

MEETING NO. 16
JULY 16, 1998

ERIE COUNTY LEGISLATURE

ERIE COUNTY LEGISLATURE
MEETING NO. 16
July 16, 1998

The Legislature was called to order by Chairman Swanick.

All Members present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Olma.

Recess for public hearing on Intro 14-6 Road Fund Peoples Marshall seconded.
Greenan moved to close the public hearing Peoples seconded.

The Minutes of the previous meeting were TABLED.

MISCELLANEOUS RESOLUTIONS:

Item 1 – Ms. Chase presented at resolution congratulating the Village of Angola on their 125th anniversary celebration. Mr. Larson seconded.

CARRIED UNANIMOUSLY.

Item 2 – Mr. Dusza presented a resolution Honoring Michael Colvin, Michael Olson, Christopher Samulski & Francis Stock for Attaining the Rank of Eagle Scout. Mr. Olma.

CARRIED UNANIMOUSLY.

Item 3 – Mr. Swanick, Ms. Peoples and Mr. Dusza presented a resolution Honoring Richard J. Schechter for his Many Years of Service to the County of Erie. Mr. Holt seconded.

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CARRIED UNANIMOUSLY.

Item 4 – Mr. Swanick and Ms. Peoples presented a resolution Congratulating Citizens Transit Committee for Their Efforts to Promote Metro Rail Use & Expansion. Mr. Holt seconded.

CARRIED UNANIMOUSLY.

Item 5 - Mr. Dusza presented a resolution Congratulating Geraldine Ochocinska for Her Election as Director of United Auto Workers Region 9. Mr. Kuwik seconded.

CARRIED UNANIMOUSLY.

Item 6 – Mr. Dusza presented a resolution Congratulating Kelly Andrzejewski on the Occasion of Being Named Outstanding Young Volunteer of the Year. Mr. Olma seconded.

CARRIED UNANIMOUSLY.

Item 7 – Mr. Holt, Mr. Swanick, Ms. Peoples, Mr. Marshall Et Al presented a resolution Honoring and Remembering Coach Elijah Pitts. Ms. Marinellie seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 8 – CHAIRMAN SWANICK directed that Local Law Intro No. 10 (Print #1) – 1997 remain on the table.

Item 9 – CHAIRMAN SWANICK directed that Local Law Intro No. 11 (Print # 1) – 1997 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

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Item 10 – CHAIRMAN SWANICK directed that Local Law Intro 1 (Print #1) – 1998 remain on the table and in the HEALTH COMMITTEE.

Item 11 – 'Administrative Code with Respect t to the Powers & Duties of the Commissioner of Public Works. Approved

COUNTY OF ERIE**LOCAL LAW INTRO NO. 4-1998****LOCAL LAW NO. -- 1998**

A LOCAL LAW, amending the Erie county charter and the Erie county administrative code with respect to powers and duties of the commissioner of public works.

The Erie County Legislature enacts as follows:

Section 1. Section one thousand two of the Erie county charter, being Erie county local law number one of nineteen hundred fifty-nine, as amended, is hereby amended to read as follows:

Section 1002. Powers and duties. Except as otherwise provided by this charter, the commissioner of public works shall:

a. Have all the powers and duties of a county engineer and a county superintendent of highways pursuant to the highway law or other applicable law and of a county traffic safety board pursuant to section sixteen hundred seventy-five of the vehicle and traffic law.

b. Have charge and supervision of the design, construction, reconstruction, alteration, maintenance, repair and operation of county buildings, grounds, parking fields, drives and walks, but not including custodial care of the [technical institute] community college, library, [jail] holding center, penitentiary, home and infirmary, [hospital] medical center or laboratory.

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c. Advertise and call for bids on the construction of each public works project of the county, open such bids publicly, tabulate them and submit recommendations with respect thereto to the county legislature and county executive.

d. Exercise all the powers and duties of administration and enforcement of the uniform fire Prevention and building code pursuant to article eighteen of the executive law with respect to any and all buildings owned by the county of Erie.

[d] e. Perform such additional and related duties as the county executive may prescribe.

§2. Section 10.02 of the Erie county administrative code, being Erie county local law number one of nineteen hundred sixty, as amended, is hereby amended by adding a new subdivision f thereto to read as follows:

f. The commissioner of public works shall be the administrative and enforcement officer of the county for all purposes under the New York state uniform fire prevention and building code. The commissioner. shall have the authority to promulgate rules and regulations consistent with the New York state fire prevention and building code, and shall establish a system of permits, inspections and approvals of all construction, reconstruction, renovation or modification of any building owned by the county. All buildings owned by the county, including but not limited to those under the custodial Jurisdiction of the commissioner, community college, the library, holding center, penitentiary, home and infirmary, medical center and laboratory, shall be subject to the fire prevention and building code established by the commissioner, and shall be Subject to the enforcement jurisdiction of the commissioner. The commissioner may delegate the inspection and enforcement of the New York state uniform fire prevention and building code to deputies and employees within the department, and by rule may delegate such powers to licensed professional engineers within the division of sewerage management in the department of environment and planning. No county-owned building shall be constructed, altered or renovated until a permit is first issued by the commissioner. The commissioner shall have the power to: deny permits to proposed projects which do not meet the standards of the uniform fire Prevention and building code: order employees and

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contractors to cease work on unapproved or disapproved projects: enter all permitted premises at any time to inspect the course of construction, renovation or alteration: cause workers to change, correct or remove work which fails inspection, or cause employees or contractors to cease work. No certificate of occupancy shall be issued and no person shall occupy any county building, or any altered or renovated part of such building, until the work is first inspected and approved pursuant to this section.

§3. This local law shall be effective immediately.

MICHAEL A. FITZPATRICK

GEORGE A. HOLT, JR.

JOHN W. GREENAN

EDWARD J. KUWIK

Underlined material is new. Material in brackets [] is deleted.

Item 12 – Reulating Peddling & Vending Pursuant to Section 117-c of the Highway Law.
Approved

COUNTY OF ERIE

LOCAL LAW NO. -1998

LOCAL LAW INTRO. NO. 5-1998

A LOCAL LAW regulating peddling and vending pursuant to section I I 7-c of the highway law. *The Erie County Legislature enacts as follows:*

Section 1. Legislative intent. It is the purpose of this local law to exercise the powers granted the county of Erie by section 117-c of the highway law.

§2. Prohibition of vending on certain county highway rights-of way. Except as permitted by a license issued by the Erie county clerk pursuant to section four of this

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local law, hawking, peddling, vending and sale of goods, wares, or merchandise, or solicitation of trade is prohibited on any part of the right-of-way of Abbott road in the town of Orchard Park, New York which is contiguous to any land now or in the future owned by the county of Erie and devoted to use as a county sports stadium. The right-of-way to which this prohibition applies is more particularly described in section three of this local law. Such prohibition shall extend to and include all vehicle ways, shoulders, berms, planted areas and sidewalks contained within such right-of-way, as set out in section three of this local law, and as more particularly described in the right-of-way books and maps maintained by the commissioner of public works of the county and the deeds of county lands in the custody of the deputy director of finance for the county. Where county lands devoted to such stadium use extend along one side only of Abbott road, this prohibition shall extend only to the centerline of such road abutting such county lands.

§3. The commissioner of public works shall promulgate and from time to time amend an official map delineating the portions of Abbott road in the town of Orchard Park in which vending is prohibited under section two of this local law.

§4. Disabled veteran vending permits. Any honorably discharged member of the armed forces of the United States who, is a disabled veteran pursuant to section thirty-five of the general business law and is: (a) a resident of the state of New York, (b) has been resident in the county of Erie for at least six months; (c) who is physically disabled as a result of injuries received while in the service of said armed forces; and, (d) who has been granted a license by the Erie county clerk pursuant to section thirty-two of the general business law and section eight of this local law, shall be granted a permit by the Erie county clerk for the purpose of hawking or peddling, without the use of anything but a hand-driven vehicle, within the right-of-way described in section three of this local law. The use of stands, tents or shelters is expressly prohibited within said right-of-way.

§5. Enforcement. Section two of this local law shall be enforceable against any violator by any peace or police officer of the state of New York, by issuance of an appearance ticket returnable in the municipal court of the city, town or village in which such appearance ticket is issued.

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§6. Penalties. Any person who shall hawk, peddle, or sell goods or services in violation of section two of this local law shall be guilty of a violation punishable upon a first conviction by a fine in the amount of one hundred dollars. A second or subsequent violation of section two of this local law shall be punishable by a fine in the sum of five hundred dollars.

§7. Enforcement. This local law shall be effective and enforceable only to the extent that the county of Erie shall provide, by local law, by regulation of the commissioner of public works or of the director of weights and measures, or by lease agreement with the tenant of the county stadium, for the hawking, peddling, vending and sales of goods, wares or merchandise or solicitation of trade in designated vending areas on the ground of county-owned lands leased for use as a stadium which shall contain fifty-thousand or more seats. Honorably discharged members of the armed forces of the United States, who are entitled to hawk, vend, sell or peddle merchandise in the public right-of-way pursuant to sections thirty-two and thirty-five of the general business law, shall be given first preference in any assignment of vending location or in the allocation of such locations.

§8. Veteran licenses. Pursuant to section thirty-two of the general business law, every honorably discharged member of the armed forces of the United States, who is a resident of New York state and resident in Erie county for at least six months and a veteran of any war; or who shall have served in the armed forces of the United States overseas, and the surviving spouse of such veteran, if a resident of this state and a resident of Erie county for at least six months, shall have the right to apply for a vendor license from the Erie county clerk. Any such former member of the armed forces of the United States may present to the Erie county clerk his original certificate of honorable discharge, or a copy thereof duly certified by the recording officer or a certificate in lieu of lost discharge issued by a department of the armed services of the United States which shall show that the person presenting it is a veteran of any war, or that he has served overseas in the armed forces of the United States. He shall also fill out a blank which shall when filled out state his name, residence at the time of application, nature of goods to be sold, and if the applicant is working on commission or percentage for any person firm or corporation, the name and business address of such person, firm or corporation. This statement shall be signed by the applicant in the presence of the county clerk, or a

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deputy designated by him, and the name on the application and on the original certificate of honorable discharge shall be compared by the county clerk to ascertain if the person so applying is the same person named in the original certificate of honorable discharge. The county clerk when so satisfied shall issue, without cost, to such former member of the armed forces of the United States, a license certifying him to be entitled to the benefits of section thirty-two of the general business law and the benefits granted by section eleven of this local law. The application for the license shall be accompanied by a photograph of the applicant taken within thirty days prior to such application and upon the issuance of such license shall be attached thereto.

§9. Vending on stadium grounds. The county of Erie shall provide by lease agreement with the tenant of the county stadium for the establishment of no more than sixty vending sites to be located in not more than three vending areas on the grounds of the county football stadium in the town of Orchard Park. The commissioner of public works shall designate one vending area on Community Drive on the stadium grounds. The commissioner of public works shall designate at least one additional vending area on the stadium grounds.

§ 10. Vendor licenses. The director of weights and measures shall establish regulations for the issuance of vendor permits at the designated vending sites on the grounds of the county stadium in the town of Orchard Park. Such regulations shall provide that no applicant for a permit shall be eligible to receive a permit unless: a. such applicant shall provide proof of liability insurance of types and in minimum amounts and form as may be specified by the county attorney together with an indemnification in such form as shall be prescribed by the county attorney; b. such applicant shall present at the time of application a sales tax certificate issued by the New York state department of taxation and finance, which certificate shall be prominently displayed by the vendor whenever conducting sales at an allocated vending site; c. if such applicant intends to sell foodstuffs, the applicant shall, before selling such foodstuffs, secure and prominently display a current food vendor permit from the Erie county commissioner of health. No person shall be eligible for a permit if, within three years prior to the date of application, such person has been found guilty, by a court of competent jurisdiction, of a violation or crime committed on stadium property; and, d. such applicant shall vend only as an independent vendor and not as an employee, agent, or independent contractor of another

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person, partnership or corporation.

§ 11. Allocation of vending sites. The director of weights and measures shall establish regulations for the allocation of vending sites by the issuance of permits to qualified applicants pursuant to section seven of this local law, at the designated vending sites established on the stadium grounds. Such permits shall be granted annually for a one year period to commence the first day of August in the year issued and to expire the thirty-first day of July in the following year. No fee shall be charged for any vending permit. Vending permits shall be allocated by lottery as follows: a. Disabled veteran vendor lottery. A first lottery shall be held for allocation of vending sites to honorably discharged members of the armed forces of the United States who are physically disabled as a result of injuries received while in the service of said armed forces, as described in section thirty-five of the general business law, and who are New York state residents resident in Erie county and are holders of a license granted by the Erie county clerk pursuant to section thirty-two of the general business law and section eight of this local law.

b. Veteran lottery. If, following allocation of vending permits to applicants in the lottery described in subdivision a of this section, vending sites remain available, a second lottery shall be held for allocation of vending sites to honorably discharged members of the armed forces of the United States, who are residents of New York state and Erie county, and who are veterans of any war, or who shall have served in the armed forces of the United States overseas, and the surviving spouse of any such veteran, who shall hold a license issued by the Erie county clerk issued pursuant to section thirty-two of the general business law and section eight of this local law.

c. General lottery. If, following allocation of vending permits to applicants in the lottery described in subdivision c of this section, vending sites remain available, a third lottery shall be held for allocation of all remaining vending sites to the general public.

§ 12. Vendor regulations. The director of weights and measures shall establish regulations for the conduct of vending at the designated vending sites. Such regulations shall: a. require that all permitted vendors shall maintain their allocated sites in a clean and orderly manner, and require each to leave its allocated vending site in a clean

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condition upon the close of each day's business, including the disposal of litter on grounds adjacent to the allocated vending site;

b. prohibit sale of: alcoholic beverages; tobacco products of any nature; controlled substances; contraband materials, including those in violation of the trademark and copyright laws of the United States; and obscene materials; and

c. consistent with lease agreements for the county stadium, regulate signs and advertising to maintain an aesthetic appearance in each vending area, including regulations limiting advertising to goods or services sold at the vending site and specifically prohibiting advertising of tobacco products.

§ 13. Vendor conduct. The director of weights and measures may establish rules for vendor conduct, including requirements that any persons working at an all allocated vending site shall conduct themselves in an orderly and courteous manner.

§ 14. Revocation of permits. The director of weights and measures may, following a hearing held on eight days' written notice served either personally at the allocated vending site or by first class mail upon the permit holder, revoke a permit for: violation of any rule or regulation established pursuant to section nine, ten or eleven of this local law; failure to maintain in force required liability insurance or health department permits required by section eight of this local law; or a finding, by a court of competent jurisdiction, of the commission of a violation or crime on stadium property. In addition, the director of weights and measures may immediately suspend a permit when he has received notice that the vendor has been convicted of violation of any law on stadium grounds; that the commissioner of health has revoked or suspended a required food service permit; or that required liability insurance has been canceled. In such event, the director shall immediately notify the vendor, by first class mail, of suspension pending a revocation hearing to be held within ten days of the date of such notice. Any determination of the director of weights and measures shall be appealable to the commissioner of public works.

§ 15. Termination of permits. All permits issued pursuant to this local law shall terminate at midnight on the thirty-first day of July in each year. Nothing in this local law

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shall be construed to grant to any person any right of renewal of any permit. Upon the termination of the permit, whether by termination or by revocation, each vendor shall remove all signs and equipment which the vendor may have placed during the course of the permit period and shall leave the vending site in broom clean condition.

§ 16. Severability. If any clause, sentence, subdivision or section of this local law shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision or section thereof directly involved in the proceeding or action in which such adjudication has been rendered.

§ 17. This local law shall take effect immediately.

CHARLES SWANICK

CRYSTAL PEOPLES

COMMITTEE REPORTS

Item 14 - Mr. Fitzpatrick presented the following and moved for immediate consideration. Ms. Peoples seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 255

July 7, 1998

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 8

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

Item

Page

1998

AS AMENDED
 (Comm. 13D-21)

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE****1. DPW:**

WHEREAS, the Department of Public Works received bids on July 6, 1998, for the 1998 Stadium Improvements, Camper Lot Bath House, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder for the 1998 Stadium Improvements, Camper Lot Bath House,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for 1998 Stadium Improvements, Camper Lot Bath House, as follows:

GENERAL CONSTRUCTION

Dreamco Development Corp.

<u>Base Bid</u>	\$148,557.00	
<u>Alternate Bids</u>		
Add GC-1 for Metal Roof	\$ 34,243.00	
Add GC-2 for Shelter Area	\$ 38,893.00	
Add GC-2b for Metal Roof at Shelter Area	<u>\$ 8,920.00</u>	
Total		\$230,613.00

PLUMBING WORK

J. Nagowski Plumbing

<u>Base Bid</u>	\$ 99,975.00	
<u>Alternate Bid</u>		
Add P-1 for Drinking Fountain	<u>\$ 900.00</u>	\$100,875.00

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MECHANICAL WORK

Buffalo Sheet Metal

<u>Base Bid</u>	\$ 38,790.00
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ELECTRICAL WORK

Goodwin Electric Corp.

<u>Base Bid</u>	\$ 43,220.00
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Alternate Bid

Add E-1 for Lighting at Shelter Area	\$ 1,510.00	\$ 44,730.00
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Total for all contracts:	\$415,008.00
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and be it further,

RESOLVED, that the sum of \$41,992.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency and \$16,000.00 for contractors' maximum bonus/penalty, and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all

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of the above from the 1997 and 1998 Stadium Renovations Capital Budget, SFG 803, Fund 410 for 1997 and SFG 826, Fund 410, for 1998 in the total amount of \$473,000.00, and be it further

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

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

AS AMENDED
(Comm. 13D-22)

	Item	Page	1998
2.	DPW:		

WHEREAS, the Department of Public Works, received bids on July 6, 1998, for Renovations to Elma Meadows Clubhouse and Administration Building - Phase III, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into the following contracts for Renovations to Elma Meadows Clubhouse and Administration Building - Phase III:

GENERAL CONSTRUCTION WORK

MGR Constructors, Inc.

Base Bid	\$ 78,000.00
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Alternate G-1

(Add for metal lockers	<u>\$ 11,150.00</u>
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Total for General Construction

Work:	\$ 89,150.00
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PLUMBING WORK

Nagowski Plumbing

\$ 29,890.00

Total Contracts

\$119,040.00

and be it further

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RESOLVED, that the sum of \$25,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

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

RESOLVED, that the sum of \$1,000.00 be allocated for testing, inspection, and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further

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

RESOLVED, that the Comptrollers Office be authorized to make payments for all of the above from the following accounts:

1995 Elma Meadows Rehabilitation - Phase I	SFG 717	Fund 410
1996 Elma Meadows Rehabilitation - Phase II	SFG 755	Fund 410
1997 Elma Meadows Rehabilitation - Phase III	SFG 781	Fund 410
1998 Parks Comfort Station & Shelter Repairs	SFG 852	Fund 410 to be

transferred to DPW from the Parks Department, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy to the Erie County Parks & Recreation Department, Office of the Commissioner.

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

(AS AMENDED)

(Comm. 13D-26)

	Item	Page	1998
3.	DPW:		

WHEREAS, the Department of Public Works received bids on July 1, 1998, for the New Entrance Gates, 1998 Stadium Improvements, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for New Entrance Gates, 1998 Stadium Improvements as follows:

GENERAL CONSTRUCTION WORK

Dreamco Development Corp. \$108,465.00
 and be it further

RESOLVED, that the sum of \$10,535.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and \$2,000.00 to cover the maximum amount of bonus/penalty to the contractor, and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 1997 and 1998 Stadium Renovations Capital Budget, SFG 803, Fund 410 for 1997 and SFG 826, Fund 410 for 1998 in the total amount of \$121,000.00, and be it further

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

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

4.	Item Page	1998	(Comm. 14D-13)
	DPW:		

WHEREAS, the New York State Power Authority (NYPA), in cooperation with the Erie County Department of Public Works, has developed a plan to replace the existing lighting system in the Rath Building at a total cost of \$698,269.00, and

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WHEREAS, the Erie County Energy Committee has reviewed and recommended this proposal, and

WHEREAS, there is a grant offer available from the New York State Power Authority until August 11, 1998, in the amount of \$230,429.00 which will lower the total County cost of this project to \$467,840.00, and

WHEREAS, the County cost of \$467,840.00 will be taken from the Buildings and Grounds utility budget, Fund 110, Project 912, Account 820, and

WHEREAS, given the present electrical rate structure, this retrofit will save the County approximately \$105,876.00 per year in utility costs while providing superior lighting,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the New York State Power Authority for the installation of a lighting system for the Rath Building for a total cost of \$698,269.00 (\$230,429.00 grant + \$467,840.00 County's share). This authorization is contingent upon the Budget Director's approval of funding and project. The County's share of this project shall be charged to Buildings & Grounds Utility Budget, Fund 110, Project 912, Account 820, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Commissioner of Public Works, Director of Purchase, County Attorney, and Budget Director.

