page -1997 (Comm. 12D-19)
e. COUNTY ATTORNEY: Tobacco Settlement Alert.
(4-0)
- Item Page -1997 (Comm. 12E-15)
f. DEBENEDETTI: Copy of Letter to County Executive Re: Rabies Clinic
Sites.
(4-0)
- Item Page -1997 (Comm. 12M-20)
g. NYSPERB: Erie County Clean Air Act Impasse.
(4-0)
- Item Page -1997 (Comm. 14D-1)
h. ERIE COUNTY MEDICAL CENTER: Finance Committee Meeting Held 7/8/97
& Financial Statements for 5/31/97.
(4-0)
- Item Page -1997 (Comm. 14D-2)
i. ERIE COUNTY MORGUE: Monies & Other Property Found on Deceased
Persons.
(4-0)
- Item Page -1997 (Comm. 14D-3)
j. BUDGET, MANAGEMENT & FINANCE: Response to Legislator Fisher Re:
Medicaid Managed Care.
(4-0)
- Item Page -1997 (Comm. 14D-12)
k. ERIE COUNTY MEDICAL CENTER: Notice of Meeting to be Held 7/17/97.
(4-0)
- Item Page -1997 (Comm. 14D-13)
l. MENTAL HEALTH: Notice of Community Service Board Meeting to be Held
7/17/97.
(4-0)
- Item Page -1997 (Comm. 14M-8)
m. ACCOUNTING DEPARTMENT ROOM 426-RATH BUILDING: Petitions in Support
of a Smoking Ban in All County Buildings.
(4-0)

- Item Page -1997 (Comm. 14M-9)
n. DOROTHY LEVITT: Letter in Opposition to Spending County Money to Implement Building Modifications to Allow County Employees to Smoke.
(4-0)
- Item Page -1997 (Comm. 18D-4)
o. HEALTH DEPT.: Application of Local Law No. 5-1996 to Rath Building Cafeteria.
(4-0)
- Item Page -1997 (Comm. 18D-9)
p. ERIE COUNTY MORGUE: Monies & Other Properties Found on Deceased Persons.
(4-0)
- Item Page -1997 (Comm. 18D-10)
q. ERIE COUNTY MEDICAL CENTER: Finance Committee 8/7/97 Financial Statements for 6/30/97.
(4-0)
- Item Page -1997 (Comm. 18D-14)
r. HEALTH DEPT.: Public Health Laboratory News.
(4-0)
- Item Page -1997 (Comm. 18D-16)
s. ERIE COUNTY MEDICAL CENTER: Minutes of Meeting Held 8/14/97.
(4-0)
- Item Page -1997 (Comm. 18D-23)
t. HEALTH DEPT.: Notification of Board Meeting Change From 9/23/97 to 10/21/97.
(4-0)
- Item Page -1997 (Comm. 18D-32)
u. ERIE COUNTY MEDICAL CENTER: Finance Commissioner 9/5/97 Financial Statements for 7/31/97.
(4-0)
- Item Page -1997 (Comm. 18D-34)
v. ERIE COUNTY MORGUE: Monies & Other Property Found on Deceased Persons.
(4-0)
- Item Page -1997 (Comm. 18D-38)
w. ERIE COUNTY MEDICAL CENTER: Notice of Meeting & Agenda for Meeting Held 9/11/97.
(4-0)

Item Page -1997 (Comm. 18M-15)
x. WELLNESS INSTITUTE: Update on Current Activities.
(4-0)

Item Page -1997 (Comm. 18M-35)
y. WELLNESS INSTITUTE: Minutes of Meeting Held 8/22/97...
(4-0)

Item Page -1997 AS AMENDED (Comm. 13E-6)
2. COUNTY EXECUTIVE:
WHEREAS, the Public Health Campaign grant funds the Model Tuberculosis and the Sexually Transmitted Disease (STD) Programs in Erie County to reduce the incidence of Tuberculosis and STD, and

WHEREAS, the Erie County Department of Health has received written notice from New York State Department of Health that the Public Health Campaign grant will continue for the period 4/1/96 through 3/31/97 so that Tuberculosis and STD Control Programs may continue, and

WHEREAS, the revised grant award contains increased funding in the amount of \$16,745 to continue the Sr. Clerk Typist position for the balance of the year.

NOW, THEREFORE, BE IT

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

PUBLIC HEALTH CAMPAIGN
4/1/97-3/31/98
PROJECT #688

SFG REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553 STATE AID	\$453,815	16,745	\$470,560
TOTAL	\$453,815	16,745	\$470,560

EXPENSES

800 PERS. SERVICES	\$329,686	32,439	\$362,125
805 FRINGES	84,729	7,010	91,739
810 OFFICE SUPPLIES	1,000	-750	250
814 MEDICAL SUPPLIES	11,000	-10,500	500
821 DUES & FEES	1,000	0	1,000
823 REPAIRS & MAINT.	1,000	-800	200
824 TRAVEL-LOCAL	14,000	0	14,000
825 TRAVEL-CONF.	500	0	500
826 OTHER EXPENSES	4,920	-1,674	3,246
880-5100 DISS	5,980	-4,980	1,000
883-2709 INTERDEPARTMENTAL	0	-4,000	-4,000
TOTAL	<u>\$453,815</u>	<u>16,745.00</u>	<u>\$470,560</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.

(4-0)

Item Page -1997 (Int. 13-19)
3. PEOPLES:

WHEREAS, the Federal District Court for the Northern District of Illinois is about to approve settlement of a nationwide lawsuit brought by a class of hemophiliacs who became infected with HIV as a result of blood transfusions, and

WHEREAS, the defendants are blood product manufacturers whose blood products may have infected the class members, and

WHEREAS, under the proposed settlement each class member would be awarded \$100,000 cash by the blood products manufacturers, and

WHEREAS, the settlement of this lawsuit could preclude the counties in New York from recovering the cost of Medicaid paid on behalf of class members who were or are Medicaid recipients, and

WHEREAS, the federal government has submitted a waiver of its Medicaid right of recovery against any class member who receives an award and will not be requiring states to enforce a Medicaid recovery against any class member with respect to their recovery under the litigation, and

WHEREAS, in exchange for their waiver, the federal government will receive a cash settlement from the defendants, and

WHEREAS, the court has asked each state participating in Medicaid to execute a similar waiver of its rights of recovery under the Medicaid program, in exchange for their waivers defendants will pay participating states \$.10 for each Medicaid recipient on their roles at a given point in time, and

WHEREAS, New York State intends to execute a waiver of its rights of recovery in exchange for some \$300,000, and

WHEREAS, Erie County is responsible for furnishing Medicaid, and under state law (Social Services Law, 104-b and 369) has a lien against recoveries in the amount of assistance paid to or on behalf of a recipient of public assistance and Medicaid, and has not executed any such waivers, and

WHEREAS, under state law counties have a lien against the proceeds of any personal injury action and a right to recover assistance paid, and

WHEREAS, unless the county waives this right in exchange for good and sufficient compensation, they cannot release such a lien, and

WHEREAS, Medicaid recipients receive monetary awards in the form of lawsuit settlements after incurring astronomical medical bills that, under the Medicaid entitlement, the federal government is mandated to pay, and

WHEREAS, the usual course of action required by the state when counties settle their liens against Medicaid recipients is that both the federal and state share of the recovery must be repaid to the state forthwith, and the state, therefore, should not treat the county any differently,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize that the County of Erie incurs the cost of furnishing Medicaid to class members and has a right of recovery and a statutory lien on the proceeds of any cause of action by a recipient of Medicaid, and be it further

RESOLVED, that this Honorable Body does agree that in order for any waiver of rights to be effective, the County must receive some form of compensation, and be it further

RESOLVED, that the Erie County Legislature does hereby declare that if the State of New York should execute any waiver of its right of recovery and represent to the court that it is waiving the rights of the counties of the State of New York, it should pay over to the counties, based upon each county's proportion of the Medicaid populations, at least one-half of the proceeds of its settlement amount, which represents the normal county share of Medicaid expenditures for eligible Medicaid recipients.

Fiscal Impact: To be determined.
(4-0)

Item Page -1997 (Comm. 14E-17)
4. COUNTY EXECUTIVE:

WHEREAS, the New York State Department of Health has awarded \$69,770 to the Erie County Department of Health for the purpose of continuing the HIV Seroprevalence Study for a twelve month period ending 6/30/98.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept a revised contract with the New York State Department of Health for the purpose of receiving reimbursement for participating in the HIV Seroprevalence Study:

HIV SEROPREVALENCE
7/1/97-6/30/98
PROJECT #689

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
553		STATE AID	\$ 69,770	0	\$ 69,770
388		HIV COUNSELING & TESTING	<u>40,516</u>	<u>-</u>	<u>40,516</u>
		TOTAL	<u>\$110,286</u>	<u>0</u>	<u>\$110,286</u>
<u>EXPENSES</u>					
800		PERSONNEL SERVICES	\$ 86,942	243	\$ 87,185
805		FRINGES	22,344	66	\$ 22,410
824		TRAVEL & MILEAGE	<u>1,000</u>	<u>-309</u>	<u>691</u>
		TOTAL	<u>\$110,286</u>	<u>-</u>	<u>\$110,286</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.

(4-0)

Item Page -1997 (Comm. 18E-38)
5. COUNTY EXECUTIVE:
WHEREAS, the Erie County Department of Health operates a Tuberculosis Control Outreach Program, and

WHEREAS, the Erie County Department of Health has received a revised grant in the amount of \$37,500 for the continuation of the Tuberculosis Control Outreach Program, and

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

NOW, THEREFORE, BE IT

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

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

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
582		STATE AID	34,500	3,000	\$ 37,500
		TOTAL	34,500	3,000	\$ 37,500
		<u>EXPENSES</u>			
800		PERSONNEL SERVICES	25,746	-1,660	\$ 24,086
805		FRINGES	6,617	-1,153	5,464
824		TRAVEL & MILEAGE	100	200	300
825		OUT OF AREA TRAVEL	200	-200	0
826		OTHER EXPENSES	1,787	-1,687	100
880	2700	HEALTH GRANTS	0	3,500	3,500
880	5100	INTERFUND-DISS	50	0	50
882	2709	INTERDEPARTMENTAL	0	4,000	4,000
		TOTAL	34,500	\$ 3,000	\$ 37,500

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.

(4-0)

Item	Page	-1997	(Comm. 18E-46)
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6. COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Health provides an important program of medical care through its Well Child Clinics, offering free immunizations, physical exams to preschool children at numerous community based clinics throughout the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into an agreement with the following Well Child Clinic for a term not to exceed three (3) years effective January 1, 1997 through December 31, 1999 and at a rate sufficient to offset maintenance and operating costs as mutually agreed upon subject to the availability of funds in the budget of the Health Department:

University United Methodist Church
410 Minnesota

and be it further

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into an agreement with the following community agency to provide space for a Health Department Well Child Clinic for a term not to exceed three (3) years effective May 1, 1997 through April 30, 2000, and at a rate sufficient to offset maintenance and operating costs as mutually agreed upon subject to the availability of funds in the budget of the Health Department:

Brant Community Facilities
Route 249, Brant

and be it further

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into an agreement with the following community agencies to provide space for a Health Department Well Child Clinic for a term not to exceed three (3) years effective October 1, 1997 through September 30, 2000, and at rates sufficient to offset maintenance and operating costs as mutually agreed upon subject to the availability of funds in the budget of the Health Department:

Church of St. Aidan
13021 Main Street, Alden

Faith United Church of Christ
8651 Boston State Road, Boston

First United Methodist Church of Akron
7 Church Street, Akron

Seneca United Methodist Church
2846 Seneca Street, West Seneca

South Park United Methodist Church
73 Ashton Place, Buffalo

Trinity United Church of Christ
1075 Kensington Avenue, Buffalo

and be it further

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into an agreement with the following community agency to provide space for a Health Department Well Child Clinic for a term not to exceed three (3) years effective November 1, 1997 through October 31, 2000, and at a rate sufficient to offset maintenance and operating costs as mutually agreed upon subject to the availability of funds in the budget of the Health Department :

Salem United Church of Christ
114 Morgan, Tonawanda

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.

(4-0)

Item Page -1997 (Comm. 18E-47)

7. COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Health provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program check distribution sites in various locations, and

WHEREAS, the Erie County Department of Health wishes to enter into a lease agreement with Baker Victory Services to lease space on the first floor located at 790 Ridge Road, Lackawanna, New York, to be utilized as a WIC check distribution site, on a month-to-month basis at a rate of Twenty-five(\$25.00) per session commencing August 12, 1997.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into a lease agreement with Baker Victory Services whereby Erie County will pay a rental of \$25.00 per session, on a month-to-month basis for rental of the approximately 1,600 square feet of space on the first floor at 790 Ridge Road, Lackawanna, New York, 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.