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

Item	Page	1998	(Comm. 14D-14)
5. DPW:			

WHEREAS, the Department of Public Works received bids on June 18, 1998 for the 1998 Stadium Improvements, Administration Building Roof, at Rich Stadium, and

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WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder for the 1998 Stadium Improvements, Administration Building Roof Replacement,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract for the 1998 Stadium Improvements, Administration Building Roof Replacement, as follows:

All Weather Contracting \$115,590.00

and be it further,

RESOLVED, that the sum of \$12,410.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency and \$2,000.00 to cover the maximum amount of a bonus/penalty to the contractor, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 1997 and 1998 Stadium Renovations Capital Budget, SFG 803, Fund 410 for 1997 and SFG 826 Fund 410 for 1998, in the total amount of \$130,000.00, and be it further,

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

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

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|----|--|------|------|----------------|
| | Item | Page | 1998 | (Comm. 14D-15) |
| 6. | DPW: | | | |
| | "WHEREAS, a project for the Reconstruction of Goodrich Road Bridge, CR | | | |

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316, over Tonawanda Creek, BIN 3-32642-0, Town of Clarence, Erie County and Town of Lockport, Niagara County, PIN 5753.69, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases for the Project with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement.

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

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

RESOLVED that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$10,000.00 is hereby appropriated from the 1995 Federal Aid Projects Program (in addition to \$34,500 previously appropriated for the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases via Erie County Resolution No. 11D-23 adopted on the 23rd day of June, 1994) and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event that the non-federal share of the costs of the project exceed the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of 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 a certified copy of this resolution be filed with the New York State Commissioner of Transportation, in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation."

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

- | | | | |
|------|--|------|----------------|
| Item | Page | 1998 | (Comm. 14D-16) |
| 7. | DPW: | | |
| | "WHEREAS, the Erie County Legislature approved a contract for the 1997 Overlay Program A, Project No. CHIPS OP-97A, between Omer Construction and the County of Erie in Meeting Number 14 held on July 17, 1997, Communication Number 13D-9, and | | |

WHEREAS, this contract included driveway and parking area paving at the Erie County Medical Center (ECMC), and

WHEREAS, it was determined that there are additional driveway and parking areas requiring rehabilitation which were not in the original contract, and

WHEREAS, it is desirable to complete this work as quickly and expeditiously as possible,

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NOW, THEREFORE, BE IT

RESOLVED, that the contract amount be increased by an additional amount of \$110,000 to be allocated from the 1995 ECMC Facilities Improvement Program for a change order to the construction contract with Omer Construction Co. Incorporated, 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) Chairman Swanick present as ex-officio member

(AS AMENDED)

	Item	Page	1998	(Comm. 14D-17)
8.	DPW:			

WHEREAS, bids will be taken for the Reconstruction of Thompson Road, Project No. RCR 278-97, Town of Clarence, consisting of cold recycling of asphalt concrete pavement and repaving with asphalt binder and top from Roll Road to Clarence Center Road and removal of asphalt concrete pavement and repaving full depth asphalt concrete pavement from Greiner Road to Roll Road, during the month of July, 1998,

WHEREAS, the approved Erie County Budget was approved with funds in the amount of \$1,200,00 for the Reconstruction of Thompson Road; and

WHEREAS, The Erie County Legislature will be in summer recess at the time of the bid opening.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number Project Number RCR 278-97, between the County of Erie and the responsible low bidder, at its low bid not to exceed \$1,200,000; and be it further

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RESOLVED, that an amount of the low bid be allocated from the 1997 Thompson Road Reconstruction funding source; and be it further

RESOLVED, that an additional amount, the balance of the \$1,200,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed this amount; 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) Chairman Swanick present as ex-officio member

				(AS AMENDED)
				(Comm. 14D-18)
9.	Item	Page	1998	
	DPW:			
	WHEREAS, bids were taken for the 1998 Overlay "A" Program, Towns of Cheektowaga, Clarence, Eden, Evans, Hamburg, Orchard Park, Tonawanda, and West Seneca, on July 2, 1998, the low bidder being Omer Construction Company, Incorporated of 621 Aero Drive, Cheektowaga, New York at a low bid amount of \$2,769,796.90.			

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for the 1998 Overlay "A" Program, Project Number CHIPS OP-98A, in the Towns of Cheektowaga, Eden, Evans, Hamburg, Orchard Park, Tonawanda, and West Seneca, between the County of Erie and the low bidder Omer Construction Company, Incorporated of Cheektowaga, New York at its low bid of \$2,769,796.90; and be it further

RESOLVED, that an amount of \$2,769,796.90 be allocated from the following funds:

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Project Title	Amount
503 Highway Road Widening - 1975	\$ 28,347.78
506 Highway Road Widening - 1976	\$4,117.60
623 1983 Reconstruction of County Highways	\$13,000.00
632 1988 RWP	\$57,114.24
640 1990 Road Improvement Program	\$7,837.91
645 Resurface County Roads	\$8,285.00
651 1992 Design & Const. Various Bridges	\$37,629.86
652 1992 Dodge Road Reconstruction	\$14,287.49
653 1992 Consolidated Highway Improvement	\$7,149.51
658 1993 County Road Construction	\$16,261.84
659 1993 Bridge Design & Construction	\$86,108.00
684 1995 CHIPS	\$15,981.74
687 1994 Road Construction Projects	\$5,453.41
689 1994 Road Design Program	\$24,672.03
699 1995 Road Construction	\$19,313.08
705 1995 Overlay O&M	\$10,986.35
834 1998 Bonded Overlay Program	\$1,200,000.00
839 1998 Various CHIPS Projects	\$433,000.00
841 1998 Federal Aid Proj. Roads & Bridges	\$400,000.00
Town of Clarence	\$40,000.00
1998 Transfer Tax	\$318,000.00
801 CHIPS	\$22,251.06
TOTAL	

and be it further

RESOLVED, that the processing of a contract between the County of Erie and Omer Construction Inc. is contingent upon monies being available; 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.

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

(AS AMENDED)**(Comm. 14D-19)**

Item Page 1998

10. **DPW:**

WHEREAS, bids were taken for the 1998 Culvert Reconstruction and Bridge Rehabilitation Project in the Towns of Aurora, Colden, and Elma, on July 2, 1998, the low bidder being Depew Development, Incorporated of 4429 Walden Avenue, Lancaster, New York at a low bid amount of \$452,533.48.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number CULVERTS-98 for the 1998 Culvert Reconstruction and Bridge Rehabilitation Project in the Towns of Aurora, Colden and Elma, between the County of Erie and the low bidder Depew Development, Incorporated of Lancaster, New York at its low bid of \$452,533.48, and be it further

RESOLVED, that an amount of \$452,533.48 be allocated from the following funds:

<u>Project</u>	<u>Title</u>	<u>Amount</u>
625	1984 Reconstruction of Co.Bridges	\$ 7,873.45
627	Reconstruction of Co. Bridges	43,310.80
630	Reconstruction of Co. Bridges	9,122.85
634	1989 Design of County Bridges	1,748.80
646	1991 Bridge Projects	66,281.07
651	1992 Design & Const. Various Bridges	46,500.00
659	1993 Bridge Design & Construction	44,255.66
690	1994 Bridge Construction Program	58,440.85
695	1995 Bridge Design Program	75,000.00
789	Versailles Plank Bridge	100,000.00

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and be it further

RESOLVED, that an additional amount of \$32,505 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$32,505 from the following two funds:

<u>Project</u>	<u>Title</u>	<u>Amount</u>
691	1994 Bridge Design	\$ 26,900.00
693	1995 Bridge Construction	5,605.16

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) Chairman Swanick present as ex-officio member

(AS AMENDED)

(Comm. 14D-20)

Item Page 1998

11. **DPW:**

WHEREAS, the Department of Public Works, received bids on July 6, 1998, for Botanical Gardens Dome Reconstruction - Entry Portico, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into the following contracts for Botanical Gardens Dome Reconstruction - Entry Portico:

GENERAL CONSTRUCTION WORK

Miller Enterprises, Inc.

Base Bid

\$125,000.00

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Alt. Bid #1	+ 3,700.00
Total	\$128,700.00

and be it further

RESOLVED, that the sum of \$13,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

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

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

RESOLVED, that the sum of \$8,000.00 be allocated for project Engineer and Department of Public Works salary expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 1997 Botanical Gardens Dome Reconstruction Capital Bond Account, SFG 779, Fund 410, and be it further

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

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

(AS AMENDED)
(Comm. 14D-21)

Item	Page	1998
12. DPW:		

WHEREAS, the Department of Public Works received bids on June 30, 1998, for the Buffalo Convention Center - 1998 Renovations & Improvements, and

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

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responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract for the Buffalo Convention Center - 1998 Renovations & Improvements:

GENERAL CONSTRUCTION WORK

Miller Enterprises, Inc.

Base Bid	\$124,000.00
Alternate Bid No. 1	\$ 20,400.00
Alternate Bid No. 2	\$ 4,700.00
Alternate Bid No. 3	\$ <u>3,200.00</u>
Total	\$152,300.00

and be it further

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

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

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

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 1997 Buffalo Convention Center Bond Account, SFG 807, Fund 410, and the 1998 Buffalo Convention Center Bond Account, SFG 332, Fund 410, and be it

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further

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

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

- | | | | | |
|-----|--|------|------|---------------------|
| | | | | (AS AMENDED) |
| | Item | Page | 1998 | (Comm. 14D-22) |
| 13. | DPW: | | | |
| | WHEREAS, Architect/Engineering design services are required for elevator renovation at 25 Delaware Avenue, and | | | |

WHEREAS, the firm of Hamilton Houston Lownie, Architects, P.C. presently has a Architect/Engineering contract with the County of Erie to provide design services for the Court Project – Renovation,

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Hamilton Houston Lownie, Architects, P.C., 172 Allen Street, Buffalo, New York, on a lump sum basis, not-to-exceed \$58,000.00, including testing, reimbursables, and miscellaneous expenses relative to the Architectural/Engineering design services required for the Elevator Renovation at 25 Delaware Avenue, and be it further

RESOLVED, that the \$58,000.00 fee allocation be taken from the Court Facilities O & M Budget, SFG 604, Fund 410, and be it further

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

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

(AS AMENDED)

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	Item	Page	1998	(Comm. 14D-23)
14.	DPW:			

WHEREAS, the Department of Public Works received bids on June 30, 1998, for the Erie County Roof Replacement Projects at the Erie County Medical Center Meyer Site Buildings, E.C. Home, and Lancaster Sign Shop, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder for the Erie County Roof Replacement Projects,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the Erie County Roof Replacement Projects as follows:

All Weather Contracting	\$152,115.00,
and be it further	

RESOLVED, that the sum of \$50,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further

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

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

RESOLVED, that the sum of \$8,000.00 be allocated for project Engineer and Department of Public Works salary expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 1998 Roof Replacement & Waterproofing Capital Bond Account,

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SFG 831, Fund 410, and be it further

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

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

(AS AMENDED)

(Comm. 14D-24)

	Item	Page	1998
15.	DPW:		

WHEREAS, A project for the Reconstruction of the Rowley Road Bridge, CR 319, over Cayuga Creek, BIN 3-32700-0, Town of Cheektowaga, PIN 5754.06, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Design I-VI), Right-of-Way (Incidentals and Acquisition), and Construction Phases of the Project, PIN 5754.06

WHEREAS, it has been found necessary to increase the amount of the commitment of the Municipality for the local share of the project.

NOW, THEREFORE, the Legislature duly convened does hereby

RESOLVE, 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 various phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$3,730 is hereby appropriated from the 1997 Federal Aid Projects, in addition to \$282,240 previously appropriated for the project via Erie County Resolution No.3D-14 adopted on February 19, 1998 and made available to

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cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the non-Federal share costs of these phases exceed the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the Department of Transportation thereof; and be it further

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

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

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

Item	Page	1998	(Comm. 14D-25)
16.	DPW:		

WHEREAS, architectural/engineering design services are required for the rehabilitation of the County's Highway Maintenance Facilities, and

WHEREAS, the firm of EI Team LLC presently has a General Architectural/Engineering Contract with the County of Erie to provide design services,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to EI Team LLC, on a percentage of construction basis, not to

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exceed \$75,000.00, including testing, reimbursables, and miscellaneous expenses relative to the architectural/engineering design services required for Highway Maintenance Facilities Improvements, and be it further,

RESOLVED, that the \$75,000.00 fee allocation be taken from the Highway Garage Renovations 1997 Capital Bond Fund, SFG 783, Fund 420, and be it further,

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

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

(AS AMENDED)
 (Comm. 14D-26)

	Item	Page	1998
17.	DPW:		

WHEREAS, the 1998 capital budget includes funding for the replacement of the Door Control System at the Erie County Holding Center, and

WHEREAS, the firm of Kideney Architects - Laping, Jaeger Associates, P.C. is currently designing an expansion to the Erie County Correctional Facility that includes a new door control system for the Correctional Facility, and

WHEREAS, the Department of Public Works is recommending a supplemental agreement be issued to Kideney Architects - Laping, Jaeger Associates, P.C. for the design of a new door control system for the Holding Center,

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Kideney Architects - Laping, Jaeger Associates, P.C. in an amount not to exceed \$42,000.00, including reimbursables, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 1998 Holding Center Door Control System Bond Account, SFG 825, Fund 410, and be it further

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

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

(AS AMENDED)

(Comm. 14E-36)

Item Page 1998
18. **COUNTY EXECUTIVE:**

WHEREAS, there exist many organizations and individuals in Erie County and Western New York who play a role in economic development, planning and regional issues; and

WHEREAS, there is a need to improve communication and cooperation among those entities in order to help this community to grow smart and to create jobs; and

WHEREAS, as the Chief Executive Officer of the major regional government in this area, the Erie County Executive and his office are the logical focal point for improved communication and cooperation.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby created within the Office of the County Executive, the Center for Cooperative Economic Growth; and be it further

RESOLVED, that the following positions are hereby created within the Office of the County Executive:

Director, Center for Cooperative Economic Growth, Job Group 18
Assistant Director, Center for Cooperative Economic Growth, Job Group 15
Administrative Clerk, Job Group 7; and be it further

RESOLVED, the following appropriations are hereby authorized for the period September 1, 1998 through December 31, 1998:

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800	Personal Services	56,079
805	Fringe Benefits	14,581
810	Office Supplies	2,000
824	Travel & Mileage	1,000
825	Out-of-Area Travel	2,000
932	Office Equipment	500
933	Lab & Tech Equipment	<u>6,000</u>
		\$82,160

and be it further

RESOLVED, that the source of said funds shall be the County-Wide Accounts -Budget, County Contingency (DAC Code 110923310893); said funds are hereby transferred to the appropriate codes of the 1998 Budget of the County Executive; and be it further

RESOLVED, That the Director of the Center for Cooperative Economic Growth file quarterly reports with the Erie County Legislature detailing their progress on all efforts, and attend meetings of the Legislature's Economic Development Committee to discuss said reports, and be it further

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

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

MICHAEL A. FITZPATRICK
CHAIRMAN

Mr. Fitzpatrick moved to separate #18. Mr. Marshall seconded.

Mr. Fitzpatrick moved the balance of the report for approval. Ms. Peoples seconded

CARRIED.

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WHEREAS, there exist many organizations and individuals in Erie County and Western New York who play a role in economic development, planning and regional issues; and

WHEREAS, there is a need to improve communication and cooperation among those entities in order to help this community to grow smart and to create jobs; and

WHEREAS, as the Chief Executive Officer of the major regional government in this area, the Erie County Executive and his office are the logical focal point for improved communication and cooperation.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby created within the Office of the County Executive, the Center for Cooperative Economic Growth; and be it further

RESOLVED, that the following positions are hereby created within the Office of the County Executive:

Director, Center for Cooperative Economic Growth, Job Group 18
 Assistant Director, Center for Cooperative Economic Growth, Job Group 15
 Administrative Clerk, Job Group 7; and be it further

RESOLVED, the following appropriations are hereby authorized for the period September 1, 1998 through December 31, 1998:

800	Personal Services	\$56,079
805	Fringe Benefits	14,581
810	Office Supplies	2,000
824	Travel & Mileage	1,000
825	Out-of-Area Travel	2,000
932	Office Equipment	500
933	Lab & Tech Equipment	<u>6,000</u>
		\$82,160

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and be it further

RESOLVED, that the source of said funds shall be the County-Wide Accounts -Budget, County Contingency (DAC Code 110923310893); said funds are hereby transferred to the appropriate codes of the 1998 Budget of the County Executive; and be it further

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

AMENDMENT TO COMM. 14E-36
SUBMITTED BY LEGISLATOR SWANICK

ADD, following the fourth RESOLVE clause:

RESOLVED, That the Director of the Center for Cooperative Economic Growth file quarterly reports with the Erie County Legislature detailing their progress on all efforts, and attend meetings of the Legislature's Economic Development Committee to discuss said reports, and be it further

Ms. Peoples moved to approve as amended. Ms. Marinelli seconded. 14-3 Legislators Marshall, Ranzenhofer & Weinstein voted in the negative. Mr. DeBenedetti requested to be recorded in the negative on items # 1,3, & 5.

Item 15 – Mr. Kuwik presented the following and moved for immediate consideration. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 226

July 7, 1998

**PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 7**

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

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

Item	Page	-1998	(Int. 2-3)
RANZENHOFER: Support of A. 6629 and S. 4422, Confidentiality Law Changes			
(6-0) Chairman Swanick present as ex-officio member			

Item	Page	-1998	(Int. 5 -4)
b. MARSHALL, CHASE, GREENAN, LARSON, RANZENHOFER & WEINSTEIN: Pilot Program for Firefighters Smart Coats			
(6-0) Chairman Swanick present as ex-officio member			

Item	Page	-1998	(Int. 10-4)
c. CHASE: Support for Criminalizing the Use of Animals to Attack Police and Other Public Officials			
(6-0) Chairman Swanick present as ex-officio member			

Item	Page	-1998	(Int. 14-16)
PEOPLES: Opposition to the Violent and Repeat Offender Act of 1997			
(Senate S.10)			
(6-0) Chairman Swanick present as ex-officio member			

			(AS AMENDED)
Item	Page	-1998	(Comm. 8E-14)
2. COUNTY EXECUTIVE:			
RESOLVED , that in order to oversee this design and represent the county and			

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local E-911 public safety answering points (PSAP's) interests, the County Executive is hereby authorized to enter into contract with Harold R. Miller, and be it further

RESOLVED, that the Erie County Legislature hereby finds that it is impracticable to follow 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 be it further

RESOLVED, that the Public Safety Committee and the Erie County Legislature hereby requests that Mr. Harold R. Miller make himself available to keep the Public Safety Committee and the County Legislature regularly advised regarding the design of a Public Safety Communications System and updating of the 911 database, 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.
(6-0) Chairman Swanick present as ex-officio member

Item Page -1998 (Comm. 14E-17)
3. **COUNTY EXECUTIVE:**

WHEREAS, funds for a BE-SAFE Grant are available from the U.S. Department of Justice in the amount of \$174,023 for a 20-month period.