(4-0)

Item Page -1997 (Comm. 18E-51)

8. COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Health currently operates a Lead Poisoning Prevention Program, and

WHEREAS, the purpose of this grant is to support and enhance local efforts to reduce the prevalence of elevated blood levels in children under six years of age through the implementation of a comprehensive program of primary and secondary prevention which includes: public and professional outreach and education; and in collaboration with local primary care providers; screening, diagnostic evaluation, medical management, educational and environmental interventions, and

WHEREAS, the Erie County Department of Health has received a grant award in the amount of \$552,084.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the New York State Health Department to continue to provide services which are budgeted as follows:

LEAD POISONING PREVENTION PROGRAM
1/1/97-12/31/97
PROJECT #692

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>REVISED</u> <u>BUDGET</u>
549		MISC. DEPT. INCOME	1,758	-1,758	0
573		STATE AID	552,084	-	552,084
686	2700	INTERFUND SUBSIDY HEALTH	31,488	-	31,488
698	105	APPROPRIATION FUND BAL.	<u>\$17,375</u>	<u>-10,068</u>	<u>\$ 7,307</u>
		TOTAL	<u>\$602,705</u>	<u>(11,826)</u>	<u>\$590,879</u>

EXPENSE

800		PERSONNEL SERVICES	\$465,537	-23,123	\$442,414
801		OVERTIME	0	1,500	1,500
805		FRINGES	119,793	-8,653	111,140
811		CLOTHING	0	450	450
823		REPAIRS & MAINTENANCE	17,375	0	17,375
824		TRAVEL & MILEAGE	0	10,000	10,000
825		OUT OF AREA TRAVEL	0	1,000	1,000
826		OTHER EXPENSES	0	5,000	5,000
890		CONTINGENCIES	<u>0</u>	<u>2,000</u>	<u>\$ 2,000</u>
		TOTAL	<u>\$602,705</u>	<u>\$(11,826)</u>	<u>\$590,879</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's Attorney's Office.

(4-0)

Item Page -1997 (Comm. 18E-53)
9. COUNTY EXECUTIVE:
WHEREAS, the Erie County Department of Health operates an Infant Child Health Assessment Program (ICHAP), and

WHEREAS, the Health Department has received a revised grant award from the New York State Department of Health in the amount of \$254,705, and

ERIE COUNTY LEGISLATURE

WHEREAS, the purpose of the grant is to continue the developmental screens on children at risk of developmental delay, per the expanded State eligibility criteria for the Infant Child Health Assessment Program (ICHAP).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised agreement for the period October 1, 1996 through September 30, 1997 with the New York State Department of Health, to provide these services for county residents which are budgeted as follows:

DEPARTMENT OF HEALTH
INFANT & CHILDRENS HEALTH ASSESSMENT PROGRAM
10/1/96 - 09/30/97
PROJECT #558

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
553		STATE AID	\$ 254,705	0	\$ 254,705
		<u>TOTAL</u>	<u>\$ 254,705</u>	<u>0</u>	<u>\$ 254,705</u>
<u>EXPENSES</u>					
800		PERSONAL SERVICES	\$ 195,110	-7,402	\$ 187,708
805		FRINGES	48,778	-3,727	45,051
810		OFFICE SUPPLIES	400	200	600
821		DUES & FEES	300	-300	0
823		REPAIRS & MAINTENANCE	300	0	300
824		TRAVEL & MILEAGE	3,500	1,000	4,500
825		OUT OF AREA TRAVEL	500	0	500
826		OTHER EXPENSES	2,800	-226	2,574
880	2700	DEPARTMENT OF HEALTH	0	8,872	8,872
880	5100	INTERFUND-DISS	<u>3,017</u>	<u>1,583</u>	<u>4,600</u>
		<u>TOTAL</u>	<u>\$ 254,705</u>	<u>\$ 0</u>	<u>\$ 254,705</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 County Attorney's Office.

(4-0)

JUDITH P. FISHER
Chairperson

Mrs. Fisher moved the adoption. — — seconded.

Carried Unanimously

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 379

September 18, 1997

FINANCE AND MANAGEMENT
COMMITTEE
REPORT NO. 9

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

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

Item Page -1997 (Comm. 4E-6)
a. COMPTROLLER: Investing & Establishing Investment Portfolio.
(5-0)

Item Page -1997 (Comm. 6M-1)
b. BROOME COUNTY LEGISLATURE: Copy of Certified Resolution
Amending Real Property Tax Law.
(5-0)

Item Page -1997 (Comm. 11E-1)
c. COMPTROLLER: Unfilled Vacant Positions 3/31/97.
(5-0)

Item Page -1997 (Comm. 11E-3)
d. COMPTROLLER: Future Changes in Financial Reporting
Requirements.
(5-0)

Item Page -1997 (Comm. 11E-4)
e. COMPTROLLER: Copy of Letter Re: Sales Tax Receipts for 3/97.
(5-0)

Item Page -1997 (Comm. 11E-11)
f. COMPTROLLER: Copy of Letter to Legislator DeBenedetti Re:
Buffalo Bills Lease.
(5-0)

Item Page -1997 (Comm. 12E-7)
g. COMPTROLLER: Sales Tax Receipts for 4/97.
(5-0)

- Item Page -1997 (Comm. 12E-8)
h. **COMPTRROLLER:** Quarterly Investment Report 1/1/97 to 3/31/97.
(5-0)
- Item Page -1997 (Comm. 12E-11)
i. **COMPTRROLLER:** Audit - Senior Services - Admin. of Grant
Program & Contractual Agencies 1/1/96 to 11/30/96.
(5-0)
- Item Page -1997 (Comm. 14E-4)
j. **COMPTRROLLER:** Comprehensive Annual Financial Report (CAFR) for
Fiscal Year Ended 12/31/96.
(5-0)
- Item Page -1997 (Comm. 14M-3)
k. **NYS ASSEMBLYMEMBER WIRTH:** Acknowledgement of Receipt of
Resolution Re: Estate Tax Reform.
(5-0)
- Item Page -1997 (Comm. 18D-41)
l. **SENIOR SERVICES:** Response to Audit - Department of Senior
Services - Report 97-09.
(5-0)
- Item Page -1997 (Comm. 18E-1)
m. **COMPTRROLLER:** Cost of Borrowing Report.
(5-0)
- Item Page -1997 (Comm. 18E-9)
h. **COMPTRROLLER:** Copy of KPMG Peat Marwick's Management Letter
for the County's Fiscal Year Ended 12/31/97.
(5-0)
- Item Page -1997 (Comm. 18E-10)
o. **COMPTRROLLER:** 9/1-9/7/97 One-Week Sales and Use Tax Exemption
on Clothing.
(5-0)
- Item Page -1997 (Comm. 18E-13)
p. **COMPTRROLLER:** Erie County Supplement to Comprehensive Annual
Financial Report for the Year Ended 12/31/96.
(5-0)
- Item Page -1997 (Comm. 18E-14)
q. **COMPTRROLLER:** Interim Financial Report for the Six Months
Ended 6/30/97.
(5-0)

Item Page -1997 (Comm. 18M-1)
r. LEGAL AID BUREAU: 1996 Financial Statements 1996 Annual
Report & Minutes from Board Meeting Held on 6/3/97.
(5-0)

Item Page -1997 (Comm. 18M-6)
s. NYS ASSEMBLYMEMBER REYNOLDS: Acknowledgement of Receipt of
Letter Re: Estate Tax Reform.
(5-0)

Item Page -1997 (Comm. 18M-7)
t. NYS SENATOR MARY LOU RATH: Acknowledgement of Receipt of
Letter Re: Estate Tax Reform.
(5-0)

Item Page -1997 (Comm. 18M-12)
u. THE COMMUNITY GRIEF CENTER OF WNY INC.: Summary of Activities
& Expense Statement for Period 1/1/97 - 6/30/97, Income & Expense
Statement for the Period 10/1/96 - 6/30/97.
(5-0)

Item Page -1997 (Comm. 18M-21)
v. KENNETH J. RUMMENIE: Copy of Letter to Chairman Swanick Re:
Community Development Financial Institutions Funding.
(5-0)

Item Page -1997 (Comm. 18M-23)
w. GREATER BUFFALO CONVENTION & VISITORS BUREAU: Unaudited
Financial Statements for the Period Ending 6/30/97.
(5-0)

Item Page -1997 (Comm. 18M-25)
x. CITY OF BUFFALO ASSESSMENT DEPARTMENT: 1998 Transit Mail
Service Charge Roll.
(5-0)

Item Page -1997 (Comm. 18M-29)
y. IROQUOIS CENTRAL SCHOOL DISTRICT: Copy of Letter to County
Executive Gorski Re: Elimination of Sales Tax on Clothing Articles
Under \$100.
(5-0)

2. RESOLVED, that the following item is hereby received, filed
and referred to the ECONOMIC DEVELOPMENT COMMITTEE:

Item Page -1997 (Comm. 18D-40)
a. DPW: 1997 Consolidated Highway Improvement Program (CHIPS) -
Revenue Increase.
(5-0)

OPEN ITEM
(Comm. 1D-19A)

Item Page -1997
3. 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 section 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-18 through V-20 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.

V-18
Petition No. 3307 / 9798 - ASSESSOR - Refund - \$170.16

SBL No. 182.20-6-9 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 170.16

Charge to : VILLAGE OF HAMBURG 170.16

REFUND - CLERICAL ERROR, RPTL 520 PLACED ON PARCEL IN ERROR. PARCEL WAS CHARGED FOR AN EXEMPTION THAT DID NOT EXIST. RPTL 550(2)A. CHECK IN FAVOR OF: KATHLEEN DALEY

V-19
Petition No. 3308 / 9798 - ASSESSOR - Refund - \$1,163.31

SBL No. 195.08-6-7 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 1,163.31

Charge to : VILLAGE OF HAMBURG 1,163.31

REFUND - CLERICAL ERROR, VETERAN'S EXEMPTION OF 43,550 WAS REMOVED IN ERROR. RPTL 520 SHOULD NOT HAVE BEEN PLACED ON THE TAX BILL. RPTL 550(2)A & C. CHECK IN FAVOR OF: R. DAYMAN JONES & LOIS D JONES

V-20
Petition No. 3309 / 9798 - ASSESSOR - Cancel - \$791.88

SBL No. 104.11-3-12 & 10 OTHERS - TOWN OF LANCASTER

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 791.88

Charge to : VILLAGE OF LANCASTER 791.88

CANCEL - UNLAWFUL ENTRY, PARCELS ARE OWNED BY THE COUNTY OF ERIE MAKING THEM EXEMPT FROM VILLAGE TAXES. EXEMPTION OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(7)A.

(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 section 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 232 through 253 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. ²³² 3310 / 1997 - ASSESSOR - Refund - \$4,485.35

SBL No. 54.14-2-8 - TOWN OF AMHERST

Acct. No. 112 - \$ 1,066.06

Acct. No. 132 - \$ 3,419.29

Charge to : TOWN OF AMHERST 1,294.57
SWEET HOME CENTRAL 1,828.66
NORTH BAILEY FIRE PROTECT 296.06

REFUND - CLERICAL ERROR, PARCEL IS A DUPLICATE ENTRY. PARCEL IS MERGED WITH 54.14-2-7.11. RPTL 550(2)F.
CHECK IN FAVOR OF: EDWARD TAYLOR

Petition No. ²³³ 3311 / 9697 - ASSESSOR - Refund - \$554.63

SBL No. 67.06-2-29 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 554.63

Charge to : SWEET HOME CENTRAL 554.63

REFUND - CLERICAL ERROR, PARCEL WAS ENTITLED TO A SENIOR EXEMPTION IN THE AMOUNT OF 34,400 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF: JACOB & TAMARA GRICHENER

Petition No. ²³⁴ 3312 / 1997 - ASSESSOR - Refund - \$275.33

SBL No. 67.06-2-29 - TOWN OF AMHERST

Acct. No. 112 - \$ 172.98

Acct. No. 132 - \$ 102.35

Charge to : TOWN OF AMHERST 102.35

REFUND - CLERICAL ERROR, SENIOR EXEMPTION WAS ENTERED IN THE AMOUNT OF 25,800 IT SHOULD BE 43,000. RPTL 550(2)B.
CHECK IN FAVOR OF: JACOB & TAMARA GRICHENER

235
Petition No. 3313 / 1996 - ASSESSOR - Refund - \$319.50
SBL No. 211.14-3-11 - TOWN OF BOSTON
Acct. No. 112 - \$ 0.00
Acct. No. 132 - \$ 319.50
Charge to : TOWN OF BOSTON 124.50
EC#3 BOSTON VALLEY 195.00

REFUND - CLERICAL ERROR - PARCEL WAS CHARGED GOT THREE UNITS OF REFUSE AND THREE UNITS OF SEWER TAX. PARCEL IS A TWO FAMILY HOME AND SHOULD BE CHARGED FOR TWO UNITS OF SEWER TAX, RPTL 550(2)E.
CHECK IN FAVOR OF: JOSEPH TERRIZZI

236
Petition No. 3314 / 1997 - ASSESSOR - Refund - \$497.32
SBL No. 29.13-1-4 - TOWN OF CLARENCE
Acct. No. 112 - \$ 259.59
Acct. No. 132 - \$ 237.73
Charge to : TOWN OF CLARENCE 90.45
ECSD #5 N DIST PROJ 114.51
SWORMSVILLE FIRE 32.77

REFUND - CLERICAL ERROR & ERROR IN ESSENTIAL FACT, EXEMPTION FOR VOLUNTEER FIRE DEPT OMITTED AND THE BUILDING WAS DEMOLISHED. ASSESSED VALUE WAS 28,300 IT IS 1,300. RPTL 550(2)C & 550(3)A.
CHEK IN FAVOR OF: SWORMSVILLE VOL FIRE CO