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary transactions are hereby authorized to order to establish the District Attorney's BE-SAFE Grant for the remainder of 1998 as follows:

GRANT FUND
District Attorney - BE-SAFE Grant
1/1/98 - 10/31/98
Project #646

<u>Revenue</u>	<u>Original</u>	<u>Change</u>	<u>Amount Total</u>
Acct. 684 - Federal Revenue	<u>\$109,896</u>	<u>\$64,127</u>	<u>\$174,023</u>

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Total Revenue	<u>\$109,896</u>	<u>\$64,127</u>	<u>\$174,023</u>
<u>Appropriation</u>			
Acct. 800 - Personnel	\$ 52,029	\$41,624	\$ 93,653
805 - Fringe Benefits		13,372	10,697
		24,069	
810 - Supplies	750	600	1,350
821 - Dues & Fees	3,292	2,633	5,925
822 - Rental Charges	80	64	144
824 - Local Mileage	2,583	2,067	4,650
825 - Out-of-Area Travel	10,317	0	10,317
826 - Other	1,634	1,307	2,941
880 - Interfund - DA	3,885	3,108	6,993
881 - Interdepartmental - DISS	2,533	2,027	4,560
932 - Office Equipment	2,970	0	2,970
933 - Technical Equipment	<u>16,451</u>	<u>0</u>	<u>16,451</u>
	<u>109,896</u>	<u>64,127</u>	<u>174,023</u>
Total Appropriations	<u>\$109,896</u>	<u>\$64,127</u>	<u>\$174,023</u>

and be it further

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

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

- Item Page -1998 (Comm. 14E-25)
4. **COUNTY EXECUTIVE:**
WHEREAS, the Office of Court Administration and the Erie County Sheriff's Office are requesting the addition of three (3) Deputy Sheriff Officers, Job Group VIII, and the deletion of one (1) vacant Court Attendant, Job Group V, for the Unified Court Security detail, and

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WHEREAS, funding for these positions is made available through the Office of Court Administration through the Unified Court Security Grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create three positions of Deputy Sheriff Officer, Job Group VIII, in the Unified Court Security Grant, and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to delete one position of Court Attendant, Job Group V, in the Unified Court Security Grant, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

UNIFIED COURT SECURITY GRANT - PROJECT #845**4/01/98 - 3/31/99**

<u>Revenue</u>	<u>Original</u>		<u>Change</u>
<u>Final</u>			
Acct. 627-State Aid	\$5,504,011	\$126,466	\$5,630,477
Acct. 686-Interfund	924,591	0	924,591
Acct. 698-Approx.. Fund Balance	<u>63,409</u>	<u>0</u>	<u>63,409</u>
Total Revenue	<u>\$6,492,011</u>	<u>\$126,466</u>	<u>\$6,618,477</u>
<u>Appropriation</u>			
Account 800 - Personnel	\$4,612,206	\$91,975	\$4,704,181
Account 801 - Overtime	416,626	5,518	422,144
Account 805 - Fringe Benefits	1,382,929	26,723	1,409,652
Account 811 - Clothing Supplies	<u>80,250</u>	<u>2,250</u>	<u>82,500</u>

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Total Appropriations	<u>\$6,492,011</u>	<u>\$126,466</u>	<u>\$6,618,477</u>
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and be it further

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

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

Item	Page	-1998	(Comm. 14E-38)
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5. **COUNTY EXECUTIVE:**

RESOLVED, that the positions of Principal Clerk, Job Group 6; Communications Systems Specialist, Job Group 12 and Programmer Analyst, Job Group 12, are hereby established in the Department of Central Police Services 1998 Budget, Fund 110 – Department 650, and be it further

RESOLVED, that the positions of Sr. Clerk Typist, Job Group 4; Communications Systems Specialist, Job Group 11; Jr. Programmer Analyst, Job Group 11 and Data Processing Control Clerk (PT), Job Group 4 are hereby deleted in the Department of Central Police Services, and be it further

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

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

Item	Page	-1998	(Comm. 14E-39)
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6. **COUNTY EXECUTIVE:**

WHEREAS, procedures have been established by Resolution # Int. 23-3 adopted on December 1, 1994, and

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

NOW, THEREFORE, BE IT

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RESOLVED, that \$ 4,676 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Grant, Project #493, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

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

REVENUE

Increase

502	Forfeiture Crime Proceeds	\$ <u>4,676</u>
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	Total Revenue	\$ <u>4,676</u>
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APPROPRIATION

830	Contractual Services - Newburgh Coalition	\$ <u>4,676</u>
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	Total Appropriations	\$ <u>4,676</u>
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and be it further

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

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

Mr. Kuwik moved for approval. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

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EDWARD J. KUWIK
CHAIRMAN

Item 16 – Mr. Dusza presented the following and moved for immediate consideration.
 Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

July 7, 1998

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 7

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

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

- | | | | | |
|-----------|--|------|-------|----------------|
| | Item | Page | -1997 | (Comm. 10E-42) |
| A. | MARINELLI: Copy of Letter to Personnel Re: Government Service Flex-Time Option. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 10M-10) |
| B. | HUBLINK: Executive Summary for Hublink. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |

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|-----------|---|------|-------|----------------|
| | Item | Page | -1998 | (Comm. 11E-14) |
| C. | COUNTY EXECUTIVE: Filling Vacant Positions-March 1998. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 11E-15) |
| D. | COUNTY EXECUTIVE: Filling Vacant Positions-April 1998. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 12M-7) |
| E. | SENECA COUNTY BOARD OF SUPERVISORS: Certified Copy of | | | |
| | Resolution Re: Requesting State Legislation for Relief from Unnecessary Legal Costs | | | |
| | Resulting from Misplaced Lawsuits. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 13D-3) |
| F. | COUNTY ATTORNEY: Notices of Claim. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 13D-14) |
| G. | COUNTY ATTORNEY: Notices of Claim. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 13E-2) |
| H. | COUNTY EXECUTIVE: Position Change Report PP#12. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 13E-4) |
| I. | COUNTY EXECUTIVE: Position Change Report PP#13. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 13E-5) |
| J. | COUNTY EXECUTIVE: Position Change Report PP#11. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |

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|-----------|--|------|-------|----------------|
| | Item | Page | -1998 | (Comm. 13E-12) |
| K. | COUNTY EXECUTIVE: Filling Vacant Positions 5/98. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 13M-4) |
| L. | OTB: Minutes of Meeting Held 4/23/98. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 13M-10) |
| M. | SCHUYLER COUNTY LEGISLATURE: Certified Copy of Resolution Re: Request Home Rule Legislation for Firearms, Hunting, Fishing & Trapping Policies on Land Adjacent to Canal. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 13M-12) |
| N. | TIOGA COUNTY LEGISLATURE: Certified Copy of Resolution Re: Request State Legislation for Relief From Unnecessary Legal Costs Resulting From Misplaced Lawsuits. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 14E-7) |
| O. | COUNTY EXECUTIVE: Position Change Report PP#14. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm. 14M-3) |
| P. | INTERCOUNTY LEGISLATIVE COMMITTEE OF THE ADIRONDACKS: Certified Copy of Resolution Re: Policies Pertaining to Lands Adjacent to Canal. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |
| | | | | |
| | Item | Page | -1998 | (Comm.14M-7) |
| q. | OTB: Board Meeting Minutes from 5/28/98. | | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | | |

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(AS AMENDED)

Item	Page	-1998	(Int. 3-3)
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2. **WEINSTEIN, CHASE, GREENAN, LARSON, RANZENHOFER,
MARSHALL, SWANICK, DUSZA, MARINELLI, KUWIK & FISHER:**

WHEREAS, currently, Erie County has a surplus of out-dated computers that are not being used, and

WHEREAS, there is a nonprofit organization, Computer for Children, Inc., that is dedicated to recycling and refurbishing old computers which then are made available to area schools in need of computers, and

WHEREAS, Computers for Children, Inc., takes old 386 and 486 speed computers, adds a Pentium chip and other hardware updates to bring the computers up to current standards, and

WHEREAS, it is to the benefit of area schools that Computers for Children, Inc. continue to receive donations from public and private corporations such as Erie County, so that area schools can receive updated computers at no cost to them, and

WHEREAS, the children of Erie County are our future and the more they become proficient on computers, the better education and possibility for future success they will have,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby recognize the need to make available computers in all area schools, and be it further

RESOLVED, that this Honorable Body does hereby recognize that the county has old computers not being used that could be beneficial to area schools for educational purposes, and be it further

RESOLVED, that the Director of the Division of Information and Support Services submit to this Honorable Legislature a current listing of how many obsolete

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ERIE COUNTY LEGISLATURE

computers are not being used within the county.

RESOLVED, this Honorable Body requests that the Erie County Attorney review this resolution and submit to this Honorable Body the necessary agreement with Computers for Children, Inc. to ensure the transition of such computers to be dispersed within the County of Erie, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Attorney and the Director of the Division of Information and Support Services.

FISCAL IMPACT: to be determined.

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

3. Item Page -1998 (Comm. 14E-14)
COUNTY EXECUTIVE:

WHEREAS, the County surplus program requires warehouse space to efficiently recycle, surplus and dispose of surplus equipment, furniture and supplies, and

WHEREAS, the Division of Information and Support Services issued a request for proposals and advertised in the Buffalo News, and

WHEREAS, seven proposals were received and reviewed for cost, facility requirements, access to bus routes for HIRE workers, close proximity to County downtown offices for materials transportation and easy access for County staff to inspect and reuse surplus materials, and

WHEREAS, the Division of Information and Support Services has selected the lowest cost proposal for space at 372 Michigan Avenue at a cost of \$2.50 per square foot that meets the County surplus program requirements

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Information and Support Services shall be

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authorized to enter into a two (2) year lease agreement with 372 Michigan Avenue Associates, L.P. for 9,300 square feet of storage space at 372 Michigan Avenue, Buffalo, New York, and be it further

RESOLVED, that the lease shall provide for a cost of \$23,250 per year with said price to include utilities and parking, and be it further

RESOLVED, that the 1998 Adopted Budget of the Bureau of Purchasing includes funding in Account 822-Rental Charges for this lease, and future years funding will be included in succeeding executive budget recommendations, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Budget, Management and Finance, the Director of Information and Support Services, and the Director of Purchase.

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

RAYMOND K. DUSZA
CHAIRMAN

Mr. Dusza moved for approval. Mr. Kuwik seconded.

CARRIED UNANIMOUSLY

Item 17 – Mr. Holt presented the following and moved for immediate consideration. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 258

July 7, 1998

SOCIAL SERVICES
COMMITTEE

MEETING NO. 16

JULY 16, 1998

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REPORT NO. 8

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

RESOLVED, That the following items are hereby received and filed.

Item	Page	-1997	(Int. 8-13)
FISHER: Enhancing State Child Protection Law			
(5-0)			

Item	Page	-1997	(Int. 21-1)
PEOPLES, FISHER & HOLT: Amend Workfare Requirements for parents with			
Children one year of Age or Less			
(5-0)			

2.	Item	Page	-1998	(Comm. 14E-18)
COUNTY EXECUTIVE:				

WHEREAS, the position of Director of Legal Affairs in the Department of Social Services is vacant and is essential to the functioning of the Department, and

WHEREAS, it is necessary to recruit in Step 3 for this position in order to secure a qualified and experienced candidate, and

WHEREAS, funds are available in the 1998 Adopted Budget to cover the cost of the variable minimum.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes a variable minimum for the following position, effective July 16, 1998:

Title

JG/Step

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Director of Legal Affairs

17-3

and be it further

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

(5-0)

3. Item Page -1998 (Comm. 14E-21)

COUNTY EXECUTIVE:

WHEREAS, the Department of Social Services has been awarded one hundred percent Federal funds in the amount of \$39,000 to fund a Child Fatality Review Team, and

WHEREAS, funds will be utilized to establish and fund a multidisciplinary volunteer team involving Children's Hospital, Erie County Medical Center, Erie County District Attorney, Erie County Sheriff's Department, Buffalo Police Homicide Division, Erie County Department of Mental Health and Erie County Department of Social Services, and

WHEREAS, these funds will be utilized within the parameters established for said award for the purpose of fatality review services, development of a local conference related to fatality review, and the purchase of computer equipment, and

WHEREAS, no additional local County funds are required to fund this effort.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are hereby authorized to accept this award and to execute a per diem contract with Mr. Neal Hodgson, a local expert in child fatality, in a total amount not to exceed \$20,000, and be it further

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RESOLVED, the rate payable under this contract shall be two hundred dollars (\$200) per diem in connection with specific reviews of child fatality referred to Mr. Hodgson by the Child Fatality Review Team, and be it further

RESOLVED, that as this service must be provided immediately and due to the unique nature of this service, the request for proposal (RFP) requirements of section 19.08 of the Administrative code are hereby waived, and be it further

RESOLVED, that the following budget amendments are hereby authorized for the period July 1, 1998 to December 31, 1998.

Department of Social Services, Department 200, Fund 120

ACCOUNT	INCREASE
826 Other Expense	\$14,000
821 Dues & Fees	20,000
933 Laboratory and Technical Equipment	<u>5,000</u>
Total Expenses	<u>\$39,000</u>
649 Federal Revenue	<u>\$39,000</u>
Total Revenue	<u>\$39,000</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Social Services and the Division of Budget, Management and Finance.
(5-0)

4. Item Page -1998 (Comm. 14E-22)

COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Youth Service is in need of special program services for at-risk youth and the *"Pathways for Youth"* program is a dynamic video program specifically created to meet the needs of today's youth, and

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WHEREAS, "*Pathways for Youth*" is presented by Johnnie Johnson, President of JGJ Research International. Mr. Johnson excelled for ten years in the National Football League for the Los Angeles Rams, earning the honors of First Team All National Football League and All Pro. His own personal insights about the intricacies of growing up in a world full of challenges give him the credibility necessary to make a major impact on teenagers, and

WHEREAS, the Department of Youth Services has \$8,000 in the PINS/JD Savings funds in Fund 280, Project 645, Contractual Services 830 to cover the cost of contracting with JRJ Research International, and

WHEREAS, Mr. Johnnie Johnson has the necessary experience and qualifications to provide the services outlined in Attachment A.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a \$8,000 contractual agreement with The Pacific Institute, for the time period July 15, 1998 to March 31, 1999 to provide the "*Pathways for Youth*" program in Erie County, and that the source of said funds are in Fund 280, Project 645, Account 830-Contractual Services, and be it further

RESOLVED, that the provisions of section 19.08 of the Erie County Administrative Code, requiring requests for proposal do not apply to the award of this contract which is for an aggregate amount of less than \$10,000, and Mr. Johnnie Johnson has provided a free demonstration of the effectiveness of the program at the Detention Center, and the Erie County Youth Services Board has recommended the program for funding, and be it further

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

(5-0)

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

5. Item Page -1998 (Comm. 14E-23)

COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Social Services (ECDSS) is required to maintain records related to the provision of social services to clients and therefore microfilms in excess of six (6) million document images per year, and

WHEREAS, the current system of records retention on updatable microfiche is obsolete, as the film is no longer produced, and the Department has developed and is implementing a new case records management system utilizing the latest document imaging and retrieval technology, and

WHEREAS, a very detailed RFP was developed that outlined ECDSS' administrative, technical, and functional requirements for a turnkey document image solution, and

WHEREAS, proposals in response to the RFP were received from six (6) vendors and were thoroughly reviewed and evaluated by a seven-member RFP Review and Vendor Selection Committee, and

WHEREAS, the Department of Social Services was previously authorized by the Erie County Legislature to award the Document Image Project contract to Advance Office Products (**AOP Solutions**) of Buffalo, New York, the vendor who, from an overall perspective, met and exceeded ECDSS' requirements, and is providing a solution that can expand as ECDSS adds users, applications or functionality, and

WHEREAS, at this time the Department is requesting authorization to amend the contract with the selected system vendor for provision of the specialized network equipment and software and the installation of the imaging system in additional function areas. This extension will enable the system to be expanded into five additional areas of the Department not covered in the initial contract. These areas are: CASA; Managed Care; out-stationed Medicaid examiners at ECMC and Mercy Hospitals; and Welfare to Work teams, and

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WHEREAS, this contract amendment will enable the purchase of hardware, software and professional services related to adding these new functional areas to the system, and

WHEREAS, funds for the contract increase in the amount of \$271,794 are available in the Adopted Capital Budget in the Case Management Records System-Phase II "Pay As You Go" capital project, Fund Number 410, Project Number 821, and no additional County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Social Services is hereby authorized to execute an amendment increasing the contract by an amount not to exceed \$271,794 with Automated Office Products (AOP Solutions) of Buffalo, New York for the expanded installation of a computerized document imaging system, including specialized hardware and software, conversion services, staff training and first year hardware and software maintenance, and be it further

RESOLVED, that funds for said contract amendment are available in the Adopted Capital Budget in the Case Management Record System-Phase II "Pay As You Go" capital project, Fund Number 410, Project Number 821, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Social Services and the Division of Budget, Management and Finance.
 (5-0)

6. Item Page -1998 (Comm. 14E-24)

COUNTY EXECUTIVE:

WHEREAS, the recently enacted New York State budget provides funds in the amount of \$497,208 for the expansion of the CAP program and County legislative authorization is needed to expand this program for the period April 1, 1998 through March 31, 1999, and

WHEREAS, staff additions and other operating expense increases are required to

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manage increased enrollments, and

WHEREAS, a five percent local share for this expansion was anticipated in the 1998 Adopted Budget and funds were designated for this purpose and there is no additional 1998 budget impact.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby approved in the Child Assistance Program project number 862:

Department of Social Services, Department 200. Fund 280

<u>ACCOUNT</u>		<u>INCREASE</u>
800	Personal Services	\$353,164
805	Fringe Benefits	96,802
826	Other Expenses	4,800
880-2006	Allocated Indirect Expense	7,381
890	Salary and Fringe Contingency	4,500
933	Furniture	9,094
934	Laboratory and Technical Equipment	21,467
	Total Expenditures	<u>\$497, 208</u>
639	State Aid - Child Assistance Program	\$223,744
684	Federal Aid - Child Assistance Program	248,604
686-2000	Interfund- Social Services	24,860
	Total Revenues	<u>\$497, 208</u>

and be it further

RESOLVED, that the following new positions are hereby authorized in the Child Assistance Program, project number 862, for the period August 1, 1998 through March 30, 1999:

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ADD:

Number	Title	JG	8 months Salary	Civil Service
1	Head Social Welfare Examiner	10-5	\$27,333	Yes
2	Employment Counselor	9-5	50,778	Yes
10	Sr Soc Welfare Examiner	7-5	215,100	Yes
2	Child Support Investigator	7-5	43,020	Yes
<u>1</u>	Sr Clerk Typist	4-5	<u>16,933</u>	Yes
16			\$353,164	

(B-100's are attached)
and be it further,

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Social Services and the Division of Budget, Management and Finance.
(5-0)

7. Item Page -1998 (Comm. 14E-26)

COUNTY EXECUTIVE:

WHEREAS, the Department of Youth Services has secured \$60,000 in additional funding for the Operation Prime Time program from the Department of Social Services to cover the cost of contracting with the Boys & Girls Club for implementing the Operation Prime Time Program, and

WHEREAS, the Erie County Department of Youth Services is requesting authorization to transfer \$60,000 from the Department of Social Services 1998 budget into the Department of Youth Service's budget to cover the cost of contracting with the Boys & Girls Club for implementing the Operation Prime Time Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a \$60,000 contractual agreement with the Boys & Girls Club of Buffalo, and be it further

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RESOLVED, that the following transactions are hereby authorized:

Reduce by \$60,000 in the Department of Social Services - Contractual Services, Outcome-Based Initiatives - Fund 120, Account 830-0880 and increase by \$60,000 in the Department of Social Services - Interfund Youth Grants, Account 880-2509.

Increase by \$60,000 in the Department of Youth Services - Interfund Revenue, Fund 110, Project 946, Account 685-2000, and increase by \$60,000 in the Department of Youth Services Fund 110, Project 946, Account 830-0920 Operation Prime Time, in the Department of Youth Services - Youth Division's 1998 budget, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into and execute any applications, contracts included therein, and amendments with the aforementioned participating agencies and municipalities, and be it further

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

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

(5-0)

8. Item Page -1998 (Comm. 14E-37)

COUNTY EXECUTIVE:

WHEREAS, the Department of Senior Services, Division of Transportation, has been experiencing numerous phone requests for it Going Places Program; and

WHEREAS, the number of existing staff is not sufficient to answer these calls in a timely manner; and

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WHEREAS, the sum of \$3,797 is available within Account 800 - Personal Services in the budget of the Division of Transportation.

NOW, THEREFORE, BE IT

RESOLVED, that the following position is hereby created within the Division of Transportation:

<u>Title</u>	<u>Job Group</u>	<u>Annual Amount</u>	Remainder of 1998 <u>Amount</u>
Dispatcher	4-0	\$20,596	\$ 9,506
Fringe Benefits (24.1%)		<u>4,964</u>	<u>2,291</u>
	Totals	\$25,560	\$11,797

and be it further

RESOLVED, that the following transactions are approved to fund this position in the Division of Transportation as follows:

From: County-wide Contingency 110-923310893 \$8,000

To: Division of Transportation
 Personal Services 110-940631800 \$5,709
 Fringe Benefits 110-940631805 \$2,291

and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Department of Senior Services, the Department of Personnel, and First Assistant County Attorney Alan P. Gerstman.