237
Petition No. 3315 / 1995 - ASSESSOR - Refund - \$436.46
SBL No. 70.14-3-22.11 - TOWN OF CLARENCE
Acct. No. 112 - \$ 0.00
Acct. No. 132 - \$ 436.46
Charge to : TOWN OF CLARENCE 436.46

REFUND - CLERICAL ERROR, PARCEL WAS OVERCHARGED FOR UNITS OF SERVICE. PARCEL WAS CHARGED FOR 41 UNITS WHEN THE CORRECT AMOUNT OF UNITS IS 9. RPTL 550(2)E.
CHECK IN FAVOR OF: GREENBRIER ESTATES INC

238
Petition No. 3316 / 1996 - ASSESSOR - Refund - \$463.40
SBL No. 70.14-3-22.111 - TOWN OF CLARENCE
Acct. No. 112 - \$ 0.00
Acct. No. 132 - \$ 463.40
Charge to : TOWN OF CLARENCE 463.40

REFUND - CLERICAL ERROR, PARCEL WAS OVERCHARGED FOR UNITS OF SERVICE IN THE DRAINAGE DISTRICT. UNITS CHARGED WAS 41 AND SHOULD BE 7 UNITS. RPTL 550(2)E.
CHECK IN FAVOR OF : GREENBRIER ESTATES INC

239
Petition No. 3317 / 1997 - ASSESSOR - Cancel - \$222.04

SBL No. 349.11-3-29 - TOWN OF COLLINS

Acct. No. 112 - \$ 161.81

Acct. No. 132 - \$ 60.23

Charge to : TOWN OF COLLINS 60.23

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 20,350 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

240
Petition No. 3318 / 1997 - ASSESSOR - Refund - \$825.11

SBL No. 238.07-1-9 - TOWN OF EDEN

Acct. No. 112 - \$ 500.77

Acct. No. 132 - \$ 324.34

Charge to : TOWN OF EDEN 324.34

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED IN ERROR FOR RPTL 520 . THERE WAS A CHARGE FOR AN EXEMPTION THAT DID NOT EXIST. RPTL 550(2)A. CHECK IN FAVOR OF: ANNETTE M. THIEL

241
Petition No. 3319 / 1997 - ASSESSOR - Refund - \$183.80

SBL No. 238.12-1-1 - TOWN OF EDEN

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 183.80

Charge to : ERIE CO SEW DST 2 183.80

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED FOR THREE UNITS OF SERVICE BY ECSD WHEN IT SHOULD BE CHARGED FOR TWO. RPTL 550(2)E. CHECK IN FAVOR OF: ST JOHNS UCC CHURCH

242
Petition No. 3320 / 1997 - ASSESSOR - Cancel - \$1,710.64

SBL No. 236.00-2-12.2 - TOWN OF EVANS

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 1,710.64

Charge to : ERIE CO SEW DST 2 1,710.64

CANCEL - UNLAWFUL ENTRY, PARCEL IS LOCATED OUT OF ECSD AND HAS IT'S OWN SEPTIC SYSTEM. RPTL 550(7)B.

243
Petition No. 3321 / 1997 - ASSESSOR - Refund - \$142.00

SBL No. 236.00-2-12.2 - TOWN OF EVANS

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 142.00

Charge to : ERIE CO SEW DST 2 142.00

REASON - UNLAWFUL ENTRY, PARCEL IS LOCATED OUT OF ECSD AND IS SERVICED BY ITS OWN SEPTIC SYSTEM. RPTL 550(7)B.

244
Petition No. 3322 / 9596 - ASSESSOR - Refund - \$232.85

SBL No. 24.07-3-3 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 232.85

Charge to : GRND ISLN CENTRAL 232.85

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 98,300 IT SHOULD BE 88,300. RPTL 550(2)A. CHECK IN FAVOR OF: JAMES & TERRY KISH

245
Petition No. 3323 / 1996 - ASSESSOR - Refund - \$156.60

SBL No. 24.07-3-3 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 106.67

Acct. No. 132 - \$ 49.93

Charge to : TOWN OF GRAND ISLAND 40.39
GRAND ISLAND FIRE PROTECT 9.54

REASON - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 98,300 IT SHOULD BE 88,300. RPTL 550(2)A. CHECK IN FAVOR OF: JAMES & TERRY KISH

246
Petition No. 3324 / 9697 - ASSESSOR - Refund - \$286.31

SBL No. 24.07-3-3 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 286.31

Charge to : GRND ISLN CENTRAL 286.31

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 98,300 IT SHOULD BE 88,300. RPTL 550(2)A. CHECK IN FAVOR OF: JAMES & TERRY KISH

247
Petition No. 3325 / 1997 - ASSESSOR - Refund - \$167.55

SBL No. 24.07-3-3 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 112.39

Acct. No. 132 - \$ 55.16

Charge to : TOWN OF GRAND ISLAND 45.71
GRAND ISLAND FIRE PROTECT 9.45

REFUND - CLERICAL ERROR, ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 98,300 IT SHOULD BE 88,300. RPTL 550(2)A. CHECK IN FAVOR OF: JAMES & TERRY KISH

Petition No. 248/1997 - ASSESSOR - Refund - \$20.18

SBL No. 183.18-14-47 - TOWN OF HAMBURG

Acct. No. 112 - 0.00

Acct. No. 132 - 20.18

Charge to: VILLAGE OF HAMBURG 20.18

REFUND - CLERICAL ERROR, RPTL 520 WAS MISCALCULATED DUE TO AN
INCORRECT SALE DATE USED. RPTL 550(2)D.
CHECK IN FAVOR OF: JOHN R WENDY EDSON

Petition No. 249/1997 - ASSESSOR - Refund - \$990.29

SBL No. 195.08-6-747 - TOWN OF HAMBURG

Acct. No. 112 - 709.88

Acct. No. 132 - 280.41

Charge to: VILLAGE OF HAMBURG 280.41

REFUND - CLERICAL ERROR, VETERAN'S EXEMPTION IN THE AMOUNT OF
43,550 WAS REMOVED FROM THE PARCEL IN ERROR. RPTL 550(2)C.
CHECK IN FAVOR OF: LOIS JONES & MARY JANE KELLEY.

Petition No. 250/1997 - ASSESSOR - Refund - \$218.72

SBL No. 104.16-9-8 - TOWN OF LANCASTER

Acct. No. 112 - 0.00

Acct. No. 132 - 218.72

Charge to: TOWN OF LANCASTER 103.72
ECSD #4 115.00

REFUND - CLERICAL ERROR, PARCEL WAS CODED AS A TWO FAMILY WHEN IT
IS A SINGLE FAMILY HOME. PARCEL WAS OVERCHARGED FOR REFUSE AND
SEWER. RPTL 550(2)E.
CHECK IN FAVOR OF: JOHN J & PATRICIA TAMROWSKI

Petition No. 251/1997 - ASSESSOR - Refund - \$115.24

SBL No. 105.00-3-46.12 - TOWN OF LANCASTER

Acct. No. 112 - 0.00

Acct. No. 132 - 115.24

Charge to: TOWN OF LANCASTER 115.24

REFUND - CLERICAL ERROR, COMMERCIAL PROPERTY HAS IT'S OWN
DUMPSTER. CHARGED IN ERROR FOR REFUSE TAX. RPTL 550(2)E.
CHECK IN FAVOR OF: JAMES M. SCHAEFER.

Petition No. 252/1997 - ASSESSOR - Refund - \$180.78

SBL No. 47.00-1-16.1 - TOWN OF NEWSTEAD

Acct. No. 112 - 126.22

Acct. No. 132 - 54.56

Charge to: TOWN OF NEWSTEAD 35.84
NEWSTEAD FIRE PROTECT 18.72

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON
THE TAX ROLL. ASSESSMENT WAS 71,700 IT SHOULD BE 54,700. RPTL
550(2)A.

CHECK IN FAVOR OF: JOSEPH & JOAN LOCOPA

Petition No. 253/1997 - ASSESSOR - Refund - \$92.81

SBL No. 336.00-1-1.121 - TOWN OF SARDINIA

Acct. No. 112 - 58.07

Acct. No. 132 - 34.74

Charge to: TOWN OF SARDINIA 34.74

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
17,522 SHOULD BE 33,375. RPTL 550(2)B.

CHECK IN FAVOR OF: WILLARD & COLLEEN HANEY

(5-0)

Item Page -1997 (Comm. 14D-14)
4. 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 Joseph Sorrentino and Dean Sorrentino, 1537 Union Road, West Seneca, New York 14224 for the sum of Five Hundred and 00/100 Dollars (\$500.00).

All That Tract or Parcel of Land situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 190, Township 10, Range 7, B1 B, Sublots 1 & 2 under Map Cover 467;

Further described on Erie County Tax Maps as Section, Block and Lot No. 134.590-3-24.1 (Union Road 60.00 x 88.00) and

Intending to convey all land acquired by Erie County as Serial No. 829 in the County In Rem Tax Foreclosure Action No. 131; and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interests 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. 18E-37)
5. COUNTY EXECUTIVE:

WHEREAS, the Comptroller issued a request for proposal (RFP) for the preparation of the Countywide Cost Allocation Plan and Full Cost Plan for fiscal years 1996-1999, and 1998-2001, respectively, and

WHEREAS, the RFP and evaluation of responses were done in accordance with Section 19.08 of the Erie County Code, and

WHEREAS, the firm of David M. Griffin and Associates, Ltd. was the lowest responsive bidder, based on the fact that the proposed annual cost is not subject to increase for any reason and the fact that their proposal is in full compliance with the RFP,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with David M. Griffin and Associates, Ltd. in the 1997 calendar year for the preparation of a 1996 Countywide Cost Allocation Plan and a 1998 Full Cost Plan in the amount of \$15,000, funds being available in Account 821 - Dues and Fees in the Comptroller's 1997 Budget, and be it further

RESOLVED, that this contract may be extended on an annual basis in the 1998, 1999, and 2000 calendar years at an annual cost of \$15,000, subject to the availability of appropriations, and be it further

RESOLVED, that certified copies of this resolution are to be forwarded to the County Executive, Comptroller, County Attorney and Director of Budget, Management and Finance.

(5-0)

CRYSTAL DAVIS PEOPLES
Chairperson

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 380

September 18, 1997

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

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

Item Page -1997 (Comm. 10E-4)
a. MARSHALL: Copy of Letter to Commissioner Loffredo Requesting
Update on Court Facilities Project.

(4-0)

Item Page -1997 (Comm. 12E-12)
b. SWANICK: Copy of Letter to Governor Pataki Re: Assembly Bill
A.6795-A.

(4-0)

- Item Page -1997 (Comm. 14D-16)
c. DPW: Liberia Road (CR 402), Town of Marilla, Resident Medical Expenses.
(4-0)
- Item Page -1997 (Comm. 14D-17)
d. DPW: Award of Contract - 1997 Culvert Reconstruction Project No. Culverts-97 Rapids Road Culvert BR 42-3, Town of Newstead, East Aurora-Porterville.
(4-0)
- Item Page -1997 (Comm. 14M-5)
e. NFTA: Copy of Response Re: Public Authority Data Request.
(4-0)
- Item Page -1997 (Comm. 14M-6)
f. MCFARLAND-JOHNSON, INC. NFTA - Buffalo Heliport Study.
(4-0)
- Item Page -1997 (Comm. 18D-6)
g. DPW: Jewett-Holmwood Road CR 368 Town of Aurora Document No. 97-750 PW
(4-0)
- Item Page -1997 (Comm. 18D-20)
h. DPW: Buffalo Bills Stadium Improvements/Lease.
(4-0)
- Item Page -1997 (Comm. 18D-33)
i. DPW: Construction & Construction Supervision/Inspection Phase Ridge Road Bridge 137-1 BIN 3-32693-0 Over Cazenovia Creek Town of West Seneca.
(4-0)
- Item Page -1997 (Comm. 18D-42)
j. DPW: Renovations to the Cardiothoracic Department Building F, ECMC - Phase II.
(4-0)
- Item Page -1997 (Comm. 18D-43)
k. DPW: Supplement Agreement to General Architect/Engineer Contract, Renovations to ECMC's Spinal Center.
(4-0)
- Item Page -1997 (Comm. 18D-44)
l. DPW: ECMC - Toxicology Pathology Roof Renovations.
(4-0)

Item Page -1997 (Comm. 18D-45)
m. DPW: Emergency Generator for Geneva B. Scruggs Intermediate Care Facility.
(4-0)

Item Page -1997 (Comm. 18M-10)
n. NFTA: 17A Report & Capital Status Report for Fiscal Year Ending 3/31/97.
(4-0)

Item Page -1997 (Comm. 18M-18)
o. NFTA: Minutes of Meeting Held on 6/16/97.
(4-0)

Item Page -1997 (Comm. 18M-19)
p. NFTA: 17A Report & Capital Expenditure Reports for 1st Quarter of FY Ending 3/31/98. Capital Expend. Report for 4th Quarter of FY Ending 3/31/97.
(4-0)

Item Page -1997 (Comm. 18M-27)
q. NFTA: Minutes of Meeting Held 7/21/97.
(4-0)

Item Page -1997 (Comm. 18D-46)
2. DPW:

WHEREAS, the New York State Thruway Authority proposes to rehabilitate the following structures over the New York State Thruway, Lake Avenue Structure at MP 432.22 (CR 200), North Creek Road Structure at MP 441.81 (CR 467), and Gowans Road Structure at MP 446.52 (CR 489), in contract TAB 97-51B, and

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

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

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

NOW, THEREFORE, BE IT

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

RESOLVED, that the rehabilitation of the Lake Avenue, North Creek Road, and Gowans Road structures over the New York State Thruway shall be performed at no cost to the County of Erie, and be it further

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

(4-0)

Item Page -1997 (Comm. 18D-47)
3. DPW:
WHEREAS, the County Legislature approved a project for the replacement of Clarence Center Road Bridge 217-2, Over Ransom Creek, BIN 3-32644-0, P.I.N. 5754.04, Town of Clarence, Erie County, funded for in Title 23, U.S. Code, as amended, calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds on April 17, 1997, Meeting Number 8, Communication Number 7D-15, and

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

WHEREAS, the project construction cost is now estimated to be \$685,000 of which \$137,000 is the non-Federal share representing an increase of \$12,000 in the County share, and

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

NOW, THEREFORE, the Legislature duly convened does hereby

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

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

RESOLVED, that the sum of \$137,000 is hereby appropriated from the 1997 Federal Aid Projects Program and made available to cover the cost of the County of Erie's participation in the above phase of the above noted project; and be it further

RESOLVED, that in the event the full non-Federal share costs of these phases of the project exceeds the amount deposited with the Comptroller, the County of Erie shall deposit said excess amount immediately upon the direction of the Department of Transportation, and be it further

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

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

(4-0)

Item	Page	-1997	(Comm. 18D-49)
4. DPW:			

WHEREAS, the Erie County Legislature approved a contract between D&S Realty, Incorporated and the County of Erie, to appraise and acquire additional rights-of-way for the Greiner Road (CR 37) reconstruction project and other reconstruction Capital, and

WHEREAS it has been determined that the Contract must be increased due to additional rights-of-way required to complete the reconstruction project on Winspear Road, Heath Road and other Capital reconstruction projects.

NOW, THEREFORE, BE IT

RESOLVED, that an amount of \$18,000 be allocated from the Lands Acquisition Fund (078032), for a change order to the contract with D&S Realty Consultants, Incorporated, for appraisal and acquisition of rights-of-way, 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.

(4-0)

MICHAEL A. FITZPATRICK
Chairman

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 381

September 18, 1997

ENERGY AND ENVIRONMENT
COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.

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

- | Item | Page | -1997 | (Comm. 3E-21) |
|--|-------|-------|---------------|
| a. COUNTY EXECUTIVE: ECSD No. 6 Increase & Improvement of Facilities (1991) \$14.5 Million Bond Authorization. | | | |
| | (5-0) | | |
| Item | Page | -1997 | (Comm. 13M-4) |
| b. CITIZEN TASK FORCE: Notice of Meeting and Agenda. | | | |
| | (5-0) | | |

- Item Page -1997 (Comm. 14D-9)
c. DPW: SEQR - Negative Declaration - Erie County Tactical Range Improvements.
(5-0)
- Item Page -1997 (Comm. 14M-1)
d. NYSDEC: Fact Sheet Re: Chem-Trol Site, Town of Hamburg.
(5-0)
- Item Page -1997 (Comm. 18D-18)
e. DEP: SEQR - Negative Declaration Two Mile Creek Greenway.
(5-0)
- Item Page -1997 (Comm. 18E-34)
f. COUNTY EXECUTIVE: Erie County Southtowns Sewage Treatment Agency Engineering Service Agreement - Legislature Comm. 20E-13 (1995).
(5-0)
- Item Page -1997 (Comm. 18E-43)
g. COUNTY EXECUTIVE: ECSD NO. 1 - Engineering Service Agreement - Work Project: PH2 - Legislature Comm. 20E-13.
(5-0)
- AS AMENDED
Item Page -1997 (Comm. 18E-44)
h. COUNTY EXECUTIVE: Semi-Annual Attendance Records Board of Managers - ECSD's.
(5-0)
- Item Page -1997 (Comm. 18E-45)
i. COUNTY EXECUTIVE: Erie County Southtowns Sewage Treatment Agency Plant Modifications - Design - URS Greiner, Inc.
(5-0)
- Item Page -1997 (Comm. 18E-48)
j. COUNTY EXECUTIVE: ECSD No. 4 - Dispensation of Hours - Granville Construction, Inc. Contract EC-6A.
(5-0)
- Item Page -1997 (Comm. 18E-50)
k. COUNTY EXECUTIVE: ECSD Nos. 1-6 Section 270/271 Resolutions.
(5-0)
- Item Page -1997 (Comm. 18M-9)
l. MELINDA HOLLAND, CLEAN SITES: Notice of Meeting Held 8/6/97 & Summary of Meeting Held 7/15/97.
(5-0)

Item Page -1997 (Comm. 18M-17)
m. NYSDEC: Fact Sheet - Tennessee Gas Pipeline Station 229-Town of
Eden.
(5-0)

Item Page -1997 (Comm. 18M-22)
n MELINDA HOLLAND CLEAN SITES: Notice of Meeting Held 8/19/97 &
Summary of Meeting Held 8/6/97.
(5-0)

Item Page -1997 (Comm. 18M-24)
o. NYSDEC: Fact Sheet - Republic Steel Site, Hazardous Waste Site
(Site #9-15-047) Site Remediation.
(5-0)

Item Page -1997 (Comm. 18M-28)
p. NEW YORK STATE FISH AND WILDLIFE: Minutes of Meeting Held 7/11/97.
(5-0)

Item Page -1997 (Comm. 18M-32)
q. MELINDA HOLLAND, CLEAN SITES: Notice of Meeting Held 9/3/97 &
Summary of Meeting Held 8/19/97.
(5-0)

AS AMENDED

Item Page -1997 (Comm. 22E-12)
2. COUNTY EXECUTIVE:
WHEREAS, the Erie County Legislature has awarded the Big Sister
Creek Sewage Treatment Plant Expansion Contract "A" - General to the
Kenaidan Construction 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 the Big Sister Creek Sewage
Treatment Plant Expansion Contract "A" - General in the amount of
\$5,356,291.60 which includes Change Order No. 2 (final) a decrease of
\$97,666.40 and Final Payment No. 20 in the amount of \$117.00,

NOW, THEREFORE, BE IT

RESOLVED, that the Big Sister Creek Sewage Treatment Plant
Expansion Contract "A" - General between the County of Erie and Kenaidan
Construction Corp., 250 Mack Place, South Plainfield, NJ 07080 be
accepted in the amount of \$5,356,291.60 which includes Change Order No.
2 (final), a decrease of \$97,666.40 and Final Payment No. 20 in the
amount of \$117.00, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Big Sister Creek Sewage Treatment Plant Expansion Contract "A" - General in the amount of \$5,356,291.60 and make final payment from Sewer Capital Account Erie County Sewer District #2, Fund No. 430, Project No. 533, Department No. 820, Object No. 973, Sewer Construction Expenditures, Subobject No. 200, General Contracts, 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. 14E-8)
3. COUNTY EXECUTIVE:

RESOLVED, that the Erie County Legislature does hereby confirm the following re-appointments and appointments to the Environmental Management Council:

<u>REAPPOINTMENT</u>	<u>REPRESENTING</u>	<u>TERM EXPIRES</u>
David Bartholomy	Town of Clarence	5/31/99
John G. Fisher, Jr.	Town of Wales	5/31/99
Thomas R. Gilmore	Town of Grand Island	5/31/99
Dr. John Grant	At-Large	5/31/99
Kevin B. Hogan	Village of Hamburg	5/31/99
Linda Kaiser	Town of Tonawanda	5/31/99
Kenneth Koehler	Town of Newstead	5/31/99
Henry J. Kreher	At-Large	5/31/99
Lorraine Masset	Town of West Seneca	5/31/99
Frank E. Newton	Town of Orchard Park	5/31/99
Peter W. Warn	Town of Amherst	5/31/99

APPOINTMENTS

Lamont Beers	Town of Eden	5/31/99
Joan Bozer	At-Large	5/31/99
Jeffrey Hack	Town of Holland	5/31/99
Kenneth Heiler	Town of Colden	5/31/99
Ronald L. Hinkle	At-Large	5/31/99
John Hood	At-Large	5/31/99
Leonard Janiga	Town of Marilla	5/31/99
Bruce Kohn	At-Large	5/31/99
Calvin La Mar	At-Large	5/31/99
Annette Motak	City of Lackawanna	5/31/99
Susan Peimer	At-Large	5/31/99
Blake Reeves	At-Large	5/31/99
Leona Rockwood	Town of Hamburg	5/31/99
Hugh Sampson	At-Large	5/31/99
Walter Simpson	At-Large	5/31/99
James Smith	City of Buffalo	5/31/99
Mary Alice Tock	Town of Boston	5/31/99
Daniel Voltmann	Town of Alden	5/31/99
Christopher Walbrecht	At-Large	5/31/99

EX-OFFICIO MEMBERS:

Richard M. Tobe, Commissioner of Environment & Planning

Dr. Arnold Lubin, Commissioner of Health

(5-0)

AS AMENDED
(Comm. 14E-25)

Item Page -1997
4. COUNTY EXECUTIVE:
WHEREAS, the Erie County Legislature had awarded Contract EC-5A to Paul J. Gallo Contracting, 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 EC-5A in the amount of \$1,843,106.12 which includes Change Order No. 5 (final) a decrease of \$3,079.67 and Final Payment No. 12 in the amount of \$19,980.00.

NOW, THEREFORE, BE IT

RESOLVED, that Contract- EC-5A between the County of Erie and Paul J. Gallo Contracting, Inc., 4244 Ridge Lea Road, Suite 1, Amherst, New York 14226 be accepted in the amount of \$1,843,106.12, which includes Change Order No. 5 (final) a decrease of \$3,079.67 and Payment No. 12 (final) in the amount of \$19,980.00, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract EC-5A in the amount of \$1,843,106.12 and make final payment from Sewer Capital Account SD #4, Fund No. 430, Project No. 535, Department No. 810, Object No. 973, Sewer Construction Expenditures, Subobject No. 200 between the County of Erie and Paul J. Gallo Contracting, Inc. and return the unused portion of \$3,079.67 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 Erie County Comptroller's Office and Richard J. Schechter, Assistant County Attorney.

(5-0)

(Comm. 18E-40)

Item Page -1997
5. COUNTY EXECUTIVE:
WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and

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

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 25 Delaware Avenue, Buffalo, NY at 1:30 p.m., local time, on October 23, 1997, for the purpose of meeting to hear and consider any objections which may be made to the 1998 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing during the week of September 28, 1997, or as shortly thereafter as possible; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and Richard Schechter, County Attorney's Office.

(5-0)

Item Page -1997 (Comm. 18E-49)
6. COUNTY EXECUTIVE:
WHEREAS, the Erie County Legislature has awarded the Milestrip Road Pumping Station Contract "B" - (Electrical) to CIR Electrical Construction Corp.; and

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

WHEREAS, the Department of Environment and Planning has recommended the final acceptance of the Milestrip Road Pumping Station Contract "B" - (Electrical) in the amount of \$46,026.98 which includes change Order No. 1 (final) a decrease of \$3,873.02 and make final payment in the amount of \$2,301.35 for release of retainage.

NOW, THEREFORE, BE IT

RESOLVED, that the Milestrip Road Pumping Station Contract "B" - (Electrical) between the County of Erie and CIR Electrical construction Corp., 1067 Harlem Road, Buffalo, New York 14227 be accepted in the amount of \$46,026.98 which includes Change Order No. 1 (final) a decrease of \$3,873.02 and make final payment in the amount of \$2,301.35 for release of retainage; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Milestrip Road Pumping Station Contract "B" - (Electrical) in the amount of \$46,026.98 and make final payment from the Sewer Operating Fund for Sewer District No.3, Fund 410, Project No. 520, Department No. 620, Account No. 973, Sub-Account No. 200 between the County of Erie and CIR Electrical Construction Corp.; 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. 2 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

✓ ✓ Mr. OLMA offered an amendment ^{to} Resolve No. 2 as follows:

"Change 1997 to 1998"

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

CARRIED UNANIMOUSLY.