(5-0)

9. Item Page -1998 (Comm. 14E-41)

COUNTY EXECUTIVE:

WHEREAS, the Department of Youth Services has an additional \$100,000 in funding commitments to cover the cost of contracting with the Boys & Girls Club of Buffalo to administer and implement the Operation Prime Time Program, and

WHEREAS, the county will receive 100% reimbursement for the cost of this program from the following sources: City of Buffalo - \$50,000 and the Buffalo Municipal Housing Authority - (Public Housing Drug Elimination Program - \$50,000).

NOW, THEREFORE, BE IT

RESOLVED, that the County is authorized to enter into a contractual agreement with the Boys & Girls Club of Buffalo in the amount of \$100,000, and be it further

RESOLVED, that the source of funds is \$100,000 available from the aforementioned sources which is hereby appropriated into Account 830- Contractual Services in the Department of Youth Services - Youth Division's 1998 budget, and be it further

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

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

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services must be provided immediately, and be it further

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

(5-0)

10. Item Page -1998 (Comm. 14E-42)

COUNTY EXECUTIVE:

WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP) and has selected providers for its Employee Education Program pursuant to Section 19.08 of the Erie County Administrative Code, and has responses and the evaluation and selection material available, and

WHEREAS, these contracts will allow for employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting the operations of the Department, and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education Program contracts, and

WHEREAS, no additional County funds are required since the 1998 Adopted Budget of the Erie County Department of Social Services has an existing appropriation in Account 826, Other Expenses or Charges, sufficient to cover the Employee Educational Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Department of Social Services, is hereby authorized to renew the Employee Education Program contracts as specified below:

Educational Institution	Period	Gross Contract	Institution's Contribution	Paid by ECDSS
Buffalo State College (Masters/	9/1/98-8/31/99	\$3,214,342	\$1,157,163	\$2,057,179

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Bachelor's Degrees,
In service training,
Organizational Development)

Empire State College (Bachelor's Degrees in Business/ Community and Human Services; Associate's Degrees in Business/ Community and Human Services)	9/1/98- 8/31/99	\$311,103	\$115,108	\$195,995
Empire State College (In-Service Training)	9/1/98- 8/31/99	\$456,344	\$159,720	\$296,624
SUNY-Millard Fillmore College (Bachelor's Degrees in Business/Human Services; Associate's Degrees in Business/ Computer Science)	8/21/98- 8/20/99	\$163,178	\$62,008	\$101,170
SUNYAB - School of Social Work (Master's of Social Work)	9/1/98- 8/31/99	\$167,837	\$83,634	\$84,203
SUNYAB Institute for Addictions	10/1/98- 9/30/99	\$40,254	\$16,102	\$24,152

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Studies and
 Training
 (In-Service
 Training)
 Erie Community
 College
 (In-Service
 Training)

10/1/98-	\$245,585	\$83,499	\$162,086
9/30/99			

and be it further

RESOLVED, that the source of funds for the above contract renewals is available in an existing appropriation in the 1998 Adopted Budget of the Department of Social Services in Account 826, Other Expenses or Charges, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Social Services and the Division of Budget, Management and Finance.
 (5-0)

11. Item Page -1998 (Comm. 14E-46)

COUNTY EXECUTIVE:

WHEREAS, the New York State Office for the Aging (SOFA) has notified the Department of Senior Services that funding is available in the 1998-1999 State budget for the continuation of the New York State Retired Senior Volunteer Program (NYS RSVP), and

WHEREAS, SOFA has made \$ 13,158 available for the NYSRSVP Program for the period April 1, 1998 to March 31, 1999, and

WHEREAS, no County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the

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funding for the NYSRSVP program, and be it further

RESOLVED, that the NYSRVP Grant budget for the period April 1, 1998 to March 31, 1999, be established as follows:

REVENUES**INITIAL BUDGET**

<u>Account</u>	<u>Description</u>	
551	State Aid	<u>\$13,158</u>
	TOTAL REVENUES	<u>\$13,158</u>

APPROPRIATIONS

800	Personal Services	\$6,746
805	Fringe Benefits	808
810	Office Supplies	300
826	Other Expenses	1,000
880	Interfund Expense	4,304
	TOTAL APPROPRIATIONS	<u>\$13,158</u>

and be it further

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

(5-0)

12. Item Page -1998 (Comm. 14E-47)

COUNTY EXECUTIVE:

WHEREAS, the Department of Senior Services desires to revise various Nutrition Grants in the 1998 County Budget to reflect increases in Federal and State Grant Awards for these grants, and

WHEREAS, these revisions will also require amending the 1998 nutrition

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contract between the County of Erie and Meals on Wheels of Buffalo and Erie County, Inc. (MOW's), and

WHEREAS, these revisions to the contract will enable MOW's to decrease their waiting list for homedelivered meals to the frail elderly in Erie County.

WHEREAS, the Department of Senior Services intends to enter into contract with United Church Manor to operate a congregate dining site effective September 14, 1998, and

WHEREAS, the Department of Senior Services needs to replace an aging "Going Places" van which has high mileage.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with United Church Manor to provide congregate dining at 50 North Avenue, West Seneca, New York in an amount not to exceed \$333 for the period September 14, 1998 to December 31, 1998, and be it further

RESOLVED, that the 1998 County Budget be revised for the Congregate Dining Program, Project 805, for the period January 1, 1998 to December 31, 1998 as follows:

REVENUES

<u>Account</u>	<u>Description</u>	Current <u>Budget</u>	Revised <u>Changes</u>	<u>Budget</u>
663	Federal Aid - Nutrition	\$ 1,268,049	\$+90,916	1,358,965
		<u>\$ 90,916</u>		

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	Current <u>Budget</u>	Revised <u>Changes</u>	<u>Budget</u>
826	Other Expenses	\$ 1,206,361	\$+61,916	\$ 1,268,277

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830	976	United Church Manor	-0-	+	333	333
830	385	Other Projected Agencies	1,594	-	333	1,261
930		Motor Vehicle Equip	-0-	+	22,000	22,000
933		Lab & Technical Equip	-0-	+	<u>7,000</u>	7,000
		Total Change to Appropriations		+	<u>90,916</u>	

and be it further

RESOLVED, that the 1998 County Budget be revised for the Home Delivered Nutrition Program, Project 807, for the period January 1, 1998 through December 31, 1998, as follows:

Revenues

Account	Description	Current Budget	Revised Changes	Budget
663	Federal Aid	\$ 709,093	<u>\$+79,689</u>	\$788,782
	Total Change to Revenues		<u>+79,689</u>	
830 141	Contractual Svcs.	\$1,426,484	<u>\$+79,689</u>	\$1,506,173
		<u>\$+79,689</u>		

and be it further

RESOLVED, that the 1998 County Budget be revised for the State Nutrition Assistance program - Project 816, for the period April 1, 1998 - March 31, 1999, as follows:

Revenues

Acct	Description	Current Budget	Changes	Revised Budget
440	Fees from Food & Nutrition	\$421,642	\$+ 52,259	\$473,901
616	State Nutrition Assistance Program			

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(SNAP)	543,503	<u>+ 90,785</u>	634,288
		<u>\$143,044</u>	

APPROPRIATIONS

<u>Acct</u>	<u>Acct</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Revised Budget</u>
830	0141	Meals on Wheels of Buf- falo & Erie County, Inc.	\$965,145	<u>\$+143,044</u>	\$1,108,189
		Total Change to Appropriations		<u>\$+143,044</u>	

and be it further

RESOLVED, that the County Executive be, and hereby is authorized to amend the 1998 contract between the County of Erie and Meals on Wheels of Buffalo and Erie County, Inc. to increase the contract by \$163,269 to a total amount not to exceed \$2,985,659 for services rendered during the contract period of January 1, 1998 through December 31, 1998.

Funds for the above mentioned contract will be available from the following sources:

<u>Project</u>	<u>Sub Acct</u>	<u>Acct</u>	<u>Description</u>	<u>Current Amount</u>	<u>Changes</u>	<u>Revised Amount</u>
807 830	141		Meals on Wheels	\$1,426,484	\$+ 2,042	
				\$ 1,428,526		
709 830	141		Meals on Wheels	157,786	+79,613	237,399
816 830	141		Meals on Wheels	807,359	+63,431	870,790
714 830	141		Meals on Wheels	367,778	-36,848	330,930
821 830	141		Meals on Wheels	37,318	+55,031	92,349

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941 830 141	Meals on Wheels	25.665	-0-	25,665
	TOTAL CONTRACT	<u>\$2,822,390</u>	<u>\$+163,269</u>	<u>\$2,985,659</u>

and be it further

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

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

13. Item Page -1998 (Comm. 14E-50)

COUNTY EXECUTIVE:

WHEREAS, the New York State Division for Youth has \$8,100 in additional state aid eligibility that requires no county matching funds, and

WHEREAS, the Erie County Youth Board has reviewed and recommended funding for the Kids Voting USA program.

NOW, THEREFORE, BE IT

RESOLVED, that \$8,100 is hereby appropriated to Account 830, sub-account 0563 Contractual Services in the Department of Youth Services-Youth Division's 1998 regular operating budget, to cover the cost of contracting with the above listed agency, and be it further

RESOLVED, that the source of funds is \$8,100 in state aid from the New York State Office of Children & Family Services, 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 agency, and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is

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impracticable to follow the standard RFP procedure, and hereby waives the procedures outlined in section 19.08 of the Erie County Administrative Code, since these special services must be provided immediately and have 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 and Management and the Department of Youth Services.

(5-0)

(AS AMENDED)

14. Item Page -1998 (Int.14-18)
MARINELLI, SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DEBENEDETTI, DUSZA, MARSHALL & CHASE:

WHEREAS, The County Legislature's 1997 Domestic Violence Summit concluded with a report outlining recommendations to bolster Erie County's Domestic Violence prevention efforts, and

WHEREAS, Included in the aforementioned report was a recommendation to include additional funding for Domestic Violence Prevention and Early Intervention programming in the 1998 county budget, and

WHEREAS, In the 1998 County budget, the County Legislature approved funding in the amount of \$50,000 and designated the County Department of Social Services as lead agency for this project, and

WHEREAS, The Multidisciplinary Coordinating Council's Domestic Violence Committee has developed a proposal for a soft ware program that would give local criminal justice agencies the ability to track incidences, to forecast potential problem areas and to aid in the prevention of domestic violence incidences, and

WHEREAS, The aforementioned soft ware program in an integral part and should be incorporated into the overall governmental and non-profit strategy in working to develop programs to prevent domestic violence, and

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WHEREAS, The goals for this program include maximizing the use of county funding to facilitate linkages with other governmental and non-profit agencies, and to provide front-end and integrated Domestic Violence Prevention services, and

WHEREAS, The primary components of this program include:

Legal and Counseling Services for victims of domestic violence (\$14,850) This program component will work through the Erie County Family Court's Domestic Violence Project to provide immediate emergency orders of protection and counseling for victims of abuse and violence. The County Department of Social Services acting as lead agency will coordinate with County Family Court, Haven House and Neighborhood Legal Services to make these services available.

Educational and Marketing information to assist victims of domestic violence (\$11,000) This funding will be coordinated through the County Department Social Services' Domestic Violence Unit for the development and distribution of clear and concise information concerning available legal, medical, social and counseling services. This information will also include victims' rights, safety tips for abused women and prevention strategies for ending violence and abuse in the family.

Networking and Information Systems Development (\$24,150) This funding will be used to coordinate documentation and statistical information concerning domestic violence issues and case study. These efforts will be coordinated by the recently created Domestic Violence Unit in the County Department of Social Services with the advocacy of the Multidisciplinary Coordinating Council's Domestic Violence Committee. These networking and information systems could be used by governmental, non-profit and law enforcement agencies to provide centralized statistical and profiling data, as well as comprehensive information sharing capabilities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$50,000 for the aforementioned Domestic Violence Prevention program to be coordinated by the Erie County Department of Social Services acting as lead agency for governmental and not-for-profit agencies, and be it further

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RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$50,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 120, Project 953, Department 200 - Department of Social Services (DAC: 120953200020826998), for the purposes of initiating the aforementioned Domestic Violence Prevention program, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into agreement on behalf of the Department of Social Services with Neighborhood Legal Services and Haven House, in an amount not to exceed \$14,850, for the purposes stated within the seventh WHEREAS clause, and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Deputy Erie County Executive James P. Keane, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman, Social Services Commissioner Deborah A. Merrifield, Supervising Erie County Family Court Judge Sharon Townsend, Erie County Commission on the Status of Women Executive Director Susan Curran Hoyt, Neighborhood Legal Services Supervising Attorney Keith A. Morgenheim, 295 Main Street, Room 495, Buffalo, NY 14203, and to Haven House Executive Director Katey Joyce, Box 451, Ellicott Station, Buffalo, NY 14202.

Fiscal Impact: \$50,000 budgeted in 1998 County budget, with the ability to match with County Social Services and other sources.

(5-0)

**CHAIRMAN
GEORGE A. HOLT, JR.**

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Mr. Greenan moved to separate resolve #14 and amend to make et al. Mr. Marshall seconded.

Ms. Peoples moved to approve as amended. Ms. Marinelli seconded.

Item 18 – Mrs. Fisher presented the following and moved for immediate approval. Ms. Peoples seconded.

Mr. Marshall moved to separate Resolve 1a.

RESOLUTION NO. 259

July 7, 1998

HEALTH COMMITTEE
REPORT NO. 9

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

RESOLVED, that the following are hereby received and filed.

Item	Page	-1997	(Int. 22-1)
RANZENHOFER: The Revision of the Confidentiality Law Protecting the Identity of Persons with HIV			
(4-0) Leg. Weinstein absent. Chairman Swanick present as ex-officio member.			

Item	Page	-1998	(Comm. 5 E-2)
FISHER: Copy of Newspaper Article Re: Optimism About Aids is Premature			
(4-0) Leg. Weinstein absent. Chairman Swanick present as ex-officio member.			

Item	Page	-1998	(Comm. 10M-14)
STEUBEN COUNTY LEGISLATURE: Copy of Letter to NYSAC Re: Managed Health Care Mandates			
(4-0) Leg. Weinstein absent. Chairman Swanick present as ex-officio member.			
Item	Page	-1998	(Comm. 13D-1)

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

ERIE COUNTY MORGUE: Monies & Other Property Found on Deceased Persons
(4-0) Leg. Weinstein absent. Chairman Swanick present as ex-officio member.

Item	Page	-1998	(Comm. 13D-8)
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HEALTH: Notice of Meeting to be Held 6/23/98 & Minutes of Meeting Held 4/28/98
(4-0) Leg. Weinstein absent. Chairman Swanick present as ex-officio member

Item	Page	-1998	(Comm. 13D-9)
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ECMC: Notice of Meeting Held 6/11/98 & Minutes of Meeting Held 5/14/98
(4-0) Leg. Weinstein absent. Chairman Swanick present as ex-officio member

2.	Item	Page	-1998	(Comm. 14E-15)
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COUNTY EXECUTIVE:

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

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

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

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

NOW, THEREFORE, BE IT

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

Department of Health
HEALTHY WOMEN'S

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PARTNERSHIP
7/1/98-3/31/99

SFG	SUB OBJ	REVENUE	NEW BUDGET
553		OTHER STATE AID	\$ 76,926
		TOTAL	\$ 76,926
		EXPENSES	
		CONTRACTUAL SERVICES	
830		American Cancer Society	\$ 11,926
830		Sisters of Charity Hosp.	\$ 10,000
830		Clinical Services	\$ 55,000
		TOTAL	\$ 76,926

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the Sisters of Charity Hospital in the amount of \$10,000 for the purpose of data management, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the American Cancer Society in the amount of \$11,926 for the purpose of outreach services, and be it further

RESOLVED, that the subcontracts with Sisters of Charity Hospital and the American Cancer Society are a special service which must be provided immediately and

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continuously, and therefore the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Administrative Code is hereby waived, and be it further

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

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

3. Item Page -1998 (Comm. 14E-40)

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

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, 1997 through September 30, 1998 with the New York State Department of Health, to provide these services for county residents which are budgeted as follows:

Department of Health

INFANT/ CHILD HEALTH ASSESSMENT PROGRAM 10/1/97 - 09/30/98
PROJECT # 693

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>REVISED</u> <u>BUDGET</u>
553		STATE AID	\$ 254,705	0	\$ 254,705

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		TOTAL	<u>\$ 254,705</u>	<u>0</u>	<u>\$ 254,705</u>
		<u>EXPENSES</u>			
800		PERSONNEL SERVICES	\$ 168,828	11,722	\$ 180,550
805		FRINGES	43,389	6,100	49,489
810		OFFICE SUPPLIES	1,000	-447	553
814		MEDICAL SUPPLIES	1,000	-1,000	0
821		DUES & FEES	500	-200	300
823		REPAIRS & MAINTENANCE	2,000	-1,700	300
824		TRAVEL & MILEAGE	6,000	-1,000	5,000
825		OUT OF AREA TRAVEL	500	500	1,000
826		OTHER EXPENSES	9,105	-4,392	4,713
932		OFFICE EQUIPMENT	1,000	-700	300
933		LAB EQUIPMENT	5,000	2,000	7,000
880	2700	DEPARTMENT OF HEALTH	12,631	-12,631	0
880	5100	INTERFUND-DISS	3,752	1,748	5,500
		TOTAL	<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 the Department of Law.

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

4. Item Page -1998 (Comm. 14E-45)

COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Health operates the Healthy Neighborhoods Program, and

WHEREAS, the purpose of this program is to provide preventive health services and to improve environmental health in the target area, and

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WHEREAS, the Erie County Health Department has received a revised grant award from the New York State Department of Health in the amount of \$205,500.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the New York State Department of Health to accept the revised grant which is budgeted as follows:

Department of Health
HEALTHY NEIGHBORHOODS GRANT
10/1/97 - 09/30/98
PROJECT # 691

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGE</u>	<u>REVISED BUDGET</u>
553		STATE AID	\$ 197,394	\$ 8,106	\$ 205,500
		TOTAL	<u>\$ 197,394</u>	<u>\$ 8,106</u>	<u>\$ 205,500</u>
		<u>EXPENSES</u>			
800		PERSONNEL SERVICES	147,282	8,082	155,364
801		OVERTIME	0	280	280
805		FRINGES	37,851	6,405	44,256
810		OFFICE SUPPLIES	1,000	-750	250
811		CLOTHING SUPPLIES	250	-150	100
823		REPAIRS & MAINTENANCE	2,475	-2,475	0
824		TRAVEL & MILEAGE	4,000	-600	3,400
825		OUT OF AREA TRAVEL	500	-100	400
826		OTHER EXPENSES	1,573	-686	887

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880	5100	INTERFUND-DISS	463	0	463
933		LAB & TECH	<u>2,000</u>	<u>-1,900</u>	<u>100</u>
		EQUIPMENT			
		TOTAL	<u>\$ 197,394</u>	<u>8,106</u>	<u>\$ 205,500</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 Department of Law.

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

5. Item Page -1998 (Comm. 14E-48)

COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Health Public Health Laboratory (ECPHL) has provided testing services for the New York State Office of Parks (NYSOP) at Woodlawn Beach for the past two summers, and

WHEREAS, the ECPHL has been an integral part of the routine monitoring process and investigations regarding sources of pollution and means to minimize fecal contamination, and

WHEREAS, the NYSOP has developed a modified plan to monitor beaches and study pollution factors in and around Western New York. This plan includes routine testing on a 7-day per week basis, and

WHEREAS, the NYSOP has contracted with Wendel Engineers to coordinate the monitoring plan, and

WHEREAS, the ECPHL has agreed to offer exclusive laboratory services for monitoring Woodlawn, Beaver Island, Wilson Tuscarora, and Evangola State Park beaches.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature hereby authorizes the ECPHL to provide testing services for the NYSOP through Wendel Engineers which are budgeted as follows:

**ERIE COUNTY DEPARTMENT OF HEALTH
PUBLIC HEALTH LABORATORY
BEACH MONITORING PROGRAM
7/1/98-6/30/99**

SFG	SUB OBJ	REVENUE	NEW BUDGET
517		OTH UNCLASS REV	\$ <u>20,000</u>
		TOTAL	\$ <u><u>20,000</u></u>
		EXPENSES	
801		Overtime	\$ 2,000
814		Medical Supplies	\$ 6,000
825		Out of Area Travel	\$ 3,000
933		Lab & Technical Equip.	\$ <u>9,000</u>
		TOTAL	\$ <u><u>20,000</u></u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Department of Health, the Department of Environment & Planning, the Division of Budget, Management and Finance and the Department of Law.

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

**CHAIRPERSON
JUDITH P. FISHER**

Mrs. Fisher moved to approve the report. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

Item 19 – Mr. Olma presented the following and moved for immediate consideration. Ms. Peoples seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 260

July 7, 1998

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT. LEGISLATOR DUSZA ABSENT.

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

Item	Page	-1997	(Comm. 13E-25)
COUNTY EXECUTIVE: ESCD No. 1 - Contract 1A - General Change Order No. 6			
(Piping Modifications) Kenaidan Construction Corporation			
(4-0)			

Item	Page	-1998	(Comm. 10M-18)
SENECA COUNTY BOARD OF SUPERVISORS: Certified Copy of Reso Re:			

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

Requesting Home Rule Legis. For Firearms, Hunting, Fishing & Trapping Policies on Land Adjacent to Canal.

(4-0)

Item	Page	-1998	(Comm. 11D-1)
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DEP: SEQR Solicitation for Lead Agency Status Type I Action ESCD No. 6 Lackawanna Overflow Retention Facility Modifications.

(4-0)

Item	Page	-1998	(Comm. 11E-5)
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COUNTY EXECUTIVE: Engineering Service Agreements - ESCD No. 6 - Structural Design for Sludge Press.

(4-0)

Item	Page	-1998	(Comm. 11M-2)
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NYSDEC: Fact Sheet: Former GM Saginaw Division Hazardous Waste Site Record of Decision.

(4-0)

Item	Page	-1998	(Comm. 12D-8)
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PARKS, RECREATION & FORESTRY: Letter in Support of Grant Application Submitted by the Town of Evans.

(4-0)

Item	Page	-1998	(Comm. 12D-10)
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DEP: SEQR Project Referral Notice & Solicitation for Lead Agency Erie County Courts Master Plan Implementation Project.

(4-0)

Item	Page	-1998	(Comm. 12M-5)
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MELINDA HOLLAND CLEAN SITES: Summary of Meeting Held 5/19/98 & Notice of Meeting Held 6/3/98.

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

(4-0)

Item Page -1998 (Comm. 12M-8)
NYSDEC: Fact Sheet: Former Gastown Manufactured Gas Plant Site
 (4-0)

Item Page -1998 (Comm. 13D-13)
DEP: SEQR Negative Declaration Notice of Determination of Nonsignificance
Wastepaper Pulp & Polymer Feed Facility.
 (4-0)

Item Page -1998 (Comm. 13M-3)
MELINDA HOLLAND, CLEAN SITES: Final Draft of Citizens Task Force Report
from the Drafting Subcommittee.
 (4-0)

Item Page -1998 (Comm. 13M-7)
ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL: Notice of
Meeting Held 6/16/98 & Minutes of Meeting Held 5/19/98.
 (4-0)

Item Page -1998 (Comm. 13M-8)
MELINDA HOLLAND, CLEAN SITES: Summary of Meeting Held 6/3/98 & Notice
of Meeting Held 6/16/98.
 (4-0)

Item Page -1998 (Comm. 13M-11)
NYS FISH & WILDLIFE MANAGEMENT BOARD: Minutes of Meeting Held
6/4/98.
 (4-0)

Item Page -1998 (Comm. 14D-1)
DEP: SEQR - Solicitation for Lead Agency Status - Thompson Road- Town of Clarence.
 (4-0)

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

Item	Page	-1998	(Comm. 14D-3)
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DEP: SEQR - Solicitation for Lead Agency Status- Sturgeon Point Land Transfer - Town of Evans.
(4-0)

Item	Page	-1998	(Comm. 14E-29)
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COUNTY EXECUTIVE: ESCD No. 4 - URS Consultants, Inc. Change Order No.5.
(4-0)

Item	Page	-1998	(Comm. 14E-32)
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COUNTY EXECUTIVE: ESCD No. 4 - Contract EC-6A - General Change Order No. 3 Granville Constructors Inc.
(4-0)

Item	Page	-1998	(Comm. 14E-34)
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COUNTY EXECUTIVE: ESCD No. 4 - Contract EC-6 Time Extension Change Orders.
(4-0)

			(AS AMENDED)
Item	Page	-1997	(Comm. 2E-9)

2. COUNTY EXECUTIVE:

RESOLUTION NO.

RESOLUTION DATED , 1998

A RESOLUTION APPROVING (1) AN INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK AND (2) AN APPLICATION TO THE STATE COMPTROLLER FOR CONSENT FOR EXPENDITURE OF FUNDS FOR SAID INCREASE AND IMPROVEMENT OF FACILITIES

(Introduced) ,	1998.
(Adopted) ,	1998.

MEETING NO. 16
JULY 16, 1998

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WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly caused to be prepared a report and estimate of cost, by the County Engineers (Erie County Department of Environment and Planning) relating to an increase and improvement of the facilities of said District No. 2, which report and estimate of cost have been filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, such report and estimate of cost have been approved on May 14, 1998 by the Erie County Sewer Agency pursuant to a written report which has been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of Erie County Sewer District No. 2 in said County, consisting of construction of improvements to the 18 Mile Creek, Sweetland, Point Breeze, Lake Street, and Shorecliff Pumping Stations, and related facilities, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District is \$3,000,000; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$20.32, is above the Average Estimated Cost of \$10.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

WHEREAS, said County Legislature duly adopted Resolution No. 207 on the 4th day of June, 1998, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid increase and improvement of facilities in accordance with the aforesaid report and estimate of cost; and

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WHEREAS, said County Legislature has heretofore duly caused to be prepared by the Department of Environment and Planning an Application to the State Comptroller for his consent to the total expenditure for such increase and improvement, such Application to be executed and verified by and on behalf of the County by the County Executive; and

WHEREAS, said public hearing was duly held at the Chambers of the Erie County Legislature, in the Erie County Hall, 25 Delaware Avenue, 7th Floor, in Buffalo, New York, in said County, on the 2nd day of July, 1998, at 1:30 o'clock P.M., Prevailing Time; and

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

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

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

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

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of Erie County Sewer District No. 2 in the County of Erie, New York, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$3,000,000.

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

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

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

Section 5. The cost of the proposed expenditure is to be assessed against a benefited area which consists of the entire area of Erie County Sewer District No. 2, apportioned between real properties (i) in the District, and (ii) in the Brant-Farnham and Lotus Bay sewer districts in the Town of Brant, through contracts with the District, all in accordance with their respective proportionate shares of sewer units in the District and such Town of Brant sewer districts, and applicable flat charges, and all such real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded.

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

Section 7. This resolution shall take effect immediately.
(4-0)

(AS AMENDED)
(Comm. 8E-12)

- | | | | |
|----|------|------|-------|
| 3. | Item | Page | -1998 |
|----|------|------|-------|
- COUNTY EXECUTIVE:**
WHEREAS, the Erie County Legislature had awarded the Overflow Retention Facility, Contract "B", to Quackenbush, Company, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

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 "B" in the amount of \$379,710.37 which includes Change Order No. 1 (final) a deduct of \$8,989.62 and final Payment No. 12 in the amount of \$8,265.67.

NOW, THEREFORE, BE IT

RESOLVED, that the Overflow Retention Facility, Contract "B" between the County of Erie and Quackenbush Company, Inc., 505 Franklin Street, Buffalo, New York 14202, be accepted in the amount of \$379,710.37, which includes Change Order No. 1 (final) a deduct of \$8,989.62, and Payment No. 12 (final) in the amount of \$8,265.67, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Overflow Retention Facility, Contract "B" in the amount of \$379,710.37 and make final payment from Sewer Capital Account SD # 1, Fund No. 430, Project No. 694, Department No. 810, Object No. 973, Sewer Construction Expenditures, Subobject No. 200, between the County of Erie and Quackenbush Company, Inc. and return the unused portion \$8,989.62 to Unallocated Object 891; and be it further

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

(4-0)

(AS AMENDED)

(Comm. 8E-21)

4.	Item	Page	-1998
	COUNTY EXECUTIVE:		

WHEREAS, the Erie County Legislature had awarded the Bowmansville/Warner Road Pumping Stations, Contract "D" to CIR Electrical Construction; and

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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 Bowmansville/Warner Road Pumping Stations, Contract "D" in the amount of \$276,814.78 which includes Change Order No. 2 (final), a decrease of \$8,185.21, and final Payment No. 6 in the amount of \$30,847.95 which is comprised of a payment amount of \$12,945.62 and release of retention in the amount of \$17,902.33.

NOW, THEREFORE, BE IT

RESOLVED, that Bowmansville/Warner Road Pumping Stations, Contract "D", between the County of Erie and CIR Electrical Construction, 1067 Harlem Road, Buffalo, New York 14227 be accepted in the amount of \$276,814.78, which includes Change Order No. 2 (final), a decrease of \$8,185.22, and Payment No. 6 (final) in the amount of \$30,847.95; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Bowmansville/Warner Road Pumping Stations, Contract "D" in the amount of \$276,814.78 and make final payment from Sewer Capital Account SD #4, Fund No. 430, Project No. 693, Department No. 810, Object No. 973, Sewer Construction Expenditures, Subobject No. 200 between the County of Erie and CIR Electrical Construction and return the unused portion \$8,185.33 to Unallocated Object 891; and be it further

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

(4-0)

			(AS AMENDED)
Item	Page	-1998	(Comm. 8E-23)

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE****5. COUNTY EXECUTIVE:**

WHEREAS, the Erie County Legislature had awarded the Overflow Retention Facility, Contract "D" to Frey Electric Construction Company, and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are not completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of the Overflow Retention Facility Contract "D" in the amount of \$1,099,123.18 which includes Change Order No. 2 (final). A decrease of \$5,972.82 and Final Payment No. 21 in the amount of \$19,750.44 which consists of a payment amount of \$9,751.00 and release of retention in the amount of \$9,999.44.

NOW, THEREFORE BE IT

RESOLVED, that the Overflow Retention Facility Contract "D" between the County of Erie and Frey Electric Construction Company, Inc., 1300 Military Road, Buffalo, New York 14217 be accepted in the amount of \$1,099,123.18, which includes Change Order No. 2 (final) a decrease of \$5,976.83 and Payment No. 21 (final) in the amount of \$19,750.44, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Overflow Retention Facility Contract "D" in the amount of \$1,099,123.18 and make final payment from Sewer Capital Account SD#1, Fund No. 430, Project No. 694, Department No. 810, Object No. 973, Sewer Construction Expenditures, Subobject No. 200 between the County of Erie and Frey Electric Construction Company, Inc. and return the unused portion \$5,972.82 to unallocated Object 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 each to the Erie County Comptrollers Office and Richard J. Schechter, Assistant County Attorney.

(4-0)

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ERIE COUNTY LEGISLATURE

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|--|------|------|---------------------|
| | | | (AS AMENDED) |
| | Item | Page | -1998 (Comm. 8E-35) |
6. **COUNTY EXECUTIVE:**
- RESOLVED, that the County Executive is hereby authorized to enter into a contract and other related agreements with Belmont Shelter Corporation for an amount not to exceed \$100,000 for the purpose of developing an estimated 50 unit rental apartment complex for low income elderly on Indian Church Road in the Town of West Seneca, commonly known as West Seneca Senior Apartments, and be it further
- RESOLVED, that the County Executive is hereby authorized to enter into a contract and other related agreements with Belmont Shelter Corporation for an amount not to exceed \$400,000 for the purpose of developing an estimated 86 unit rental apartment complex for low income elderly on Grambo Drive in the Town of Lancaster, commonly known as Plum Creek Commons, and be it further
- RESOLVED, that the County Executive is hereby authorized to enter into a Payment In Lieu of Taxes (PILOT) agreement(s) with Belmont Shelter Corporation as pertains to the West Seneca Senior Apartments and Plum Creek Commons, and
- RESOLVED, that said PILOT Agreement(s) shall reflect the proposed standard PILOT policy of the County of Erie requiring a payment in lieu of taxes totaling 3% of adjusted gross rents in the first year of such Agreement with a 3% increase annually thereafter with the County share of each annual payment being twenty-five (25) percent of the total amount; and
- RESOLVED, that the County Executive is hereby authorized to enter into a contract and other related agreements with Clover Management, Inc., for an amount not to exceed \$500,000 for the purpose of developing 116 affordable rental units for the elderly at 1187 Orchard Park Road in the Town of West Seneca, commonly known as West Seneca Mews, and be it further
- RESOLVED, that the County Executive is hereby authorized to enter into a PILOT Agreement with Clover Management, Inc., as pertains to the West Seneca Mews

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

project, and

RESOLVED, that said PILOT Agreement shall require payment in lieu of taxes totaling 5.73 percent of adjusted gross rents in the first year of said Agreement with a four (4) percent increase annually thereafter with the County share of each annual payment being twenty-five (25) percent of the total amount; and

RESOLVED, that contract execution shall not occur until all necessary environmental, subsidy layering, and other federal/state reviews are completed by the Department of Environment and Planning, and be it further

RESOLVED, that the Request for Proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning and a summary is included as Attachment A to the resolution, and be it further

RESOLVED, that the source of funds for said contracts shall be federal Community Development Block Grant and HOME Investment Partnership moneys, and be it further

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

(4-0)

(AS AMENDED)

Item Page -1998 (Comm. 11E-2)

7. **COUNTY EXECUTIVE:**

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Contract 19ST, Elkhart Street and Monroe Avenue Storm Sewer Project on June 29, 1998.

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 19ST	CMH Company Inc.	\$385,894.90
Elkhart St & Monroe Ave	2067 Old Union Road	
Storm Sewer Contract	Cheektowaga, NY 14227	

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WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW; THEREFORE, BE IT

RESOLVED, that the Elkhart Street and Monroe Avenue Storm Sewer Contract No. 19ST be awarded to the low bidder as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 19ST	CMH Company Inc.	\$385,894.90
Elkhart St & Monroe Ave	2067 Old Union Road	
Storm Sewer Contract	Cheektowaga, NY 14227	

and be it further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$385,894.90 from Sewer Capital, Erie County Sewer District No. 6, Fund No. 430, Project No. 519 and be it further

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

(4-0)

(AS AMENDED)
(Comm. 11E-6)

8. **COUNTY EXECUTIVE:**

-1998

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WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Contract 22L, Broadway Subtrunk Sewer Project on June 29, 1998.

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 22L	CMH Company Inc.	\$331,091.30
Broadway Subtrunk	2067 Old Union Road	
Sewer Contract	Cheektowaga, NY 14227	

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Broadway Subtrunk Sewer Contract No. 22L be awarded to the low bidder as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 22L	CMH Company Inc.	\$331,091.30
Broadway Subtrunk	2067 Old Union Road	
Sewer Contract	Cheektowaga, NY 14227	

and be it further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$331,091.30 from Sewer Capital, Erie County Sewer District No. 4 Fund No. 430, Project

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ERIE COUNTY LEGISLATURE

No. 502 and be it further

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

(4-0)

(AS AMENDED)

(Comm. 12E-10)

Item Page -1998
 9. **COUNTY EXECUTIVE:**

WHEREAS, the Erie County Department of Environment and planning has received the following low bids for Erie County Southtown Wastewater Treatment Plant Pulping facility and Modifications, on June 18, 1998.

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
A - General/Mechanical	Kenaidan Construction, Co.	\$2,650,300.00
B - Heating, Ventilation and Air Conditioning	John W. Danforth Company	\$ 201,000.00
C - Plumbing	Kipphut & Neumann Company	\$ 57,600.00
D - Electrical	CIR Electrical	\$ 226,700.00

WHEREAS, these bidders have been recognized as successfully performing similar work in Erie County; and

WHEREAS, the Erie County Southtowns Board of Managers has moved to recommend the award of the Pulping Facility and Modifications to the low bidders.

NOW, THEREFORE, BE IT

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RESOLVED, that Erie County Southtowns Sewage Treatment Agency - Pulping Facility and Modifications be awarded as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
A - General Mechanical	Kenaidan Construction, Co.	\$2,650,300.00
B - Heating, Ventilation and Air Conditioning	John W. Danforth Company	\$201,000.00
C - Plumbing	Kipphut & Neumann Company	\$57,600.00
D - Electrical	CIR Electrical	\$ 226,700.00

RESOLVED, that the County Executive be, and hereby is, authorized to execute Agreements with the following firms:

Contract A - General/Mechanical	Kenaidan Construction, Co. 430 Lawrence Bell Drive, Suite 16 Williamsville, New York 14221
Contract B - Heating, Ventilation and Air Conditioning	John W. Danforth Company 1940 Fillmore Avenue Buffalo, New York 14214
Contract C - Plumbing	Kipphut & Neumann Company, Inc. 120 West Tupper Street Buffalo, New York 14201-2192

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Contract D - Electrical

CIR Electrical Construction Corp.
 1067 Harlem Road
 Buffalo, New York 14227

to provide the needed construction services subject to approval as to form by the County Attorney's Office, and certification of availability of funds from the project fund balance or an authorized advance from the General Fund by the Comptroller's Office, and be it further

RESOLVED, that the funds for this contract be paid from Erie County Southtowns Bond Account Fund No. 430, Project No. 514, in the total amount of \$3,135,600.00, 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.