Mr. OLMA moved the adoption of the Resolve No. 2 as amended. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 18 - Mr. DUSZA presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 382

September 18, 1997

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 6

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

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

- | | | | | |
|----|--|--|-------|----------------|
| | Item | Page | -1997 | (Comm. 9M-19) |
| a. | NYS ASSEMBLY: | Real Jobs for New Yorkers - The Assembly's Four Point Plan. | | |
| | | (4-0) | | |
| | Item | Page | -1997 | (Int. 9-8) |
| b. | MARINELLI: | Support for State Assembly's "Real Jobs for New Yorkers" Plan. | | |
| | | (4-0) | | |
| | Item | Page | -1997 | (Comm. 11M-17) |
| c. | JAMES E. MORGAN: | Copy of Letter to Legislator Marinelli Re: Donation of "Drug Free School Zone" Signs. | | |
| | | (4-0) | | |
| | Item | Page | -1997 | (Comm. 12D-7) |
| d. | OFFICE FOR THE DISABLED: | Agenda for Meeting to be Held 6/27/97. | | |
| | | (4-0) | | |
| | Item | Page | -1997 | (Comm. 12D-16) |
| e. | COUNTY ATTORNEY: | Notices of Claim. | | |
| | | (4-0) | | |
| | Item | Page | -1997 | (Comm. 12E-5) |
| f. | COUNTY EXECUTIVE: | Position Change Report. | | |
| | | (4-0) | | |
| | Item | Page | -1997 | (Comm. 12M-4) |
| g. | MONROE COUNTY LEGISLATURE: | Copy of Letter Re: Memorializing New York Legislature and Governor Pataki to include Counties Under Provisions of NY State Lobbying Act. | | |
| | | (4-0) | | |
| | Item | Page | -1997 | (Comm. 12M-8) |
| h. | ERIE COUNTY FEDERATION OF SPORTSMEN'S CLUB INC.: | Copy of Letter Re: Use of Rich Stadium. | | |
| | | (4-0) | | |

- i. Item Page -1997 (Comm. 12M-9)
OFF TRACK BETTING CORPORATION: Minutes of Meeting Held 4/24/97.
(4-0)
- j. Item Page -1997 (Comm. 12M-12)
SANDRA STYKA: Copy of Letter Re: Chautauqua Conference on Regional
Governance.
(4-0)
- k. Item Page -1997 (Comm. 12M-17)
SUFFOLK COUNTY LEGISLATURE: Copy of Resolution Re: Requesting
State of New York to Rollback Cost of State Constitutional Convention.
(4-0)
- l. Item Page -1997 (Int. 12-2)
MARSHALL: Renaming the Heath Road Bridge to the Colden Veterans
Bridge.
(4-0)
- m. Item Page -1997 (Comm. 13E-5)
COUNTY EXECUTIVE: Position Change Report.
(4-0)
- n. Item Page -1997 (Comm. 13M-9)
OFF-TRACK BETTING CORPORATION: Minutes of Board Meetings Held
5/28/97 & 5/29/97.
(4-0)
- o. Item Page -1997 (Comm. 14D-6)
COUNTY ATTORNEY: Response to Legislator Marinelli Re: Drug Free
Zone Signs.
(4-0)
- p. Item Page -1997 (Comm. 14D-7)
COUNTY ATTORNEY: Notices of Claim.
(4-0)
- q. Item Page -1997 (Comm. 14E-5)
COUNTY EXECUTIVE: Position Change Report.
(4-0)
- r. Item Page -1997 (Comm. 14E-13)
COUNTY EXECUTIVE: Filling Vacant Positions.
(4-0)
- s. Item Page -1997 (Comm. 14E-14)
COUNTY EXECUTIVE: Filling Vacant Positions.
(4-0)

- t. Item Page -1997 (Comm. 18D-8)
COUNTY ATTORNEY: Notices of Claim.
(4-0)
- u. Item Page -1997 (Comm. 18D-28)
COUNTY ATTORNEY: Notices of Claim.
(4-0)
- v. Item Page -1997 (Comm. 18E-4)
COUNTY EXECUTIVE: Position Change Report.
(4-0)
- w. Item Page -1997 (Comm. 18E-12)
COUNTY EXECUTIVE: Position Change Report.
(4-0)
- x. Item Page -1997 (Comm. 18E-20)
COUNTY EXECUTIVE: Filling Vacant Positions - July 1997.
(4-0)
- y. Item Page -1997 (Comm. 18E-21)
COUNTY EXECUTIVE: Filling Vacant Positions - August 1997.
(4-0)
- z. Item Page -1997 (Comm. 18M-2)
SANDRA K. STYKA: Letter Re: The Final Report of the Temporary
State Commission on Constitutional Revision.
(4-0)
2. RESOLVED, that the following items are hereby received, filed and
referred to the ENERGY AND ENVIRONMENT COMMITTEE:
- a. Item Page -1997 (Comm. 18M-4)
HUD: Reports: "The State of the Cities" & "HUD 2020: Management
Reform Plan, Executive Summary".
(4-0)
- b. Item Page -1997 (Comm. 18M-5)
CITY COMPTROLLER GIAMBRA: "No Handout, No Bailout" A Plan to Re-
Engineer Service Delivery to Buffalo Residents.
(4-0)
3. Item Page -1997 (Comm. 18E-27)
COUNTY EXECUTIVE:
WHEREAS, there is a need for assistance in handling the ever
growing number of Arbitrations waiting to be scheduled by the Division
of Labor Relations, and

WHEREAS, it has been determined that this assistance can be provided by the creation of a part-time position of Labor Relations Specialist (Attorney); and

WHEREAS, the Commissioner of Personnel has determined the propriety of the above title as well as the proposed salary of \$40.00 per hour;

NOW, THEREFORE, BE IT

RESOLVED, that the position of Labor Relations Specialist PT (Attorney) at an hourly rate of \$40 is created in the Division of Labor Relations, and be it further

RESOLVED, that \$6,500 is hereby transferred from excess savings in the General Fund from vacancy controls to the part-time personnel services account in the 1997 budget of the Division of Labor Relations to cover the cost of this position through the end of fiscal year 1997, and be it further

RESOLVED, that copies of this Resolution shall be sent to the Erie County Executive, the Commissioner of Personnel, the Division of Budget and Management and the Director of Labor Relations.

(4-0)

Item Page -1997 (Int. 18-1)
4. DUSZA:

WHEREAS, roads in Erie County and the New York State Thruway are the lifelines of transportation connecting Western New York communities with surrounding areas, and

WHEREAS, these vital stretches of roadways provide access for travelers to many destinations such as home, work, travel among other places of interest, and

WHEREAS, hundreds of thousands of vehicles depend on this mode of travel on a daily basis in Western New York, and

WHEREAS, studies show that traffic has significantly increased on the Western New York roads and divisions of the New York State Thruway due to added employment, new housing, trade and new business interests in the suburban communities, and

WHEREAS, in particular, one area in Erie County that has seen a major influx of traffic is located in the Town of Cheektowaga in the area of William Street, and

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WHEREAS, William Street, an Erie County landmark that has been a positive and valuable passage for millions of vehicles in the past, is beginning to be negatively affected from this increasing traffic congestion, and

WHEREAS, to that end, New York State Assembly and Town of Cheektowaga officials have begun to investigate possible solutions such as an additional Thruway ramp on Broadway Avenue as a means to relieve congested traffic along William Street, and

WHEREAS, possible solutions such as an additional Thruway ramp in Cheektowaga will not only relieve undue traffic congestion that Cheektowaga and Lancaster residents now face, but also promote more business and commerce related travel,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and express its concern over the dramatic traffic increase on William Street in the Town of Cheektowaga and surrounding areas in Erie County, and be it further

RESOLVED, that this Honorable Body does hereby support the concept of relieving traffic along William Street by the addition of another New York State Thruway ramp as a means to improve conditions and safety for motorists, and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George Pataki, New York State Assemblyman Paul Tokasz, Town of Cheektowaga Supervisor Dennis Gabryszak, New York State Thruway Authority Executive Director John R. Platt and Erie County Commissioner of Public Works John Loffredo.

Fiscal Impact None for Resolution.
(4-0)

Item Page -1997 (Int. 18-19)
5. DUSZA:

WHEREAS, in January of 1997, the Erie County Legislature approved Intro 2-8 (1996), which opposed the so-called "coupon test" conducted by the Proctor and Gamble Corporation, which dropped the use of coupons in Western and Central New York, and

WHEREAS, this Legislature took the lead in opposing this egregious and unfair discrimination against Western New York consumers, consumers who utilize coupons at a rate of two times the national average, and

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WHEREAS, the fight undertaken by this Legislature reached national attention, with reports about Proctor and Gamble's actions on NBC's *Today* show program, and in an article in *The Wall Street Journal*, and

WHEREAS, following the lead of the Erie County Legislature, New York State Attorney Dennis Vacco commenced an investigation of several companies that participated in the "coupon test" conducted by Proctor and Gamble, and

WHEREAS, that investigation led to charges that were recently dropped in return for a settlement that will yield substantial benefits for consumers throughout Western and Central New York, and

WHEREAS, this action is an excellent example of cooperation between different levels of government, and is indicative of the critically important impact of this Legislature's action in opposition to Proctor and Gamble's "coupon test,"

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby commend the office of the New York State Attorney General for pursuing the issue of the Proctor and Gamble "coupon test" to the eventual benefit of consumers throughout the Western New York region, and be it further

RESOLVED, that this Honorable Body does further commend the retailers that have participated in the settlement with the State Attorney General's Office, and have necessarily enhanced the protection of consumers throughout this region, and be it further

RESOLVED, that certified copies of this resolution be sent to State Attorney General Dennis Vacco, Erie County Executive Dennis Gorski, Senior Executive Assistant to the County Executive for Consumer Protection Maurice Garner, and to the Erie County Consumer Protection Board.

Fiscal Impact: To be Determined.

(4-0)

RAYMOND K. DUSZA
Chairman

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS:

ITEM 19 - Mr. PAULY presented the following resolution and requested it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Int. 19-1. From: Leg. Pauly Re: Support for Government Efficiency Act.

ITEM 20 - Ms. MARINELLI presented the following resolution and requested it be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Int. 19-2. From Leg. Marinelli Re: Creation of Legislative Committee on Regionalism.

ITEM 21 - Mr. PAULY presented the following resolution and requested it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Int. 19-3. From: Leg. Pauly Re: Campaign Finance Reform.

ITEM 22 - presented the following resolution and requested it be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Int. 19-4. From: Leg. Chase Re: Support for the Purchase of the Frank Lloyd Wright Designed Summer Home, Graycliff.

ITEM 23 - Mr. DEBENEDETTI presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 383 Re: Polling Site Notification
{Int. 19-5}

WHEREAS, the Erie County Board of Elections recently consolidated elections districts within the City of Buffalo, and

WHEREAS, the consolidation was initiated to save tax dollars, and to have Buffalo election districts conform with the size of suburban election districts, and

WHEREAS, since there was a reduction in the number of polling sites, many residents of Buffalo were asked to vote at new locations, and

WHEREAS, the Board of Elections was obligated to notify those voters who were scheduled to vote at new polling sites, and

WHEREAS, the notices that the Board of Elections mailed were often received by voters after the September 9th primary, and

WHEREAS, many voters were thereby disenfranchised due to the flaccid business practices of the Erie County Board of Elections, and

WHEREAS, voters throughout Buffalo were notified sporadically, indicating that certain election districts were mailed prior to other election districts, and

WHEREAS, a conscious decision was made by Board of Elections officials to notify voters residing in specific districts, while voters in other election districts received no such notification, and

WHEREAS, it is inconceivable that the notices were purposely withheld so that select voters would not receive their notification, and

WHEREAS, disenfranchising voters undermine American democracy, calls into question the integrity of the electoral process in Erie County, and diminishes the reputation of those who designed a system by which eligible voters could not exercise their constitutional right to vote, and

WHEREAS, spurred by the complaints of many registered voters,, an investigation is warranted

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is disturbed by the fact that many voters were not informed of voting site changes until after the primary elections, and be it further

RESOLVED, that this Body requests the presence, in committee, of BOTH Commissioners of the Board of Elections, prior to the November General Election, to discuss the above mentioned problems, and to assure voters in Erie County that the electoral process is fair and consistent, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of the Board of Elections, Lawrence Adamczyk and Ralph Mohr and the New York State Board of Elections.

Fiscal Impact: None for resolution

ALBERT DeBENEDETTI

Mr. MARSHALL offered an amendment as follows:

Delete the first RESOLVE clause and substitute with the following:

RESOLVED, that the Erie County Legislature is concerned by the allegations that many voters were not informed of voting site changes until after the primary elections, and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

ITEM 24 - Mr. PAULY presented the following resolution and requested it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Int. 19-6 From: Leg. Pauly Re: Erie County Fire Safety Division Budget.

ITEM 25 - Mr. MARSHALL presented the following resolution and requested it be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Int. 19-7 From Legs. Chase, Larson, Ranzenhofer & Marshall. Re: Support for Proposal to Encourage Better Disclosure of Mortgage Brokers' Fees.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 384

Re: Support for the Landmine
Elimination Act. (Int.19-8)

WHEREAS, antipersonnel (AP) landmines are horribly detrimental to the welfare of humans and animals all over the world, and

WHEREAS, in Africa, Asia and Europe there are millions of acres of land that lie idle because of landmines, and

WHEREAS, landmines kill or maim over 2,000 people each month, and

WHEREAS, for every mine that is removed, 20 more are planted, and

WHEREAS, Congressman Jack Quinn and Congressman Lane Evans have proposed the Landmine Elimination Act of 1997, and

WHEREAS, this bill would halt any new deployments of U.S. AP landmines beginning January 1, 2000, and includes an exemption on the Korean Peninsula and does not affect the use of Claymore and anti-tank mines, and

WHEREAS, the Landmine Elimination Act is the companion bill to Senator Patrick Leahy and Senator Chuck Hagel's bi-partisan legislation (Senate bill, S.896), and

WHEREAS, the ban of AP mines was a cause that the late Princess Diana strongly fought for and to move quickly on banning these weapons would honor her legacy, and

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NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby recognize the need to eliminate Antipersonnel landmines throughout the world, and be it further

RESOLVED, that this Honorable Body does hereby memorialize the U.S. House of Representatives to support the Evans-Quinn Landmine Act, the Senate to pass Senate bill (S.896) and the US Congress to pass both bills and have President Clinton sign them in to law as a means to ensure safety to humans and animals all over the world, and be it further

RESOLVED, that certified copies of this resolution be forwarded to President Bill Clinton, Majority Leader Trent Lott, Speaker Newt Gingrich, Congressman Lane Evans, Congressman Jack Quinn, Senator Patrick Leahy and Senator Chuck Hagel.

Fiscal impact: none.

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

Ms. PEOPLES offered an amendment as follows:

ADD the following to the third RESOLVE clause:

Leahy...the local delegations of the United States Senate and House of Representatives, ...and
Senator

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

CARRIED UNANIMOUSLY.

Chairman Swanick directed that Et Al be added to the sponsorship.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 385

Re: Continued improvements for Ellicott Island
and Ellicott Creek Parks. (Int.19-9)

WHEREAS, the Erie County Department of Parks, Recreation, and Forestry is responsible for the maintenance of Ellicott Island Park and Ellicott Creek Park in the Town of Tonawanda, and

WHEREAS, the parks' "Old Erie Canal" section is overgrown with weeds and in need of heightened maintenance efforts, and

WHEREAS, the Ellicott Creek Park Senior Citizens' Center building located at the park, a structure that provides considerable benefit to the surrounding community, is in need of significant repair as well, and

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

WHEREAS, it has been determined that additional funds are necessary to complete the repairs and maintenance planned earlier this year, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$25,719 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 942, Department 640 - Parks, Recreation, & Forestry - Division of Parks, Repairs & Maintenance, (DAC: 110942640914823), and be it further

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

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

Fiscal Impact: Appropriation of 1997 budgeted funds.

LYNN M. MARINELLI CHARLES M. SWANICK GEORGE A. HOLT, Jr.
CRYSTAL D. PEOPLES EDWARD J. KUWIK JUDITH P. FISHER
MICHAEL A. FITZPATRICK RAYMOND K. DUSZA RANDI COHEN KENNEDY

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 386 Re: Funding for Local Services
 in the City of Buffalo.
 (Int.19-10)

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Everywoman Opportunity Center (Bflo - West Side Program)	n/a	\$ 1,000
Meals on Wheels, Bflo & Erie County	n/a	\$ 1,000
West Side Community Services	n/a	\$ 1,000
TOTAL		\$ 3,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into new or amended contracts with the agencies cited, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Myrna Young, Executive Director, Everywoman Opportunity Center, 237 Main St., Buffalo, NY 14203, Dick Gehring, Meals on Wheels of Buffalo & Erie County, 755 Main St., Buffalo, NY 14203, and to Lucy Candelario, West Side Community Services, 161 Vermont St., Buffalo, NY 14213.

Fiscal Impact: Appropriation of 1997-budgeted funds.

JUDITH P. FISHER

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

CARRIED UNANIMOUSLY.

ITEM 29 - Ms. COHEN KENNEDY presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 387

Re: County Assistance for Preservation of Mill Street Greenspace. (Int.19-11)

WHEREAS, Greenspace is a necessary component of urban and suburban areas; for recreation, beauty, wildlife habitat, oxygen replenishment, floodplain and wetland maintenance, and countless other reasons, and

WHEREAS, While the Town of Amherst presently possesses a number of tracts of greenspace, all efforts to preserve that land should be made by town officials as a means to maintain the character of the area, especially in the community's central business district, and

WHEREAS, One such potential opportunity has recently presented itself to the town in the form of the acreage currently owned by the Sisters of St. Francis located on Mill Street near Reist, which they are considering selling, and

WHEREAS, The grounds are located in a central area of the Town of Amherst and Village of Williamsville, are part of a network of greenspace including Glen Park as well as a private country club, contains a flood plain along Ellicott Creek, and features bridges, trails, and an apple orchard, and

WHEREAS, Should the Sisters of St. Francis choose to put all or part of this land up for sale, the Town of Amherst should make every effort to preserve its natural beauty, and

WHEREAS, If concerted efforts to preserve this land as greenspace are not made, it is possible that development could occur that would result in destruction of the property's greenspace, replacing it with commercial or residential development, and

WHEREAS, Erie County Department of Environment and Planning officials have expressed concern that Mill Road - a county-owned road - would not have the capacity to support increased development of that area, and

WHEREAS, For the aforementioned reasons, the Town of Amherst should work cooperatively with other levels of government in a united effort to preserve the environmental integrity of the Mill St. property, ~~and~~

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby recognize the importance of urban and suburban greenspace areas to the health and spirit of our community, and be it further

RESOLVED, That this Honorable Body does hereby urge the Amherst Town Board to, in conjunction with all other applicable levels of government, to preserve and protect the Mill Street property so as to ensure it remains forever green, and be it further

RESOLVED, That this Honorable Body does hereby offer assistance to Amherst officials in their effort, and does call upon the county's Departments of Parks, Recreation and Forestry, and Environment and Planning to do likewise, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Amherst Town Supervisor Susan Grelick, all members of the Amherst Town Board, Erie County Department of Parks, Recreation and Forestry Commissioner James Jankowiak, Erie County Department of Environment and Planning Commissioner Richard Tobe.

Fiscal Impact: None for resolution.

RANDI COHEN KENNEDY

Ms. COHEN KENNEDY offered the following amendment:

In the last RESOLVE clause add the following words: "Sisters of Saint Francis".

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

CARRIED UNANIMOUSLY.

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

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Mr. RANZENHOFER offered an amendment as follows:

A new last WHEREAS clause to read as follows:

WHEREAS, a plan to keep the property as Greenspace has been approved by the Sisters of St. Francis,

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

ITEM 30 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 388

Re: Personnel Adjustment - Erie
County Legislature. (Int.19-
12)

WHEREAS, the Erie County Legislature currently has departmental positions titled CLERK TYP (LEG) PT and SR CLK TYP LEG RPT, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the deletion of 288 part-time (PT) hours, at \$10.60 per hour, from position # 001737, [CLERK TYP (LEG) PT], effective September 1, 1997, for a total savings of \$3,052.00, and be it further

RESOLVED, that the Legislature does hereby approve the addition of 207 regular part-time (RPT) hours, at \$11.775 per hour, to the position of SR CLK TYP LEG RPT [position # 001656], effective September 1, 1997, for a total cost of \$3,047.00, and be it further

RESOLVED, that the Clerk of the Legislature, the Department of Personnel and the Division of Budget, Management & Finance are authorized to complete all necessary paperwork to effectuate these personnel changes which are effective September 1, 1997, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Personnel and the Director of Budget, Management & Finance.

FISCAL IMPACT: None. A minimal amount is saved as a result of this personnel adjustment.

JUDITH P. FISHER

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

CARRIED UNANIMOUSLY.

ITEM 31 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 389

Re: Supporting Youth and Community
Organizations. (Int.19-13)

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

WHEREAS, the Boys and Girls Club of East Aurora, Inc. is constructing a new building and despite receiving a state grant, they are short of funds to complete the project, and

WHEREAS, without the needed money the project's completion would be in jeopardy, and

WHEREAS, the Boys and Girls Club of Orchard Park, Inc. is in need of supplies for their art programs, gym activities, tutoring program, cheerleading and drama/dance program, and

WHEREAS, the Brant Volunteer Fire Department is in need of five private line monitors to assist its volunteers in doing their jobs as efficiently as possible, and

WHEREAS, the Boys and Girls Clubs provide wonderful services to the youth of East Aurora and Orchard Park, and

WHEREAS, the Brant Volunteer Fire Department provides necessary protection to the residents of Brant and the surrounding communities, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby approve the transfer of \$10,000 from the Legislative Contingency Fund (countywide Contingency DAC: 110923310893) to Fund 110 , Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 11021301830) for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Boys and Girls Club of East Aurora, Inc.	n/a	\$5,000
Boys and Girls Club of Orchard Park, Inc.	n/a	\$3,500
Brant Volunteer Fire Department	n/a	\$1,500
	TOTAL:	\$10,000

and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to County Executive Dennis T. Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gertsman, Gaary Schutrum, Director, Boys and Girls Club of East Aurora Inc., PO Box 36, East Aurora, NY 14052, William R. Gehen, Jr. Executive Director, Boys and Girls Club of Orchard Park, Inc., 25 South Lincoln Ave., PO Box 181, Orchard Park, NY 14127, Samuel J. Chiavetta, Supervisor, Town of Brant, Brant-North Collins Road, Brant NY 14027.

Fiscal impact: Appropriation of 1997- Budgeted Funds

FREDERICK J. MARSHALL

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

CARRIED UNANIMOUSLY.

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ITEM 32 - Mr. OLMA presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 390

Re: Personnel Adjustment Erie County
Legislature. (Int. 19-14)

WHEREAS, the Erie County Legislature currently has departmental positions titled CLERK TYP (LEG) PT, and

WHEREAS, the Legislature has determined that an adjustment is necessary within its Personal Services budget, and

WHEREAS, the Legislature must approve the following resolution to effect this adjustment,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the creation of one (1) position of CLERK TYP (LEG) PT - New Position, [285 PT hours at \$10.60 per hour], effective September 25, 1997, for a total cost of \$3,021.00 and be it further

RESOLVED, that the Legislature does hereby approve the transfer of \$3,021.00 from the 1997 Legislative Contingency [Countywide Contingency DAC 110923310893] to the Legislature's 1997 Personal Services [DAC 110905100800], and be it further

RESOLVED, that the Clerk of the Legislature, the Department of Personnel and the Division of Budget, Management & Finance are authorized to complete all necessary paperwork to effectuate this personnel change which is effective September 25, 1997, and be it further

RESOLVED, that certified copies of this resolution be sent to Leonard R. Lenihan, Commissioner of Personnel, Kenneth C. Kruly, Director of Budget, Management & Finance, and Alan P. Gerstman, 1st Assistant County Attorney.

FISCAL IMPACT:None. The necessary funds are available within the 1997 adopted budget.

GREGORY B. OLMA

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

CARRIED UNANIMOUSLY.

ITEM 33 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 391 Re: Loud Radio Music in County Parks
(Int. 19-15)

WHEREAS, sound systems in cars are able to produce extremely loud music with excessive bass, and

WHEREAS, loud music and bass has become a nuisance to residence living around county park settings, and

WHEREAS, Legislator Dale Larson has received complaints from area residents regarding noise in county parks, and

WHEREAS, currently, one of the only ways to get the attention of those making the noise is by calling the police to make a complaint, and

WHEREAS, by the time an officer responds to a complaint, the person responsible for the noise may be gone and residents who hear the disturbance may not be in the park to witness the source of the disturbance, and

WHEREAS, it is important to work towards a peaceful co-existence between area residents and park visitors,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby recognize there is a problem with loud music and noise in Erie County parks, and be it further

RESOLVED, that this Honorable Body requests that a representative from the Erie County Parks, Recreation & Forestry Department and a representative from the County Attorney's office appear before the Erie County Legislature Government Affairs Committee to review and explain the law regarding loud music and noise in the park and assist in developing ways to prohibit or limit loud noise in Erie County parks, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Parks, Recreation & Forestry Commissioner, James J. Jankowiak and County Attorney, Kenneth A. Schoetz.

Fiscal impact: To be determined.

DALE W. LARSON

Ms. PEOPLES offered an amendment as follows:

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

WHEREAS, Complaints from area residents have been received by several Legislators regarding noise in county parks, and

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

CARRIED UNANIMOUSLY.

Chairman Swanick directed that Et ~~Al~~ be added to the sponsorship.

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

CARRIED UNANIMOUSLY.

ITEM 34 - Mr. HOLT presented the following resolution and requested it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Int. 19-16. From: Leg. Holt. Re: Clarification Regarding the Consolidation of the City of Buffalo Polling Places.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

ITEM 35 - Ms. PEOPLES moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 18E-35. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 392

Re: Department of Youth Services
Authorization to Contract-
Delinquency Prevention
Programs

WHEREAS, the New York State Division For Youth has \$5,000 in additional state aid eligibility that requires no county matching funds, and

WHEREAS, the Erie County Youth Board has reviewed and recommended \$5,000 in funding for the Town of Tonawanda-Operation Prime Time Program.

NOW, THEREFORE, BE IT

RESOLVED, that \$5,000 is hereby appropriated to Account 830, sub-account 0563 Contractual Services in the Department of Youth Services-Youth Division's 1997 regular operating budget, to cover the cost of contracting with the above listed municipality, and be it further

RESOLVED, that the source of funds is \$5,000 in state aid from the New York State Division for Youth, to increase Account 620, sub-account 0101 State Aid for YDDP Reimbursement, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into and execute any applications, contracts included therein, and amendments with the State of New York and the above listed municipality, and be it further

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

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

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

CARRIED UNANIMOUSLY.

ITEM 36 - Ms. PEOPLES moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 18E-54. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 393 Re: Early Intervention Program
 Authorization to Contract.

WHEREAS, Personal Care Therapeutics has been approved by the New York State Department of Health to furnish early intervention services for infants and toddlers, ages birth through two, with developmental delays and their families,

NOW, THEREFORE, BE IT

RESOLVED, that in order to provide for these services, the County Executive is hereby authorized to enter into contract with Personal Care Therapeutics, and be it further

RESOLVED, that the necessary funds to cover the cost of this contract have been appropriated in the 1997 budget of the Department of Youth Services, Services to Handicapped Children Division in SPG, account #831, Services to Handicapped Children, and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the RFP procedures and hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code, since this special service must be provided immediately and has been approved by the New York State Department of Health, and be it further

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

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

CARRIED UNANIMOUSLY.