(4-0)

	Item	Page	-1998	(Comm. 12E-11)
10.	COUNTY EXECUTIVE:			

RESOLVED, that the County is hereby authorized to enter into a first amendatory agreement to the 10/30/96 contract between the Better Business Bureau Foundation of Western, New York Incorporated and the County of Erie in order to carry out dispute resolution services associated with the Erie County Housing Rehabilitation Program for the 1998-1999 and 19992000 Community Development Consortium Block Grant (CDBG) program years, and be it further

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

(4-0)

	Item	Page	-1998	(Comm. 13E-18)
11.	COUNTY EXECUTIVE:			

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ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Legislature has secured the services of Pratt & Huth Associates to complete the design and construction administration for the reconstruction of the Borden Road and Clinton Street Pumping Stations; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close out of the A/E Agreement dated July 27, 1993 with Pratt & Huth Associates at the final contract amount of \$174,563.21.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated July 27, 1993 between the County of Erie and Pratt & Huth Associates be formally closed out in the final contract amount of \$174,563.21, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close out the contract encumbrances in Sewer District No. 1, Fund No. 430, Project No. 500, Department No. 810, Object No. 821, Dues and Fees between the County of Erie and Pratt & Huth Associates and cancel the unused portion of the encumbrance, \$3,552.75, and be it further

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

(4-0)

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|--|------|-------|----------------|
| Item | Page | -1998 | (Comm. 14E-11) |
| 12. COUNTY EXECUTIVE: | | | |
| WHEREAS, the Pollution Prevention Office of the United States Environmental Protection Agency (USEPA) has established a Pollution Prevention Incentives for States Program under the authorities of Section 80001 of the Resource Conservation and | | | |

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ERIE COUNTY LEGISLATURE

Recovery Act; Section 104(b)(3) of the Clean Water Act; Section 103 of the Clean Air Act; Section 10 of the Toxic Substance Control Act; and Section 1442(b)(3)(c) of the Safe Drinking Water Act; and

WHEREAS, the USEPA has solicited a proposal from Erie County through the Western New York Department of Environmental Conservation (NYSDEC) for participation in the Pollution Prevention Incentives Program, by virtue of the existing business assistance and pollution prevention programs; and

WHEREAS, Erie County partnered with the Buffalo Sewer Authority (BSA), and the State University of New York College at Buffalo (Buffalo State), to develop and submit a proposal to best meet the grant program guidelines; and

WHEREAS, the USEPA has granted approval of the application allocating \$165,000 in funding for a pollution prevention incentives program in Erie County; and

WHEREAS, A resolution was passed on December 21, 1995 authorizing the County Executive to enter into the necessary agreements with the project partners and establishing a grant budget for this program; and

WHEREAS, The December 21, 1995, resolution authorized the County to enter into an agreement with the Buffalo State College for an amount not to exceed \$25,000; and

WHEREAS, It is necessary to expand the scope of services for Buffalo State College to best demonstrate the accomplishments of this program and add an additional \$5,000 to their contract to compensate the College for the expanded scope of work; and

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

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

WHEREAS, It is necessary to modify the County grant budget for this project to

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align it consistently with the Federal budget and to enable the County efficiently use the Federal resources to complete the projects

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to execute the necessary agreements with the State University of New York College at Buffalo for an additional amount not to exceed \$5,000 increasing the total amount available for completion of work tasks in accordance with the USEPA approved project workplan and budget for this project to \$30,000, and be it further

RESOLVED, That the grant budget for the Buffalo River Combined Sewer Overflow Pollution Prevention Project (SFG# 612) will be revised as follows:

<u>ACT</u>	<u>DESCRIPTION</u>	<u>CURRENT BUDGET</u>	<u>REVISIONS</u>	<u>REVISED BUDGET</u>
800	Salaries	\$ 72,000	\$ 6,000	\$ 78,000
805	Fringe Benefits	\$ 18,000	\$ (6,000)	\$ 12,000
810	Office Supplies	\$ 1,000	\$ 0	\$ 1,000
825	Out-of-Area Travel	\$ 3,000	\$ 0	\$ 3,000
830	Contractual Serv.	\$ 70,000	\$ 0	\$ 70,000
933	Lab & Tech. Equip	\$ <u>1,000</u>	\$ <u>0</u>	\$ <u>1,000</u>
	Total Expenditures	<u>\$165,000</u>	<u>\$ - 0-</u>	<u>\$165,000</u>

and be it further

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

(4-0)

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

- Item Page -1998 (Comm. 14E-12)
13. **COUNTY EXECUTIVE:**

WHEREAS, the Erie County Department of Environment and Planning has requested that gas service be provided to an existing Village of Depew Department of Public Works building that had to have the gas line relocated on to County property for which National Fuel Gas requires a ten (10) feet wide easement; and

WHEREAS, the granting of this easement will have no negative effect on the ability of Erie County Sewer District No. 4 personnel to operate and maintain the Pumping Station; and

WHEREAS, the ten (10) feet wide easement will be at no cost to the County; and

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

NOW, THEREFORE, BE IT

RESOLVED, that a ten (10) feet wide easement be granted to National Fuel Gas Corporation for the purpose of providing gas service to an existing Village of Depew Department of Public Work's building; and be it further

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

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one (1) certified copy to Richard J. Schechter, Assistant County Attorney.
(4-0)

- Item Page -1998 (Comm. 14E-13)
14. **COUNTY EXECUTIVE:**

RESOLVED, that Fund 290, Project 825 - Community Development 24th Year

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as contained in the 1998 Erie County Budget is hereby amended to appropriate additional revenue and to transfer funds within the grant budget as noted on Attachment A to this resolution, and be it further

RESOLVED, that Fund 290, Project 825 - Community Development - 24th Year, as contained in the 1998 Erie County Budget is hereby amended to reflect the following changes in revenue detail.

	Current 1998 Budget	Amendment to 1998 Budget
672 Prior Year Unexpended Appropriations	\$ 0	\$437,310
676 Federal Revenue - Emergency Shelter	\$84,000	\$121,000
333 Interest Earnings	\$13,000	\$ -0
489 Program Income	\$615,000	\$736,379
	\$3,483 000	\$3,621
000		
668 Federal Revenue CDBG.	.	
Total Project	\$4,195,000	\$4,915,689

and be it further,

RESOLVED, that Fund 290, Project 824 - HOME Rehabilitation Program as contained in the 1998 Erie County Budget is hereby amended to reflect an increase in the total appropriated project amount from \$1,000,000 to \$1,083,000 and be it further

RESOLVED, that Fund 290, Project 824 - HOME Rehabilitation Program is hereby amended to reflect the following changes in revenue detail

<u>1998 Budget</u>	<u>Current 1998 Budget</u>	<u>Amendment to</u>
673 Federal Revenue - HOME	\$1,000,000	\$1,083,000

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Total Project	\$1,000,000	\$1,083,000
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RESOLVED, that \$643,390 of program income earned in excess of the appropriated amount estimated in the 1997 County Budget under Fund 290, Project 812 - Community Development 23rd Year is hereby appropriated for expenditure in the 1998 year or future years, as follows:

Fund 290, Project 825, Account 830	\$211,379
Fund 290, Project 812, Account 830	\$432,011

and be it further,

RESOLVED, that the Budget Director is hereby authorized to make such additional budget revisions and to appropriate such additional unanticipated revenue as may be necessary within the Community Development Fund, consistent with grantor requirements and at the request of the Commissioner of Environment and Planning, and be it further,

RESOLVED, that a certified copy of this resolution be forward to the Director of Budget, Management and Finance and the Commissioner of the Department of Environment and Planning.

(4-0)

Item	Page	-1998	(Comm. 14E-20)
15.	COUNTY EXECUTIVE:		

WHEREAS, the County of Erie has been requested to continue its assistance in the study and filing regarding the transportation impacts in the County which will occur with the sale of Conrail to CSX Transportation and Norfolk Southern Railroad; and

WHEREAS, the Erie County Industrial Development Agency is an economic development agency with expertise in the area of freight rail transportation; and

WHEREAS, the Erie County Industrial Development Agency has funds committed to this effort and has agreed to coordinate and manage the project.

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NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency in amounts not to exceed \$25,000, for the purpose of funding the continuation of a study to define transportation needs and opportunities for local industry as a result of the sale of Conrail; and be it further

RESOLVED, that the source of these funds will be Fund 110, Project 923 -Countywide Accounts, Account 301, Section 520 Exemption Removal in the amount of \$25,000, the annual budget for this account having been realized; said funds are hereby appropriated to the Department of Environment and Planning, Account 830, Contractual Expenses for this purpose; and be it further

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

(4-0)

Item	Page	-1998	(Comm. 14E-28)
16.	COUNTY EXECUTIVE:		

WHEREAS, it has been determined that property acquisition and construction easements are needed on a site identified as SBL Nos. 126.00-1-21 and 126.11-6-1 in the Towns of Lancaster and Elma as part of the Pinetree Subtrunk and Aurora Street Pumping Stations Sewer Project; and

WHEREAS, negotiations with the owner, Eileen L. Bippert as Trustee of the Ruth Lein Trust, has resulted in a tentative agreement to obtain a 2.86 ± acre permanent easement and a 3.46 ± acre temporary easement, as well as, a 0.29 ± acre pumping station site in Fee for the total sum of \$13,400.00; and

WHEREAS, the owner of the property: Eileen L. Bippert as Trustee of the Ruth Lein Trust, 5240 Clinton Street, Elma, New York 14059 has requested an expeditious approval of an agreement.

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NOW, THEREFORE, BE IT

RESOLVED, that the Department of Environment and Planning be authorized to obtain the 0.29 ± acre pumping station property in Fee and a 2.86 ± acre permanent easement together with a 3.46 ± acre temporary easement on Parcels SBL Nos. 126.00-1-21 and 126.11-6-1 in the Towns of Lancaster and Elma for the sum of \$13,400.00, subject to the review and approval of the County Attorney; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute any and all documents necessary to effectuate the obtainment of the property and easements, subject to Approval as to Form by the County Attorney; and be it further

RESOLVED, that the sum of \$13,400.00 be allocated from Sewer Capital ECSD No. 4, SFG Fund 430, Project 502; and be it further

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

(4-0)

Item	Page	-1998	(Comm. 14E-30)
17.	COUNTY EXECUTIVE:		

WHEREAS, the United States Environmental Protection Agency (USEPA) has awarded the Erie County Department of Environment and Planning a grant for the project titled "Buffalo River: Watershed Protection, Corridor and Wetland Restoration". The grant, in the amount of \$96,500, will establish a two-year program to protect the wetlands and natural habitat of the three sites in the Buffalo River Corridor that were recently restored during the "Buffalo River Fish and Wildlife Habitat Restoration Project", and

WHEREAS, this program will build upon the community outreach efforts undertaken by Erie County during the restoration project to foster community commitment, involvement, participation, and promote community stewardship ethic in the Buffalo River Watershed, and

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WHEREAS, it is in the best interest of Erie County to protect and enhance the three restoration sites, and

NOW THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the agreement necessary to accept a grant of \$96,500 from the United States Environmental Protection Agency to implement the Buffalo River: Watershed Protection, Corridor and Wetland Restoration Program, and be it further

RESOLVED, that the following positions be created to implement this program:
Environmental Education Specialist (JG IX)
Junior Environmentalist (JG VII), and be it further

RESOLVED, that the County Executive is authorized to enter into all necessary agreements with the Buffalo and Erie County Private Industry Council (PIC), the Town of West Seneca Youth Bureau-AmeriCorps Project, the Valley Community Association, the Old First Ward Community Association, and any other project partners to implement the program, and be it further

RESOLVED, that the grant be appropriated into a budget as follows:

Account	
800	Personal Services \$ 40,000
805	Fringe Benefits 10,000
824	Local Travel & Mileage 500
825	Out of Area Travel 3,000
826	Other Expenses 2,000

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830	Contractual	35,000
933	Labs and Technical Equipment	3,000
816	Supplies (trees, etc.)	<u>3,000</u>
	TOTAL	\$ 96,500

and be it further

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

(4-0)

Item Page -1998 (Comm. 14E-33)

18. **COUNTY EXECUTIVE:**

WHEREAS, the contract specifications called for the use of carbon steel shafts for the pumps at the Industrial Parkway Pump Station, and

WHEREAS, during construction it was discovered that the carbon steel shafts were not available in the lengths and diameters required for proper operation of the main wastewater pumps at all speed ranges required, and

WHEREAS, composite material pump shafts were required for proper operation of the main wastewater pumps at all speed ranges required, and

WHEREAS, Change Order No. 7, will compensate the contractor for the supply of composite material pump shafts, and

WHEREAS, the Department of Environment and Planning and the consultant engineers, Nussbaumer and Clarke, Inc. recommend the approval of Change Order No. 7 to Contract No. 1A dated February 12, 1996 between the County of Erie/Erie County Sewer District No. 1 and Kenaidan Construction Corporation.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 7 to the Agreement dated February 12, 1996

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be approved in the amount of \$62,015.64, and be it further

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

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate \$62,015.64 from Sewer Capital, ECSD No. 1, Fund No. 430, Project No. 694, for payment of this Change Order, and be it further

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

(4-0)

Item	Page	-1998	(Comm. 14E-35)
19.	COUNTY EXECUTIVE:		

RESOLVED, that the County Executive, subject to the conditions contained in this resolution and any other conditions deemed appropriate by the County Executive or his representative, is hereby authorized to execute and amend as necessary a revocable permit with the Town of Tonawanda authorizing the temporary crossing of the Erie County Riverwalk at the United Refinery driveway access point in the Town of Tonawanda, and be it further

RESOLVED, that the area of said activity is generally located on Attachment A to this resolution, and be it further

RESOLVED, that said contract shall be conditioned on the Town agreeing to the following:

1. The Town of Tonawanda shall submit plans and drawings for their driveway area for approval by the County Commissioner of Parks, Recreation, and

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Forestry prior to Erie County issuing a formal notice to proceed. Said plans shall be prepared by a New York State licensed engineer and shall insure proper heavy duty subbase material over the driveway structure thereby lessening possible damage to the Riverwalk from large trucks.

2. Upon staking of the permit area, the Town of Tonawanda Engineer shall notify the County Commissioner of Parks, Recreation and Forestry. A representative of the latter department shall then inspect the proposed work area to determine existing conditions prior to use.

3. Upon completion of the soil removal activity, the County Commissioner of Parks, Recreation and Forestry shall be notified by the Town of Tonawanda and be allowed to review the permit site to determine any negative impact on the Riverwalk and adjacent County land as a result of soil removal. A letter shall then be forwarded to the Town of Tonawanda Engineer by the Commissioner of the Department of Parks, Recreation and Forestry indicating the results of their inspection and any remedial work required of the Town of Tonawanda.

4. The Town of Tonawanda, and its designated contractor, shall indemnify and hold harmless the County from any liability arising out of or relating to the negligent acts of the Town of Tonawanda and any contractors it may employ with respect to the soil removal project.

Work activity shall be limited to Monday through Friday.

RESOLVED, that certified copies of this resolution be forwarded to the Commissioners of the Department of Environment and Planning, and the Department of Parks, Recreation and Forestry and the County Attorney.

(4-0)

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Item Page -1998 (Comm. 14E-43)

20. **COUNTY EXECUTIVE:**

RESOLVED, that the individuals listed below are hereby appointed to the Erie County Fisheries Advisory Board, as the official appointments of the County Executive to said Board, and be it further

RESOLVED that the term of the following four (4) appointments shall expire on December 31, 2000;

Bill Van Camp, Owner
Big Catch Bait & Tackle
2287 Niagara Street
Buffalo, New York 14207

Will Elliott, Outdoor Writer
Buffalo News
648 Ransom Road
Lancaster, New York 14086

Michael A. Wilkinson, Biologist 1 (Aquatic)
c/o NYSDEC NYS
270 Michigan Ave.
Buffalo, New York 14203

Joe Fischer, Fisheries Chair
Conservation Council
17 Kingston Lane
Cheek. New York 14225

and be it further

RESOLVED, that the term of the following four (4) appointments shall expire on December 31, 1999

Tony Scime, Treasurer
Niagara Muskie Association
242 Southwood Drive
Buffalo, New York 14223

Jerry May, Sr., Charter Cpt
Southtowns Walleye Assoc
5034 Chapman Parkway
Hamburg, New York 14075

Kent Kruse, Director
Erie County Federation of Sportsman Clubs
1829 Davis Road
West Falls, New York 14170

Herbert Schultz, President
Southtowns Walleye Assoc
55 North Shore Drive
Blasdell, New York 14219

and be it further

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

(4-0)

Item Page -1998 (Comm. 14E-44)

21. **COUNTY EXECUTIVE:**

RESOLVED, that the individuals listed below are hereby appointed to the Erie County Development Coordination Board, and be it further

RESOLVED, that the term of said appointments shall expire on December 31, 1999, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive and Commissioner of the Department of Environment and Planning:

John S. Bis
142 Lexington
Buffalo, NY 14222

Ronald R. Norman
1869 East River Road
Grand Island, NY 14072

Richard Morrison
691 W. Ferry St.
Buffalo, NY 14222

Gordon B. Hessel
12367 Church Road
Holland, NY 14080

Kathryn A. Foster, Ph.D.
243 Huntington Avenue
Buffalo, NY 14214

Manning Fogan
147 Radcliffe Drive
Getzville, NY 14068

Samuel C. Muscarella
77 Crosby Avenue
Kenmore, NY 14217

Michael Pratt
24 Hiler Ave.
Kenmore, NY 14217

Paul Battaglia
162 Washington Highway

Laurie Dann
Waterfest, Inc.

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Snyder, NY 14226

410 Rand Building
14 Lafayette Square
Buffalo, NY 14203

(4-0)

GREGORY B. OLMA
CHAIRMAN

Mr. Olma moved for approval. Mr. DeBenedetti seconded.

CARRIED UNANIMOUSLY.

Ms. Peoples presented the following and moved for immediate consideration.
Mrs. Fisher seconded.

CARRIED UNANIMOUSLY

Resolution No 261

July 9, 1998

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 7

LEGISLATOR MICHAEL RANZENHOFER ABSENT. CHAIRMAN SWANICK
PRESENT AS EX-OFFICIO MEMBER.

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

Item	Page	-1997	(Int. 1 -7)
A. MARSHALL, RANZENHOFER, LARSON, GREENAN & VILLARINI:			
Supporting NYS Senate \$2.1 Billion 4 Year Tax Cut Proposal			
(5-0) Chairman Swanick Present as Ex-Officio Member			

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

Item Page -1997 (Comm. 4 E-4)
B. MARSHALL: Copy of Letter to Chairman Swanick Re: Concerns with Recent Consolidation Effort

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 8 E-3)
C. MARSHALL, RANZENHOFER, LARSON, CHASE & GREENAN: Consolidation Efforts

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Int. 9-14)
D. MARSHALL, CHASE, GREENAN, LARSON & RANZENHOFER: Request for information on Buffalo Bills Lease

(4-1) Legislator Dale Larson voted Negative. Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 10E-10)
E. DEBENEDETTI: Copy of Letter to Budget, Finance & Management Re: Requesting Buffalo Bills Existing Lease Information

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 10E-11)
F. DEBENEDETTI: Copy of Letter to Comptroller Re: Requesting Buffalo Bills Existing Lease Information

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 10E-12)
G. DEBENEDETTI: Copy of Letter to DPW Re: Requesting Costs of Relieving Bills From Maintaining Rich Stadium

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 11D-24)
H. BUDGET, FINANCE & MANAGEMENT: Copy of Letter to Legislator

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DeBenedetti

(5-0) Chairman Swanick Present as Ex-Officio Member

Item	Page	-1997	(Comm. 11D-25)
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I. DPW: Copy of Letter to Legislator DeBenedetti Re: Buffalo Bills Lease
(5-0) Chairman Swanick Present as Ex-Officio Member

Item	Page	-1997	(Comm. 11D-26)
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J. DEP: Copy of Letter to Legislator DeBenedetti Re: Buffalo Bills Lease
(5-0) Chairman Swanick Present as Ex-Officio Member

Item	Page	-1997	(Comm. 11E-5)
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K. COMPTROLLER: Copy of Letter Re: Stadium Lease Negotiation
(5-0) Chairman Swanick Present as Ex-Officio Member

Item	Page	-1997	(Comm. 11E-41)
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L. COMPTROLLER: Copy of Letter to Legislator DeBenedetti Re: Buffalo Bills Lease
(5-0) Chairman Swanick Present as Ex-Officio Member

Item	Page	-1997	(Comm. 11M-10)
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M. CITY OF TONAWANDA MAYOR: Copy of Letter to Chairman Swanick Re: Consolidation Funds
(5-0) Chairman Swanick Present as Ex-Officio Member

Item	Page	-1997	(Comm. 14M-2)
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N. JOAN MCGOVERN AND OTHER CONCERNED CITIZENS: Letters in Support of Keeping the Buffalo Bills in Erie County
(5-0) Chairman Swanick Present as Ex-Officio Member

Item	Page	-1997	(Comm. 18D-26)
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O. DEP: Copy of Letter to Legislator Marshall Re: Buffalo Bills Lease
(5-0) Chairman Swanick Present as Ex-Officio Member

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

Item Page -1997 (Comm. 18D-29)
P. DEP: Copy of Letter to Legislator Marshall Re: Revised Attachment A of Bills Lease
 Regarding Rent Calculations

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 18E-7)
 q. **MARSHALL:** Letter to County Executive Re: Bills Lease
 (5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 18E-8)
 r. **COUNTY EXECUTIVE:** Term Sheet between Buffalo Bills , Erie County, New
 York State-8/8/97

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 18E-15)
COMPTROLLER: Proposal to Fund Erie County's Share of Buffalo Bills Lease
 (5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 18E-16)
SWANICK: Copy of Article on Ralph Wilson, JR.
 (5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 18E-32)
COUNTY EXECUTIVE: Regionalization & Consolidation of Governmental Services-
 Action Plan

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 18M-34)
PREMIER GROUP: The Proposed Excise Tax
 (5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 18M-37)
GREATER BUFFALO PARTNERSHIP: 2nd Report of the Buffalo Bills Task Force

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(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm 18M-39)

HILLARY CLARKE: Copy of Letter to County Executive Gorski in support of Cigarette

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm. 1 M-21)

ROSWELL PARK CANCER INSTITUTE: Letter to Legislature Re: Greater Buffalo Partnership's Report on Funding for Buffalo Bills Lease Extension

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm. 3 E-4)

COMPTROLLER: Letter to Legislature Re: Buffalo Bills Lease

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm. 3 E-5)

MARSHALL: Letter to Budget Director Requesting Information Regarding 1997 Budget Designations

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm. 3 E-31)

COUNTY EXECUTIVE: 1998-99 Proposed State Budget & its Impact on County Finances

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm. 7 E-3)

COUNTY EXECUTIVE: Copy of Letter to Deputy Town Attorney Town of Cheektowaga Re: Cancellation of County Taxes

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm. 9 M-4)

dd. **CORTLAND COUNTY LEGISLATURE:** Certified Copy of Resolution Re: Urging New York State to Make More Equitable Distribution of State Education Aid

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

(5-0) Chairman Swanick Present as Ex-Officio Member

- Item Page -1998 (Comm. 9 M-10)
 ee. **STATE BOARD OF REAL PROPERTY SERVICES:** List of Certified 1997
 Class Equalization Rates

(5-0) Chairman Swanick Present as Ex-Officio Member

- Item Page -1998 (Comm. 9 M-18)
 ff. **NFTA:** NFTA Annual Operating Budget Fiscal Year Ending 3/31/99 & Five Year
 Capital Plan

(5-0) Chairman Swanick Present as Ex-Officio Member

- Item Page -1998 (Comm. 9 M-23)
 NFTA: Projected Cash Flow for Period 4/1/98 - 3/31/99 & Actual Cash Flow for Period
 4/1/97 - 3/31/98

(5-0) Chairman Swanick Present as Ex-Officio Member

- Item Page -1998 (Comm. 11D-2)
 hh. **COUNTY CLERK:** Proposed Legislation to Amend Article 31-A Tax Law
 (5-0) Chairman Swanick Present as Ex-Officio Member

- Item Page -1998 (Comm. 11E-11)
 ii. **COUNTY EXECUTIVE:** Section 132 I.R.S. Tax Free Qualified Parking
 (5-0) Chairman Swanick Present as Ex-Officio Member

- Item Page -1998 (Comm. 14E-3)
COUNTY CLERK: Semi-Annual Report of Mortgage Tax Receipts & Disbursements
 10/97 - 3/98

(5-0) Chairman Swanick Present as Ex-Officio Member

2. **RESOLVED,** that the following is hereby received, filed & referred to the Social
 Services Committee:

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Item	Page	-1998	(Comm. 9 E-4)
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COMPTROLLER: Child & Family Services: Inc. Contract Compliance with the Erie County Department of Social Services for Period Ended 12/31/96
(5-0) Chairman Swanick Present as Ex-Officio Member

3.	Item	Page	-1997	(Comm. 1D-19A)
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BUDGET, FINANCE & MANAGEMENT:

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

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

RESOLVED, that petitions numbered V-1 through V-5 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. V-1 / 9899 - ASSESSOR - Cancel,- \$33.72
BL No. 47.11-3-30 - TOWN OF NEWSTEAD
Acct. No. 112 - \$ 0.00 - County
Acct No. 132 - \$ 33.72 - Town/SpecialDist/School
Charge to : VILLAGE OF AKRON 33.72

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY N THE TAX ROLL. THE ASSESSMENT WAS 79,600 AND SHOULD BE 72,500. RPTL 550(2)A.