ITEM 37 - Ms. PEOPLES moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 14E-21. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 394 Re: Erie County Department of Senior Services - Authorization to amend the WRAP-SOFA and WRAP-DSS Grant Budgets.

WHEREAS, the Erie County Legislature has already appropriated funds for the Weatherization and Referral and Packaging (WRAP-SOFA) program for the period January 1, 1997 to December 31, 1997 and the HEAP Weatherization Referral and Packaging (WRAP-DSS) program for the period October 1, 1997 to September 30, 1998, and

WHEREAS, the New York State Office for the Aging has revised the WRAP-SOFA grant allocation, and

WHEREAS, the Department of Senior Services desires to more efficiently carry out the energy services function through the use of seasonal Energy Crisis Assistance Worker-#2 position, and

WHEREAS, the Department of Senior Services desires to create 2 seasonal Energy Crisis Assistance Worker positions in the WRAP-SOFA grant, project 716, and 2 seasonal Energy Crisis Assistance Worker positions in the WRAP-DSS grant, project 717, effective October 1, 1997, and

WHEREAS, the Department of Senior Services desires to revise the WRAP-SOFA and WRAP-DSS grant budgets to reflect actual needs,

NOW, THEREFORE, BE IT

RESOLVED, that 2 Energy Crisis Assistance Worker-#2 positions, job group 3, be added to the WRAP-SOFA and WRAP-DSS grants, respectively, effective October 1, 1997, and be it further

RESOLVED, that the WRAP-SOFA grant, Project 716, be revised as follows:

<u>REVENUE</u>		<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>Account</u>	<u>Description</u>			
655	Federal Aid	\$166,986	<u>\$-18,019</u>	\$146,967
	TOTAL CHANGE		<u>\$-18,019</u>	

APPROPRIATIONS

800	Personal Services	\$116,381	\$-29,381	\$ 87,000
805	Fringe Benefits	28,186	- 6,192	21,994
821	Dues & Fees	200	- 200	-0-
826	Other Expenses	14,500	+17,754	32,254
	TOTAL CHANGE		<u>\$-18,019</u>	

and be it further

RESOLVED, that the WRAP-DSS grant, Project 717, be revised as follows:

<u>APPROPRIATIONS</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u>	
<u>Account</u>	<u>Description</u>			
800	Personal Services	\$ 41,986	+\$12,182	\$ 54,168
805	Fringe Benefits	7,220	+ 858	8,078
810	Office Supplies	5,000	- 3,500	1,500
826	Other Expenses	29,533	- 6,540	22,993
932	Furniture, Fixtures	5,000	- 3,000	2,000
	TOTAL CHANGES		<u>\$+ -0-</u>	

and be it further

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

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

CARRIED UNANIMOUSLY.

ITEM 38 - Ms. PEOPLES moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 18E-22. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 395 Re: Department of Social Services
WORK NOW Grant Establishment.

WHEREAS, Erie County has adopted a Work First strategy which is aimed at the diversion of potential new welfare recipients into employment prior to case opening, and,

WHEREAS, this diversion through job search is to be a condition of eligibility for public assistance benefits, and

WHEREAS, all recipients of public assistance will be expected to enter paid employment at the first opportunity, and

WHEREAS, workfare and short-term vocational training will only be used to prepare those who cannot find a job immediately, and

WHEREAS, the success of this initiative will be dependent upon intensive work with clients including case management, counseling, job referral and up-front job readiness preparation, and

WHEREAS, there will also need to be intensive work with both the public and private employer communities in terms of orientation, job development, direct linkage and a focus on the needs of employers in accepting and retaining client referrals in their direct employ, and

WHEREAS, there also must be a significant effort in referral, maintenance and monitoring of public workfare sites, where clients are to be assigned in the event that compensated employment is not realized and public assistance cases are established, and

WHEREAS, participation in long-termed training programs will not qualify for the purposes of meeting Federal welfare reform work participation rate requirements, and

WHEREAS, the failure to meet these work participation rates would have a severe economic consequence to all counties in New York State including Erie, and

WHEREAS, Erie County has been awarded \$613,341 in WORK NOW grant funds to support the start-up of greatly increased client participation in required work activities in assessing and working with a greatly expanded base of non-exempt recipients, to provide necessary day care in support of increased employment and to institute critical welfare-to-work transitional support and case management, and

WHEREAS, the funding for the WORK NOW grant is 100% Federal funds as awarded to New York State by the Federal government. An extension of this grant is expected and will be budgeted for a full twelve months in the upcoming 1998 budget, and

WHEREAS, space for additional staff WORK NOW staff is not currently available within the Department of Social Services and additional rental of Hens and Kelly space has been proposed at a reduced rate at 478 Main Street.

NOW, THEREFORE, BE IT

RESOLVED, the WORK NOW grant is hereby authorized effective from October 1, 1997 through March 31, 1998, and the County Executive and/or the Commissioner of Social Services are hereby authorized to accept grant funds and to execute any contracts in connection with the grant, and be it further

RESOLVED, the creation of twenty-seven (27) WORK NOW grant positions are hereby authorized as further specified herein, and be it further

RESOLVED, expenditures for personnel, fringe benefits, rent, phone installation, equipment, travel and other expenses are hereby authorized as further indicated herein, and be it further

RESOLVED, that the current lease with the Mohawk Group, Inc. for Hens and Kelly Building space at 478 Main Street for the period January 1, 1997 through January 1, 2002 is hereby authorized to be amended to include the additional rental of 17,694 square feet of first floor space at an annual per square foot rental charge of \$11.95, and the rental of added space on both the 7th floor and the basement for storage for the sum of one dollar, and be it further

RESOLVED, that project 763 in grant fund 280 is created in the Department of Social Services, Department 200 for the WORK NOW Grant for the period October 1, 1997 to March 31, 1998, and be it further

RESOLVED, that the following appropriation and revenue amounts are hereby authorized for the WORK NOW Grant in Department 200, Fund 280, Project 763 for the period October 1, 1997 to March 31, 1998:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
822	Rental Charges	\$52,862
825	Out of Area Travel	10,000
826	Other Expenses	8,304
932	Office Equipment	12,000

933	Lab and Technical Equipment	12,000
880 5100	Interfund-DISS	8,374
882 2009	Interdept Mastet Grant Salary and Fringe	<u>509,801</u>
	Total Appropriations	<u>\$613,341</u>
642	Federal Aid - 100%	<u>613,341</u>
	Total Revenues	<u>\$613,341</u>

and be it further

RESOLVED, that the following budget amendments in 1997 Comprehensive Employment Division Programs (Payroll Master Grant) are hereby authorized in Department 200, Fund 280, Project 742 for the period October 1, 1997 to December 31, 1997:

800	Personal Services	\$196,429
805	Fringe Benefits	53,841
883 2009	Interdept Billing-DSS Employment Grants	<u>(250,270)</u>
	Total Appropriations	<u>-0-</u>

and be it further

RESOLVED, that funding salary and fringe benefit expenses for WORK NOW staff for periods after December 31, 1997 shall be included in the 1998 Comprehensive Division (Payroll Master Grant) budget, and be it further

RESOLVED, that the following positions are hereby authorized for the WORK NOW grant, effective October 1, 1997:

<u>Number</u>	<u>Title</u>	<u>Job Grade</u>	<u>Salary*</u>
(1)	Day Care Coordinator	11	\$22,156
(1)	Program Analyst	11	22,156
(1)	Head Welfare Examiner	10	20,134
(5)	Sr. Social Welfare Examiner	7	79,225
(12)	Social Welfare Examiner	6	173,448

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(1)	Work for Relief Supervisor	4	12,456
(1)	Data Entry Operator	4	12,473
(1)	Sr. Clerk Typist	4	12,473
(1)	Sr. Clerk	3	11,927
(2)	Clerk Typist	1	22,452
<u>(1)</u>	Clerk	1	<u>11,226</u>
(27)	Totals	Total	\$400,000

* Amounts are calculated for three (3) months at 1997 salary rates and for three (3) months at 1998 salary rates. Commencement of full annual grant renewal is expected on April 1, 1998. The continuation grant will be budgeted for a full year in the 1998 budget with a project period April 1, 1998 to March 31, 1999.

and be it further

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

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

CARRIED UNANIMOUSLY.

ITEM 39 - Mr. DEBENEDETTI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Int. 18-18. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 396

Re: Erie County Sport Fishery
Promotion Program.
(Int. 18-18)

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

WHEREAS, in 1995, the Legislature initiated the Erie County Sport Fishery Promotion Program to capitalize on the revenue potential of fishing in Lake Erie and the Niagara River, and

WHEREAS, in 1996, the Legislature approved funding for the Erie County Sport Fishery Promotion Program for the purpose of aggressively marketing the Western New York region, and to attract tournaments and other events to our area, and

WHEREAS, during its brief existence, this program has proven to be a great success, attracting anglers from other counties and states to our region, and

WHEREAS, Northeast Outdoors, Inc. has successfully operated this program for the County through a personal services contract, and

WHEREAS, the tax revenues which have accrued to the County because of this program and the economic development success of Northeast Outdoors, Inc. prove the necessity and cost effectiveness of the Sport Fishery Promotion Program

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the outstanding performance of Northeast Outdoors and the successful economic development that it has provided for this County, and be it further

RESOLVED, that in recognition of its success, the Legislature authorizes the transfer of \$30,000 from the Legislative Contingency Fund (Fund 02, Department 01, Line 027 - Contingencies) to Line 830/0764, Erie County Sport Fishery Promotion Program, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Kenneth Kruly, Environment and Planning Commissioner Richard Tobe and Northeast Outdoors.

Fiscal Impact: \$30,000

ALBERT DEBENEDETTI

Mr. DEBENEDETTI moved the adoption. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

ITEM 40 - Mr. MARSHALL moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Int. 18-20. Mr. GREENAN seconded.

Int. 18-20 From: Legs. Marshall, Greenan, Chase, Larson and Ranzenhofer Re: Support for Buffalo Bills and Opposition to New Or Higher Taxes to pay for Proposed Bills Lease.

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

SUSPENSION OF THE RULES

ITEM 41 - Ms. COHEN KENNEDY moved for a suspension of the rules to include and item not on the agenda.

GRANTED.

Comm. 19E-26 From: Legs. COHEN KENNEDY and MARINELLI. Re: Letter to Dr. Ricci^{MA} Adopted 1997-98 ECC Budget.

Chairman SWANICK directed that Comm. 19E-26 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

ITEM 42 - Mr. GREENAN moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Int. 19-17. From: Leg. Greenan. Re: Madison Wire Site in Town of West Seneca.

Chairman SWANICK directed that Int. 19-17 be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ITEM 43 - Mr. MARSHALL moved for a suspension of the rules to include an item not on the agenda.

Chairman SWANICK ruled the Local Law out of order.

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

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

✓ ITEM 44 - (Comm. 19E-1) Position Change Report.

✓ ITEM 45 - (Comm. 19E-2) Position Change Report.

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

FROM THE COMPTROLLER

✓ ITEM 46 - (Comm. 19E-3) State Funding for CHIPS Program.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

ITEM 47 - (Comm. 19E-4) Change in State's Vehicle & Traffic Law.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

ITEM 48 - (Comm. 19E-5) Response to Legislators DeBenedetti & Olma Re: Financial Dealings of the Auxiliary Services Corporation (ASC) at ECC.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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FROM THE COUNTY EXECUTIVE

ITEM 49 - (Comm. 19E-6) Position Change Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR COHEN KENNEDY

ITEM 50 - (Comm. 19E-7) Letter to Senator LaValle Re: Adoption of ECC's Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

✓ ITEM 51 - (Comm. 19E-8) *Letter to Senior Services Re: Funding for Senior Citizen Services*
~~Senator LaValle Adoption of ECC's Budget.~~

FROM THE COUNTY EXECUTIVE

ITEM 52 - (Comm. 19E-9) Comptroller - Transfer of Funds.

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

ITEM 53 - (Comm. 19E-10) Traffic Safety - Grant Revision

ITEM 54 - (Comm. 19E-11) Probation - Juvenile Supervision Grant Adjustment.

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

ITEM 55 - (Comm. 19E-12) ECOM - Capital Lease with General Electric Systems.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

ITEM 56 - (Comm. 19E-13) Contract Amendment - Rural Van Transportation Service Program.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ITEM 57 - (Comm. 19E-14) Health - Training & Technical Assistance for County Health Departments 7/1/97 - 6/30/98.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

ITEM 58 - (Comm. 19E-15) Clean Water/Clean Air Bond Act Funding Application.

ITEM 59 - (Comm. 19E-16) Engineering Service Agreements Legislative Comm. 20E-13 - Work Project: SW-3, ECSD No. 6 - Power Conditioning System.