Petition No. V-2 / 9899 - ASSESSOR - Cancel - \$273.59
BL No. 335.16-3-44 - TOWN OF CONCORD
Acct No. 112 - \$ 0.00 - County
Acct No. 132 - \$ 273.59 - Town/SpecialDist/School
Charge to : VILLAGE OF SPRINGVILLE 273.59

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CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 21,975 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. V-3/ 9899 - ASSESSOR - Cancel - \$3,429.29
 SBL No. 104.83-3-16.1 - TOWN OF LANCASTER
 Acct No. 112 - \$ 0.00 - County
 Acct No. 132 - \$ 3,429.29 - Town/SpecialDist/School
 Charge to : VILLAGE OF DEPEW 3,429.29

CANCEL - UNLAWFUL ENTRY, PARCEL IS WHOLLY EXEMPT FROM THE TAX ROLL. THIS IS A GROUP HOME. RPTL 550(7)A.

Petition No. V-4/9899 - ASSESSOR - Cancel - \$295.82
 SBL No. 66.69-2-25 - TOWN OF TONAWANDA
 Acct. No. 112 - \$ 0.00 - County
 Acct. No. 132 - \$ 295.82 - Town/SpecialDist/School
 Charge to : VILLAGE OF KENMORE 295.82

CANCEL - CLERICAL ERROR, THE RPTL 520 THAT WAS INCLUDED ON THIS PARCEL IN THE AMOUNT OF 295.82 WAS FOR AN EXEMPTION THAT DID NOT EXIST ON THIS PARCEL. RPTL 550(2)A.

Petition No. V-5 / 9899 - ASSESSOR - Refund - \$122.34
 SBL No. 78.24-5-31 - TOWN OF TONAWANDA
 Acct. No. 112 - \$ 0.00 - County
 Acct. No. 132 - \$ 122.34 - Town/SpecialDist/School
 Charge to : VILLAGE OF KENMORE 122.34
 REFUND - CLERICAL ERROR, THE RPTL 520 IN THE AMOUNT OF 122.34 WAS FOR
 AN EXEMPTION THAT SHOULD NOT HAVE BEEN REMOVED FROM THE TAX ROLL.
 RPTL 550(2)A.
 CHECK IN FAVOR OF: MARY M. WIECZOREK

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

(5-0) Chairman Swanick Present as Ex-Officio Member

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

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

RESOLVED, that petitions numbered 341-through 353 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. 341/ 1998 - ASSESSOR - Cancel - \$583.56

SBL No. 99.66-8-21 - CITY OF BUFFALO

Acct. No. 112 - \$ 583.56 - County

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

Charge to :

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE BUFFALO & FT.
ERIE BRIDGE AUTHORITY WHICH IS A PUBLIC AUTHORITY WHICH IS
WHOLLY EXEMPT
FROM TAXES. RPTL 412

Petition No. 342 / 1998 - ASSESSOR - Cancel - \$230.86

SBL No. 268.00-1-41.112 - TOWN OF BRANT

Acct. No. 112 - \$ 52.99 - County

Acct. No. 132 - \$ 177.87 - Town/SpecialDist/School

Charge to :	TOWN OF BRANT	31.49
	LAKE SHORE CENTRAL	136.98
	BRANT FIRE PROTECTION	9.40

CANCEL - CLERICAL ERROR, PARCEL IS INCLUDED WITH 268.00-1-41.111.
RPTL 550(2)F.

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

Petition No. 343 / 1998 - ASSESSOR - Cancel - \$250.72

SBL No. 268.00-2-9.7 - TOWN OF BRANT

Acct. No. 112 - \$ 44.02 - County

Acct. No. 132 - \$ 206.70 - Town/SpecialDist/School

Charge to :	TOWN OF BRANT	26.17
	LAKE SHORE CENTRAL	180.53

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS ENTERED AS 53,800 WHEN IT SHOULD BE 48,400. RPTL 550(2)A.

Petition No. 344/ 1998 - ASSESSOR - Cancel - \$71.03

SBL No. 268.00-5-2.1 - TOWN OF BRANT

Acct. No. 112 - \$ 16.30 - County

Acct. No. 132 - \$ 54.73 - Town/SpecialDist/School

Charge to :	TOWN OF BRANT	9.69
	LAKE SHORE CENTRAL	42.15
	BRANT FIRE PROTECTION	2.89

CANCEL - CLERICAL ERROR, THIS PARCEL IS INCLUDED WITH 268.00-5-2.4. RPTL 550(2)F.

Petition No. 345 / 1998 - ASSESSOR - Cancel - \$280.55

SBL No. 283.00-2-12.2/A - TOWN OF BRANT

Acct. No. 112 - \$ 52.19 - County

Acct. No. 132 - \$ 228.36 - Town/SpecialDist/School

Charge to :	TOWN OF BRANT	31.00
	LAKE SHORE CENTRAL	188.10
	BRANT FIRE PROTECTION	9.26

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

CANCEL - ERROR IN ESSENTIAL FACT, THIS PARCEL HAD THE WRONG ACREAGE PLACED ON THE TAX ROLL. THE ASSESSED VALUE WAS 45,000 BASED ON THIS INFORMATION WHEN IT SHOULD BE 38,600. RPTL 550(2)C.

Petition No. 346/ 1998 - ASSESSOR - Cancel - \$79.40

SBL No. 268.00-2-1 - TOWN OF BRANT

Acct. No. 112 - \$ 79.39 - County

Acat. No. 132 - \$ 0.01 - Town/SpecialDist/School

Charge to : TOWN OF BRANT 0.01

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 21,575 WAS OMITTED FROM THIS PARCEL IN ERROR. RPTL 550(2)C.

Petition No. 347 / 1998 - ASSESSOR - Cancel - \$5,906.22

SBL No. 104.83-3-16.1 - TOWN OF LANCASTER

Acct. No. 112 - \$ 2,039.12 - County

Acct. No. 132 - \$ 3,867.10 - Town/SpecialDist/School

Charge to : TOWN OF LANCASTER 741.99
LANCASTER CENTRAL 3,125.11

CANCEL - CLERICAL ERROR, THIS PARCEL IS A GROUP HOME FROM WHICH THE EXEMPTION IN THE AMOUNT OF 159,700 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No.-348 / 1998 - ASSESSOR - Cancel - \$203.42

SBL No. 46.00-1-6.1 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 145.85 - County

Acct. No. 132 - \$ 57.57 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD 36.09
NEWSTEAD FIRE PROTECT 21.48

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 379,700 AND IT SHOULD BE 360,000. RPTL 550(2)A.

Petition No. 349/ 9798 - ASSESSOR - Refund - \$108.66

SBL No. 47.19-3-36 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 108.66 - Town/SpecialDist/School

Charge to : VILLAGE OF AKRON 108.66

REFUND - CLERICAL ERROR, THIS PARCEL WAS ENTITLED TO AN VETERAN'S EXEMPTION IN THE AMOUNT OF 22,875 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C. CHECK IN FAVOR OF:

LAWRENCE SAUPE

Petition No. 350 / 1998 - ASSESSOR - Cancel - \$614.78

SBL No. 61.00-2-7.1/A - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 448.33 - County

Acct. No. 132 - \$ 166.45 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD 166.45

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 67,386 WHEN IT SHOULD BE 6,831. RPTL 550(2)A.

Petition No. 351 / 1998 - ASSESSOR - Cancel - \$154.10

SBL No. 73.00-4-22 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 126.02 - County

Acct. No. 132 - \$ 28.08 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD 28.08

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO A VETERAN'S EXEMPTION IN THE AMOUNT OF 17,020 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL.

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

Petition No. 352 / 9798 - ASSESSOR - Refund - \$50.67
 SBL No. 183.08-4-9 - TOWN OF ORCHARD PARK
 Acct. No. 112 - \$ 0.00 - County
 Acct. No. 132 - \$ 50.67 - Town/SpecialDist/School
 Charge to : HAMBURG CENTRAL 50.67

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED
 INCORRECTLY
 ON THE TAX ROLL. THE ASSESSED VALUE WAS 81,400 AND SHOULD BE
 79,000.

RPTL 550(2)C. JOHN J & MARY C MCKEONE

Petition No. 353/ 1998 - ASSESSOR - Refund - \$36.62
 SBL No. 183.08-4-19 - TOWN OF ORCHARD PARK
 '11Acct. No. 112 - \$ 20.03 - County
 Acct. No. 132 - \$ 16.59 - Town/SpecialDist/School
 Charge to : TOWN OF ORCHARD PARK 13.58
 ORCHARD PARK FIRE PR 1.80
 ERIE CO SEW DST 3 1.21

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED
 INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 81,400 AND IT
 SHOULD BE 79,000.

RPTL 550(2)A.CHECK IN FAVOR OF: JOHN J & MARY C MCKEONE

(5-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm.13D-19)
 4. **DPW:**

WHEREAS, the 1998 Erie County Budget Resolution appropriated an amount of
 \$4,672,440 for the 1998 fiscal year, for the New York State Consolidated Highway
 Improvement Program (CHIPS), based on the anticipated New York State Budget, and

WHEREAS, the actual revenue to be received from the New York State
 Department of Transportation by the Commissioner of Finance will be \$4,771,943.

MEETING NO. 16
JULY 16, 1998

ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller be authorized to increase the budget for revenue and the appropriation for the 1998 Consolidated Highway Improvement Program by the amount of \$99,503 to a total of \$4,771,943, and be it further

RESOLVED, that the Clerk of the County Legislature of the County of Erie is hereby directed to transmit one (1) certified copy of the foregoing resolution to the Deputy Commissioner of Highways; Commissioner of Finance; Comptroller; and the Director of Budget.

(5-0) Chairman Swanick Present as Ex-Officio Member

Item	Page	-1998	(Comm.13E-14)
5.	COUNTY EXECUTIVE:		

WHEREAS, the Division of Budget, Management and Finance did receive requests from more than one of adjacent property owners or non-adjacent property owners to purchase parcels of County owned inventory, and

WHEREAS, the parcels were reviewed and approved for sale by the Advisory Review Committee, and

WHEREAS, the Erie County Legislature approved them to be put to sale in a resolution adopted at the 9th Session of the Legislature on April 30, 1998 (REF: Comm. 9E-32) and

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

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature is requested to approve the sale of these parcels to the following persons who successfully bid on them at the sale on June 2, 1998;

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JULY 16, 1998

ERIE COUNTY LEGISLATURE

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Brant, County of Erie and State of New York being part of Farmlot 86, Township 8, Range 9 as shown on Map Cover 498 (Detroit Street) 70.00 x 100.00. Being known as SBL# 266.170-2-25 and intending to convey all land acquired by the County of Erie under In Rem 149 Serial 769 to Michael J. Dillemath and Frederick Dillemath, Sr., 10699 Perry Street, Farnham, New York 14061 for the sum of Five Hundred and 00/100 Dollars (\$500.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, County of Erie and State of New York being part of Farmlot 25, Township 11, Range 7, as shown on Map Cover 1377, Sublot 60 (Frederick Drive) 35.00 x 130.00. Being known as SBL# 91.180-12-20 and intending to convey all land acquired by the County of Erie under In Rem 139 Serial 1996 to Mark G. Majerowski, 23 Oriole Place, Cheektowaga, New York 14225 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, County of Erie and State of New York being part of Farmlot 25, Township 11, Range 7, as shown on Map Cover 1377, Sublot 61 (Frederick Drive) 35.00 x 130.00. Being known as SBL# 91.180-12-21 and intending to convey all land acquired by the County of Erie under In Rem 139 Serial 1997 to Mark G. Majerowski, 23 Oriole Place, Cheektowaga, New York 14225 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, County of Erie and State of New York being part of Farmlot 25, Township 11, Range 7, as shown on Map Cover 1377, Sublot 62 (Frederick Drive) 35.00 x 130.00. Being known as SBL# 91.180-12-22 and intending to convey all land acquired by the County of Erie under In Rem 139 Serial 1998 to Mark G. Majerowski, 23 Oriole Place, Cheektowaga, New York 14225 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

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ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Concord, County of Erie and State of New York being part of Farmlot 13, Township 7, Range 7 (Moore Road) 1.25 acres. Being known as SBL# 306.000-2-2 and intending to convey all land acquired by the County of Erie under In Rem 150 Serial 1053 to E. E. Hambleton, 68 Arlington Drive, Williamsville, New York 14221 for the sum of Two Thousand and 00/100 Dollars (\$2,000.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Evans, County of Erie and State of New York being part of Farmlot 81, Township 8, Range 9, as shown on Map Cover 1344, Sublot 374, 375 (Madison Avenue) 40.00 x 100.00. Being known as SBL# 250.120-6-22 and intending to convey all land acquired by the County of Erie under In Rem 131 Serial 465 to Dale A. Mackey, 676 Madison Avenue, Angola, New York 14006 for the sum of Five Hundred and 00/100 Dollars (\$500.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 33, Township 10, Range 7, as shown on Map Cover 952, Sublot 702 (Abbott Road) 40.88 x 151.30. Being known as SBL# 160.360-2-36 and intending to convey all land acquired by the County of Erie under In Rem 148 Serial 863 to Nancy L. and William C. Weiss, S 3636 Abbott Road, Orchard Park, New York 14127 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 5, Township 9, Range 8, as shown on Map Cover 744, BLK E, Sublot 48 (Webster Avenue) 35.00 x 126.00. Being known as SBL# 171.700-3-8 and intending to convey all land acquired by the County of Erie under In Rem 137 Serial 649 to Colleen Kelley Berta, 5059 Clarice Drive, Hamburg, New York 14075 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 310, Township 10, Range 7, as shown on Map Cover 1574, L B 32 (75 Terrace Blvd.) 76.50 x 126.50. Being known as SBL# 125.130-3-11 and intending to convey all land acquired by the County of Erie under In Rem 145 Serial 1355 to Joseph E. Schichtel, 1048 Orchard Park Road, West Seneca, New York 14224 for the sum of Three Thousand Four Hundred and 00/100 Dollars (\$3,400.00).

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ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1481, Sublot 614, BL S (Wilson Street) 30.00 x 100.00. Being known as SBL# 125.650-12-13 and intending to convey all land acquired by the County of Erie under In Rem 143 Serial 973 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Five Hundred Fifty and 00/100 Dollars (\$550.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1481, Sublot 594, BL S (D'Angelo Street) 30.00 x 100.00. Being known as SBL# 125.650-12-26 and intending to convey all land acquired by the County of Erie under In Rem 144 Serial 1811 to Brian McGowan and Carol A. McGowan, 88 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1481, Sublot 595, BL S (D'Angelo Street) 30.00 x 100.00. Being known as SBL# 125.650-12-27 and intending to convey all land acquired by the County of Erie under In Rem 144 Serial 1812 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Three Hundred Fifty and 00/100 Dollars (\$350.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1481, Sublot 596, BL S (D'Angelo Street) 30.00 x 100.00. Being known as SBL# 125.650-12-28 and intending to convey all land acquired by the County of Erie under In Rem 148 Serial 995 to Brian McGowan and Carol A. McGowan, 88 Pearl Street, West Seneca, New York 14224 for the sum of Four Hundred Fifty and 00/100 Dollars (\$450.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1481, Sublot 597, BL S (D'Angelo Street) 30.00 x 100.00. Being known as SBL# 125.650-12-29 and intending to convey all land acquired by

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the County of Erie under In Rem 143 Serial 974 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Four Hundred Fifty and 00/100 Dollars (\$450.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 326, Township 10, Range 7, as shown on Map Cover 1490, L T 646 (Pearl Street) 30.00 x 100.00. Being known as SBL# 125.650-13-8 and intending to convey all land acquired by the County of Erie under In Rem 139 Serial 2704 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 518, BL N (North Avenue) 25.00 x 115.71. Being known as SBL# 125.730-1-13 and intending to convey all land acquired by the County of Erie under In Rem 143 Serial 977 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 519, BL N (North Avenue) 25.00 x 115.71. Being known as SBL# 125.730-1-14 and intending to convey all land acquired by the County of Erie under In Rem 143 Serial 978 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 524, BL N (North Avenue) 25.00 x 115.71. Being known as SBL# 125.730-1-19 and intending to convey all land acquired by the County of Erie under In Rem 131 Serial 817 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Four Hundred Fifty and 00/100 Dollars (\$450.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 525, BL N (North Avenue) 25.00 x 115.71.