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

ITEM 60 - (Comm. 19E-17) Appointment & Reappointments to the Erie County Council on the Disabled.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 61 - (Comm. 19E-18) Erie County Southtowns Sewage Treatment Agency New York State Clean Air/Clean Water Bond Act. (1996)

ITEM 62 - (Comm. 19E-19) ECSD No. 6 New York State Clean Air/Clean Water Bond Act. (1996)

ITEM 63 - (Comm. 19E-20) Buffalo & Erie County Botanical Gardens - 1997 Historic Preservation Grant Application for 1996 Clean Water/Clean Air Bond Act Funds.

ITEM 64 - (Comm. 19E-21) Erie County Farms for the Future - 1997 Grant Application to Implement Agricultural & Farmland Protection Under State Environmental Prot. Act.

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

ITEM 65 - (Comm. 19E-22) Contract with American Images Publishing for Production of Erie County Marketing & Promotional Booklet for Economic Development & Tourism.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ITEM 66 - (Comm. 19E-23) Youth Services - Authorization to Execute Contractual Agreement.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 67 - (Comm. 19E-24) Probation - Planning Grant Adjustment.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

ITEM 68 - (Comm. 19E-25)

Ms. PEOPLES moved for immediate consideration. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 398

Re: The Sale of Bonds.

REFUNDING BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF VARIOUS OUTSTANDING BONDS OF SAID COUNTY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$15,000,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$15,000,000 REFUNDING BONDS OF SAID COUNTY, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

(Introduced) September 25, 1997
(Adopted) September 25, 1997

WHEREAS, the County of Erie, New York (Herein called "County"), has heretofore issued: on September 10, 1987 its \$10,500,000 Public Improvement Serial Bonds, 1987 (Herein called the "1987 Bonds"), now outstanding in the principal amount of \$2,895,000; on November 3, 1988 its \$14,000,000 Public Improvement Serial Bonds, 1988 (herein called "the 1988 Bonds"), now outstanding in the principal amount of \$4,450,000; and on August 22, 1989 its \$12,100,000 Public Improvement Serial Bonds, 1989 (herein called the "1989 Bonds"), now outstanding in the principal amount of \$4,750,000; and such bonds bearing interest at the rate and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

WHEREAS, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), permits the County to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the County;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (BY THE FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS OF SAID LEGISLATURE), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the outstanding \$2,895,000 1987 Bonds, \$4,450,000 1988 Bonds, and \$4,750,000 1989 Bonds of the County of Erie, New York.
- b. "Escrow Contract" means the contract to be entered into by and between the County and the Escrow Holder pursuant to Section 10 hereof.
- c. "Escrow Holder" means the bank or trust company designated as such pursuant to Section 10 hereof.

- d. "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.
- e. "Redemption Date" means, as applicable: March 15, 1998 for the 1987 Bonds, August 15, 1998 for the 1988 Bonds, and August 15, 1999 for the 1989 Bonds.
- f. "Refunding Bond" or "Refunding Bonds" means a portion or all of the \$15,000,000 bonds of the County of Erie, authorized pursuant to Section 2 hereof.
- g. "Refunding Bond Amount Limitation" means an amount of Refunding Bonds means an amount of Refunding Bonds sufficient to pay the sum of the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on each Bonds To Be Refunded to and including the applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

Section 2. The Legislature of the County (herein called "Legislature"), hereby authorizes the refunding of the \$12,095,000 Bonds To Be Refunded of the County, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$15,000,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$15,000,000, Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the County to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the County in the maximum principal amount of \$15,000,000, are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") prepared for the County by Bear, Stearns & Co. Inc. and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the County in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (1) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (2) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on each applicable Redemption Date.

Section 3. The \$12,095,000 Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balances of three issues of bonds, each originally issued pursuant to various bond resolutions of the County adopted on their respective dates authorizing various capital improvements for the County. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount not to exceed \$15,000,000 have been allocated to the component issues of the Bonds To Be Refunded, and shall mature in amounts and at dates to be determined. The Comptroller, the chief fiscal officer of the County, is hereby authorized to approve all details of the refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") of each issue comprising the Bonds to be Refunded, commencing at the date of issuance of the first bond anticipation notes issued in anticipation of the sale of said bonds, is set forth in the following table:

1987 Bonds

<u>Res. Date</u>	<u>Project</u>	<u>Maximum Life</u>
2/19/87	County Holding Center	20 (10/20/03)
6/25/87	Chestnut Ridge Casino	20
4/9/87	Parks Department Machinery	15
4/9/87	Parks Department Machinery	15
6/25/87	ECMC "F" Building	20
4/9/87	County Roads	15
5/21/87	Dodge Road	15
5/21/87	Northforest Road	30
5/21/87	County Bridge	20
5/21/87	Heavy Equipment	15
5/21/87	County Road Reconstruction	15
5/21/87	County Bridges	20

1988 Bonds

6/25/87	ECMC "F" Building	20 (9/1/87)
5/5/88	ECMC "F" Building	20 (9/1/87)
5/5/88	ECMC Burn Center	20
5/5/88	ECMC "C" Building	20
5/21 & 11/19/87	Dodge Road	15 (9/1/87)
5/5/88	County Roads	10
5/5/88	County Bridges	20
5/5/88	Heavy Equipment	15
5/7/87	East Side Human Service Ctr.	15 (8/15/86)
5/5/88	County Correctional Facility	15
7/7/88	Isle View Park	20
3/3/88	911 System	10
2/3/88	Sewer District No. 5	40
12/22/77 & 4/17/80	Sewer District No. 3	40 (4/12/79)
7/24/80	Lackawanna Sewage System	49 (10/22/80)

1989 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
3/16/89	ECC Buildings	20
2/16/89	County Roads	10
3/16/89	Park System Bridges	20
3/2/89	County Records Repository	20
2/16/89	Heavy Equipment	15
2/16/89	County Bridges	20
3/16/89	County Building Roofs	10
5/5/88	County Roads	15
5/5/88	ECMC "C" Building	20 (10/15/88)
5/21/87	ECC-North Energy Systems	10
5/21/87	ECC-South Hoods	10
6/25/87	ECC-South Elevators	10
5/5/88	ECMC Burn Center	20 (10/15/88)
7/7/88	Isle View Park	20
5/5/88	County Bridges	20 (10/15/88)
5/21/87	County Bridges	20 (9/1/87)
5/21/87	County Roads	15 (9/1/87)
9/16/83, amd 2/2/84	Elma Indus. Saw. Facility	40 (1/11/84)
6/3/76 amd 12/22/77	Sewer District No. 3	40 (8/27/76)
9/3/74 amd 4/26/79, 12/17/81 & 9/5/85	Sewer District No. 4	40 (2/13/75)
5/17/79	Sewer District No. 5	40 (2/9/78)
6/4/87 amd 2/4/88	Sewer District No. 5	40 (10/15/88)

Section 5. The aggregate amount of estimated Present Value Savings as set forth in the proposed refunding financial plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law, is \$685,000.

Section 6. (a) Said \$15,000,000 Refunding Bonds shall be sold at private sale, and the Comptroller, the chief fiscal officer of the County, is hereby authorized to execute a purchase contract on behalf of the County for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller, and further providing that prior to the issuance of the Refunding Bonds the Comptroller shall have filed with the Legislature a certificate approved by the State Comptroller setting forth the Present Value Savings to the County resulting from the issuance of the Refunding Bonds;

(b) in connection with such sale, the County hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and, further, consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution; (c) the Comptroller is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered the County in connection with said refunding including the preparation of the refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the County payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the County for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 50.00 and 90.10 of the Law, the powers and duties of the Legislature relative to prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and to executing any arbitrage certification relative thereto, as well as to executing the Escrow Contract described in Section 10 and the Official Statement referred to in Section 6, are hereby delegated to the Comptroller, the chief fiscal officer of the County.

Section 9. The validity of the Refunding Bonds authorized by this resolution may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with

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

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

Section 10. Prior to the issuance of the Refunding Bonds, the County shall contract with Manufacturers and Traders Trust Company, Buffalo, New York, a bank or trust company located and authorized to do business in this state, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the Investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the County, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the County the notices of redemption authorized to be given pursuant to Section 13 hereof, and (d) to invest the moneys held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 11. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the County with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the County and shall be applied by the County only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 12. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 13. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Legislature hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on each applicable Redemption Date. The sum to be paid therefor on each applicable Redemption Date shall be the par value thereof, the accrued interest to each applicable Redemption Date and the redemption premiums. The Escrow Holder is hereby authorized and directed to cause notices of such calls for redemption to be given in the name of the County, by publishing the notices of call for redemption at least three times in a financial newspaper published and circulated in the County of New York and in the official newspaper or newspapers of the County, or, if there be no official newspaper, then in any newspaper having general circulation therein, the first publication to be at least thirty and not more than sixty days prior to each applicable Redemption Date, or in the case of the registered bonds, by mailing such notice to the registered holder at least thirty and not more than sixty days prior to such applicable Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption and the direction to the Escrow Holder to cause notices thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraphs a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 14. This resolution shall take effect immediately.

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

Chairman SWANICK directed that a Roll Call be taken.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECC

ITEM 69 - (Comm. 19D-1) Notice of Meeting Held 9/17/97.

RECEIVED & FILED.

FROM DPW

ITEM 70 - (Comm. 19D-2) 1997 Overlay Program "A" - Project No. CHIPS OP-97A - Towns of Alden, Evans, Hamburg, Orchard Park & City of Buffalo - Document No. 97-972 PW.

ITEM 71 - (Comm. 19D-3) Phillips Road CR535 Project No. CHIPS 535-97 - Towns of Colden, Holland & Sardinia - Document No. 97-984 PW.

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

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 72 - (Comm. 19D-4) Budget Monitoring Report Ending 7/31/97.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

ITEM 73 - (Comm. 19D-5) Minutes of Meeting Held 9/17/97.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

ITEM 74 - (Comm. 19D-6) Minutes of Meeting Held 9/18/97.

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

FROM MENTAL HEALTH

ITEM 75 - (Comm. 19D-7) 1997-99 Local Government Plan Mental Retardation/Developmental Disabilities.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM DPW

ITEM 76 - (Comm. 19D-8) 1997 Culvert Reconstruction Project No. Culverts - 97 - Rapids Road Bridge 42-3, Town of Newstead, East Aurora-Porterville Road Bridge 6-2, Marilla.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECC

✓ ITEM 77 - (Comm. 19D-9) Minutes of Meeting Held 9/17/97.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DEP

ITEM 78 - (Comm. 19D-10) SEQR - Solicitation for Lead Agency's Status - Madison Wire Site Demolition Wire Site Demolition & Open Space Restoration.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM DPW

ITEM 79 - (Comm. 19D-11) Roof Repair - Emergency Response Services, All County-Owned Buildings.

ITEM 80 - (Comm. 19D-12) Erie County Sheriff's Office - Secure Storage Facility, Chestnut Ridge Park, EOC.

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE REGION 9 FOREST PRACTICE BOARD

ITEM 81 - (Comm. 19M-1) Notice of Meeting Held 9/18/97.
RECEIVED & FILED.

FROM MENTAL HYGIENE COMMUNITY SERVICES BOARD

ITEM 82 - (Comm. 19M-2) Notice of Meeting Held 9/18/97.
Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

ITEM 83 - (Comm. 19M-3) Notice of Meeting Held 9/16/97.
RECEIVED & FILED.

FROM OFF TRACK BETTING CORPORATION

ITEM 84 - (Comm. 19M-4) Minutes of Meeting Held 7~~X~~/23/97 & 7/24/97.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM MELINDA HOLLAND, CLEAN SITES

ITEM 85 - (Comm. 19M-5) Notice of Meeting Held 9/16/97 & Summary of Meeting Held 9/3/97.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NORTHWEST COMMUNITY MENTAL HEALTH CENTER

✓ ITEM 86 - (Comm. 19M-6) Position Paper on Managed Care.

FROM NYS DEPARTMENT OF HEALTH

ITEM 87 - (Comm. 19M-7) Mental Health Special Needs Plans Draft for Proposals.

The above two items were received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM NYS SENATOR MARY LOU RATH

ITEM 88 - (Comm. 19M-8) Letter to Chairman Swanick Re: Welfare Reform Act of 1997.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM THE INTERNATIONAL COMMITTEE ON EMERGENCY PLANNING

ITEM 89 - (Comm. 19M-9) Cross Border Contingency Plan.

FROM THE ORANGE COUNTY LEGISLATURE

ITEM 90 - (Comm. 19M-10) Requesting the State of New York to Reimburse Counties One Hundred Percent of Actual Costs for Parole Violation Assigned Counsel.

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

FROM NFTA

ITEM 91 - (Comm. 19M-11) Minutes of Meeting Held 8/18/97

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE GREATER UPSTATE LAW PROJECT INC.

ITEM 92 - (Comm. 19M-12) The ABC's of New York's ^NNew Welfare System.

Received and referred to the SOCIAL SERVICES COMMITTEE.

MEMORIAL RESOLUTIONS

ITEM 93 - Mr. HOLT moved that when this Legislature adjourns, it do so out of respect to the memory of HERBERT X. BLYDEN, deceased. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 94 - Mr. LARSON moved that when this Legislature adjourns, it do so out of respect to the memory of KATHERINE KANIA, deceased. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ADJOURNMENT:

ITEM 95 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

Ms. PEOPLES moved that the Legislature adjourn until 2:00 P.M., Thursday, October 9, 1997. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, October 9, 1997 at 2:00 P.M., Daylight Savings Time.

LAURIE A. MANZELLA
Clerk