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Being known as SBL# 125.730-1-20 and intending to convey all land acquired by the County of Erie under In Rem 139 Serial 2693 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 500, BL N (Huntington Avenue) 25.00 x 119.66. Being known as SBL# 125.730-1-35 and intending to convey all land acquired by the County of Erie under In Rem 140 Serial 1659 to Andrew P. Kowalow, 70 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 499, BL N (Huntington Avenue) 25.00 x 119.66. Being known as SBL# 125.730-1-36 and intending to convey all land acquired by the County of Erie under In Rem 140 Serial 1660 to Andrew P. Kowalow, 70 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 498, BL N (Huntington Avenue) 25.00 x 119.66. Being known as SBL# 125.730-1-37 and intending to convey all land acquired by the County of Erie under In Rem 140 Serial 1661 to Andrew P. Kowalow, 70 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 497, BL N (Huntington Avenue) 25.00 x 119.66. Being known as SBL# 125.730-1-38 and intending to convey all land acquired by the County of Erie under In Rem 141 Serial 564 to Andrew P. Kowalow, 70 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

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ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 496, BL N (Huntington Avenue) 25.00 x 119.66. Being known as SBL# 125.730-1-39 and intending to convey all land acquired by the County of Erie under In Rem 144 Serial 1824 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 495, BL N (Huntington Avenue) 25.00 x 119.66. Being known as SBL# 125.730-1-40 and intending to convey all land acquired by the County of Erie under In Rem 144 Serial 1825 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 492, BL N (Huntington Avenue) 25.00 x 119.66. Being known as SBL# 125.730-1-43 and intending to convey all land acquired by the County of Erie under In Rem 140 Serial 1663 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 325, Township 10, Range 7, as shown on Map Cover 1492, Sublot 491, BL N (Huntington Avenue) 25.00 x 119.66. Being known as SBL # 125.730-1-44 and intending to convey all land acquired by the County of Erie under In Rem 140 Serial 1664 to Gabriella Ciancone, 80 Pearl Street, West Seneca, New York 14224 for the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00), and be it further

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

(5-0) Chairman Swanick Present as Ex-Officio Member

MEETING NO. 16**JULY 16, 1998****ERIE COUNTY LEGISLATURE**

	Item	Page	-1998	(Comm.14D-27)
6.	DPW:			

"WHEREAS, Pursuant to New York State Highway Law, Section 118A, the Deputy Commissioner of Public Works, Division of Highways, recommends to abandon to the adjacent property owner a portion of existing right-of-way on Springville-Boston Road, CR 228, in the Town of Concord that is no longer needed for highway purposes,

NOW, THEREFORE BE IT

RESOLVED, that upon the recommendation of the Deputy Commissioner of Public Works, Division of Highways, a portion of the existing right-of-way as shown on the attached map be conveyed to the adjacent land owner known to be the Town of Concord for consideration of \$1.00 as determined by the Division of Budget, Management and Finance, payable to the County of Erie. The area of the conveyance being 1.461 acres, more or less, and be it further

RESOLVED, that the County Executive be authorized to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed of the aforementioned land so to be conveyed, and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward five (5) certified copies of this resolution to the Deputy Commissioner - Highways."
(5-0) Chairman Swanick Present as Ex-Officio Member

	Item	Page	-1998	(Comm.14E-2)
7.	COUNTY CLERK:			

WHEREAS, the Erie County Clerk's Office is interested in conducting a pilot program to test the efficiency and workability of utilizing a merchant credit card services system for payment of fees and related charges, and

WHEREAS, a pilot program to test a Merchant Credit Card Services Program will identify whether the use of credit cards and debit cards as a payment vehicle will result in the following:

1. a reduction in the cost of the Erie County Clerk's Office operations,

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- 2. a favorable benefit/cost ratio when compared to the cost of accepting payment by check or in cash,
- 3. a reduction in the number of bad checks received,
- 4. an improvement and streamlining of the Erie County Clerk's Office procedures and,
- 5. improved convenience, enhanced record keeping or other benefits for the Erie County Clerk's Office customers, and

WHEREAS, the Erie County Clerk's Office has issued a Request for Proposals, evaluated the responses and determined that M & T Bank had submitted the best overall proposal, now therefore;

BE IT HEREBY RESOLVED, that the Erie County Legislature believes that it is in the County of Erie's best interest to test the efficiency and workability of utilizing merchant credit card services in the Office of the Erie County Clerk and that the Erie County Clerk is hereby authorized to enter into a contract with M & T Bank to provide to the Erie County Clerk's Office, Merchant Credit Card Services for a six month pilot program.

(5-0) Chairman Swanick Present as Ex-Officio Member

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|------|--------------------------|-------|---------------|
| Item | Page | -1998 | (Comm.14E-16) |
| 8. | COUNTY EXECUTIVE: | | |

WHEREAS, the contract between Erie County and The Legal Aid Bureau requires that unused funding for 1997 be returned to the County, and

WHEREAS, the Legislature has the authority to approve the retention of the surplus by the Legal Aid Bureau for 1998 operational needs,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Legal Aid Bureau to retain their 1997 general fund surplus of \$66,684 for 1998 operational needs, and be it further

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RESOLVED, that the Anti-Drug Abuse Grant, project # 746, in the Law Department, be increased by \$74,052 to equal \$161,700 in State revenue and \$161,700 in expense in account 830-0100 payment to the Legal Aid Bureau, and be it further

RESOLVED, that the Anti-Drug Abuse Grant, project # 877 in the Probation Department, be increased by \$74,052 to equal \$161,700 in State revenue and \$161,700 in expense in account 830-100 payment to the Legal Aid Bureau, and that the grant period be adjusted to 4/1/98-3/31/99, and be it further

RESOLVED, that authorization is provided to transfer \$8,000 of available balances from Account 821 - Dues and Fees to Account 823 - Repairs, in the 1998 operating budget of the Department of Law to pay for the cost of unexpected computer system repairs, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Legal Aid Bureau, Division of Budget and Management, the Department of Law and the Probation Department.

(5-0) Chairman Swanick Present as Ex-Officio Member

9.	Item	Page	-1998	(Comm.14E-49)
	COUNTY EXECUTIVE:			

WHEREAS, the County of Erie ("County") and the Erie County Industrial Development Agency ("ECIDA") entered into a May 21, 1998 Agreement which required the ECIDA to perform certain economic development activities throughout the county in return for the County providing certain funding to the ECIDA; and

WHEREAS, ATC of Buffalo and Erie County, Inc. ("ATC"), a not-for-profit corporation, is operating an advanced training center at a leased facility located at 165 Oak Street in the City of Buffalo ("Center"); and

WHEREAS, the property bounded by Genesee, Elm, Sycamore and Oak Streets in the City of Buffalo ("Block 20"), of which the Center is a part, is owned by the ECIDA and leased to BTC Block 20 Partnership ("Landlord"), which in turn subleases a portion of Block 20 to Blue Cross and Blue Shield of Western New York, Inc. ("Sublessor"),

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which in turn sub-subleases the Center to ATC; and

WHEREAS, the Landlord is required to make specified payments in lieu of taxes ("PILOT") to the City of Buffalo ("City") and the County with respect to Block 20; and

WHEREAS, pursuant to the sub-sublease, ATC is obligated to remit to the Sublessor, which in turn will be remitted to the Landlord, the Center's pro rata share of the PILOT payment; and

WHEREAS, the County supports the ATC's goals and objectives since the ATC provides a public benefit to the residents of the county; and

WHEREAS, as a result of the benefits received by the County from the ATC, it has been proposed that the Center be reimbursed for its pro rata share of PILOT payments; and

WHEREAS, pursuant to a January 12, 1998 letter, the City has agreed to direct the Landlord to remit all PILOT payments to be received by the City with respect to Block 20 ("City PILOT Payments") to the ECIDA, and the ECIDA has agreed to remit the Center's pro rata share of the City PILOT Payments to the ATC and the balance to the City; and

WHEREAS, the County and the ECIDA desire to amend the May 21, 1998 Agreement to effect a similar division of PILOT payments payable to the County relating to Block 20 ("County PILOT Payments").

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an amendment to the May 21, 1998 Agreement between the ECIDA and the County which will direct the Landlord to pay to the ECIDA all County PILOT Payments and also include the following mandates:

- (1) the ECIDA will be directed to promptly remit a portion of the County PILOT

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Payments ("ATC PILOT Portion") to the ATC. The ATC PILOT portion is the County PILOT Payments multi-plyed by a fraction, the numerator of which is the net rentable square feet of space leased by ATC at Block 20, and the denominator of which is the total amount of net rentable square feet of space in the Block 20 property; and

(2) the balance of the County PILOT Payments will be promptly remitted by the ECIDA to the County.

and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning and the Erie County Attorney.

(5-0) Chairman Swanick Present as Ex-Officio Member

CRYSTAL D. PEOPLES
CHAIRPERSON

Ms. Peoples moved for approval . Mrs. Fisher seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

ITEM 21 – Mr. Larson presented the following resolution and moved for immediate consideration. Mr. Marshall seconded.

Chairman Swanick directed that Int. 16 – 1 be referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

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Chairman Swanick directed that a Roll Call be taken.

Ayes – Chase, Greenan, Larson, Marshall, Ranzenhofer, Weinstein, Debenedetti -
7. Noes – Dusza, Fisher, Fitzpatrick, Holt, Kuwik, Marinelli, Olma, Peoples, Swanick,
Pauly – 10.

DEFEATED.

Subsequently, Int. 16 – 1 was referred to the Energy & Environment Committee.

Item 22 – Mr. Larson requested the following resolution be referred to the Finance and Management Committee.

Resolution No. 230 Re: Change in Tax base Status Date in the County of Erie
(Int. 16-2)

CARRIED UNANIMOUSLY.

Item 23 – Ms. Peoples presented the following resolution and moved for immediate consideration. Mr. Holt seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 262 Re: Asking ECMC Officials to Appear at Committee Meeting to Discuss Incident occurring on July 12 (Intro. 16 –3).

WHEREAS, the Erie County Medical Center (ECMC) is a county-owned comprehensive health care facility, and

WHEREAS, the Legislature's Health/Mental Health Committee maintains oversight authority relative to ECMC, and

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WHEREAS, on Sunday morning, July 12, 1998, a man in a late-model Pontiac automobile, apparently in pursuit of a woman, crashed said automobile into an employee entrance at ECMC, and

WHEREAS, in the ensuing violence, after hitting a security guard with his car on more than one occasion, the security guard fired his weapon, killing the driver and ending the incident, and

WHEREAS, as it is the case that the county is the owner of ECMC and must necessarily be concerned with patient and employee safety at the hospital, it would be most beneficial if officials of ECMC were to appear at a future meeting of the Health/Mental Health Committee at discuss the details of the incident in question,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby request that Erie County Medical Center Chief Executive Officer Paul J. Candino appear at a future meeting of the Legislature's Health/Mental Health Committee to discuss the incident occurring in the morning hours of July 12, 1998, in which a man drove his automobile into an employee entrance at the hospital and was subsequently shot and killed, and be it further

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RESOLVED, that this Honorable Body does hereby request that Mr. Candino be accompanied at said meeting by any additional Medical Center officials as he may deem necessary to most clearly explain the incident in question to legislators, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis T. Gorski and Erie County Medical Center Chief Executive Officer Paul J. Candino.

Fiscal Impact: None for Resolution.

Ms. Peoples moved the adoption of the resolution. Mr. Holt seconded.

CARRIED UNANIMOUSLY.

Item 24 – Ms. Peoples presented the following resolution and moved for immediate consideration. Mr. Holt seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 263 Re: Reclassification of Position. (Intro. 16-4)

CARRIED UNANIMOUSLY.

Item 25 – Ms. Peoples presented the following and moved for immediate consideration. Mr. Kuwik seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 264 Re: Transfer of Funds & Staffing Adjustment – DISS
(Intro. 16-5)

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Ms. Peoples moved the adoption of the resolution. Mr. Kuwik seconded.

CARRIED UNANIMOUSLY.

Item 26 – Ms. Peoples presented the following and moved for immediate consideration. Mr. Fitzpatrick seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 265 Re: Funding to Improve Accommodations in the
ECMC Rehab Patient Lounge (Intro 16-6)

WHEREAS, the Erie County Medical Center is a regional trauma center, and

WHEREAS, the Legislature has identified a need for additional funding for the
Erie County Medical Center to improve accommodations in the rehab patient lounge, and

WHEREAS, the rehab unit at the hospital handles patient's with spinal cord, head
and neck injuries who often stay at the medical center for three to four months, and

WHEREAS, patient's, when allowed to begin moving around, may do so within
the area near their rooms, and

WHEREAS, the current patient lounge in the rehab unit is in poor condition and is
in need of new furniture and other accommodations, and

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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 \$5,500 from the legislative contingency (Countywide Contingency DAC: 110923310893) to ECMC - INTERFUND for the purposes of making improvements to the ECMC Rehabilitation Unit Patient Lounge, and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the CEO of Erie County Medical Center, are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman, and to CEO of ECMC Paul J. Candino.

Fiscal Impact: Appropriation of 1998-budgeted funds.

Ms. Peoples moved the adoption of the resolution. Mr. Fitzpatrick seconded.

CARRIED UNANIMOUSLY.

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Item 27 – Mr. Marshall presented the following and moved for immediate consideration. Ms. Peoples seconded.

RESOLUTION NO. 266 Re: Appointment to the Erie County Soil and Water Conservation District. (Intro. 16-7)

Mr. Marshall moved the adoption of the resolution. Ms. Peoples seconded. Mr. Greenan abstained.

CARRIED UNANIMOUSLY.

Item 28 – Ms. Marinelli presented the following and moved for immediate consideration. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 267 Re: Funding for a Town of Tonawanda Senior Citizen Van. (Intro. 16-8)

WHEREAS, the Legislature set aside funds in the 1998 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,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$20,000 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 agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Town of Tonawanda	n/a	\$20,000
TOTAL		\$20,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman, E. William Miller, Councilman, Town of Tonawanda - Youth, Parks & Recreation, 2440 Sheridan Dr., Tonawanda, NY 14150 and to Carl J. Calabrese, Supervisor, Town of Tonawanda, 2919 Delaware Ave.,

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Kenmore, NY 14217.

Fiscal Impact: Appropriation of 1998-budgeted funds.

Ms. Marinelli moved the adoption of the resolution. Ms. Peoples seconded.

CARRIED UNANIMOUSLY

Item 29 – Ms. Marinelli presented the following and moved for immediate consideration. Ms. Peoples seconded

CARRIED UNANIMOUSLY.

RESOLUTION NO. 268 Re: Support for Community Services. (Intro. 16-9)

Ms. Marinelli moved the adoption of the resolution. Ms. Peoples seconded.

CARRIED UNANIMOUSLY

Item 30 – Ms Peoples requested that the following be referred to the Government Affairs Committee.

Resolution No. 269 Support for Continuation of the “E-Rate” Program. (Intro. 16-10)

CARRIED UNANIMOUSLY.

Item 31 – Ms. Peoples presented the following and moved for immediate consideration. Mr. Kuwik seconded.

Mr. Dusza moved to amend the resolution and removing himself and Mr. Fitzpatrick as sponsors. Mr. Fitzpartrick seconded.

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RESOLUTION NO 270 Re: Creation of Erie-Niagara Regional Partnership.
(Intro. 16-11)

Ms. Peoples moved to approve as amended.

Mr. Dusza and Mr. Fitzpatrick were in the negative.

CARRIED.

Item 32 – Ms. Peoples presented the following and moved for immediate consideration. Mr. Fitzpatrick seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 271 Re: Rectification of Marilla Agricultural District.
(Intro. 16-12)

Ms. Peoples moved the adoption of the resolution. Mr. Fitzpatrick seconded.

CARRIED UNANIMOUSLY.

Item 33 – Ms. Peoples presented the following and moved for immediate consideration. Mr. Kuwik seconded.

RESOLUTION NO. 272 Re: Rectification of Eden Agricultural District (Intro. 16-13).

Ms. Peoples moved the adoption of the resolution. Mr. Kuwik seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

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Item 34 – Ms. Peoples moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm 12E-12 . Mr. Holt seconded.

CARRIED UNANIMOUSLY

Item 35 – Mr. Kuwik moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 10E-21. Ms. Peoples seconded.

AMENDMENT TO COMM. 10E-21

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

WHEREAS, the financial impact of Medicaid managed care and the increased competition for local health services have made it appropriate for Erie County to review the delivery of health services, and

WHEREAS, the 609 Ridge Road, Lackawanna, New York site presents a unique opportunity to consolidate county services in the area at one site, and

WHEREAS, the continuation of State Bad Debt and Charity funding makes it possible and necessary to maintain certain pediatric and adult services through the Health Department, and

WHEREAS, the County is desirous of facilitating health services in the most appropriate and efficient manner.

NOW, THEREFORE, BE IT

RESOLVED, that the County Health Department is authorized to proceed with the following steps to modify the delivery of certain health services:

- The current Health Department clinic on Wilkesbarre Avenue in Lackawanna will be closed on or about October 31, 1998.

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- The County Executive is authorized to enter into a lease for the relocation of the Women's Health portion of the Lackawanna Health clinic to 609 Ridge Road, Lackawanna; said lease to be for 1,920 square feet of space foot at \$15.90 per square foot, for a term of five years, with a five percent increase in year two. Included are two five year options at a five percent increase for each option.
- The Health Department is authorized to contract with the Academic Medicine Services, Inc. for the provision of physician services at the Health Department's Jesse Nash Health Center, 608 William Street, Buffalo, for the purpose of providing adult clinical care.

and be it further

RESOLVED, that the Division of Budget, Management & Finance is authorized to make such changes in the appropriations and revenue accounts of the Health Department 1998 Budget as are necessary to implement the actions provided for in this resolution as follows:

SFG	SUB	ADJUSTMENT
800	Personal Services	- 45,006
805	Fringe Benefits	- 9,001
821	Dues & Fees	- <u>8,078</u>
	TOTAL APPROPRIATION	- <u>62,085</u>
373	Pediatric Clinics	- 6,361
377	Lackawanna Health Center	- 55,360
549	102 Women's Health Services	- 5,364
374	Jesse Nash Health Center	+ <u>5,000</u>

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TOTAL REVENUES	- 62,085
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and be it further

RESOLVED, that to implement these plans, the following proposed changes in Health Department personnel are hereby authorized:

Department Location/ Name Function	Position Title	Position Number	Proposed Action	New Function Number &
Lackawanna - 4435 Women's Health	Registered Nurse	144591	Reassign filled position	
Medical 4280 4400 Child Health	Registered Nurse	144592	Reassign filled position	
	Public Health Nurse PT	150840	Delete vacant position	
	Registered Nurse PT	149900	Delete vacant position	
	Janitor PT	151300	Delete vacant position	
	Janitor PT	151320	Delete position/retire	
	Medical Records Admin.	142221	Reassign filled position	
4430 Pediatrics				
	Account Clerk	142940	Reassign filled position	
1110 Accounting				
	Recept.-Polish Speaking	143041	Delete position/retire	
	Lic. Practical Nurse	143000	Reassign filled position	
3310 Disease Control				
	Clerk Typist	136300	Reassign filled position	
4435 Women's Health				
	Watch Attendant	146373	Delete vacant position	
	Receptionist	146371	Delete position/retire	
	Sr. P.H. Aide	143200	Delete position/retire	
Lackawanna - 4261 Clemente Dental	Dental Hygienist	142720	Reassign filled position	
Dental 4281	Dental Assistant	144280	Reassign filled position	

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4211 Jesse Nash

Dental Assistant	144300	Delete filled position
Dentist RPT	144601	Delete vacant position
Dentist RPT	147282	Delete filled position

and be it further

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

CARRIED UNANIMOUSLY

Item 36 – Ms. Chase moved to discard the PUBLIC SAFETY COMMITTEE for further consideration of Comm. 12-7.

Chairman Swanick directed that a roll call be taken.

Ayes – Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer, Weinstein, 7.
Noes – Dusza, Fisher, Fitzpatrick, Holt, Kuwik, Marinelli, Olma, Peoples, Swanick, Pauly – 10.

DEFEATED.

Subsequently, Comm. 12 – 7 remained in the PUBLIC SAFETY COMMITTEE.

SUSPENSION OF THE RULES

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

GRANTED.

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Comm. 16D-18

Chairman SWANICK directed that Comm. 16D-18 be referred to the Economic Development Committee.

Item 38 – moved for a suspension of the rule to include and item no on the agenda.

GRANTED.

Comm 16 M-21

Chairman SWANICK directed that Comm. 16M-21 be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 39 - moved for a suspension of the rule to include and item no on the agenda.

GRANTED.

Comm 16 M-22

Chairman SWANICK directed that Comm. 16M-22 be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 40 - moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm 16 M-23

Chairman SWANICK directed that Comm. 16M-23 be referred to the FINANCE & MANAGEMENT COMMITTEE.

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Item 41 – moved for a suspension of the rules to include an item not on the agenda.

GRANTED

Comm. 16 M-24

Chairman SWANICK directed that Comm. 16 M-24 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED

Item 42 – moved for a suspension of the rules to include an item not on the agenda.

GRANTED

Comm 16M-19

Chairman SWANICK directed that Comm. 16 M-19 be referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 43 - (Comm. 16E-1) Re: Audit of Contracts for Preventive Services of Child & Family Services of Erie County with Erie County Social Services

Received and referred to the SOCIAL SERVICES COMMITTEE.

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FROM LEGISLATORS SWANICK AND PEOPLES

Item 44 – (Comm. 16E-2) Re: Supervisory Training – Employee Assistance Program

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR DEBENEDETTI

Item 45 – (Comm. 16E-3) Letter to Legislature Re: Buffalo Bills Lease.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 46 – (Comm. 16E-4) Erie County's Comprehensive Financial Report for Year Ended 12/31/97.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 47 – (Comm. 16 E-5) Copy of Letter to Peter Warn, Chairman EC Council Environmental Management Re: Peace Bridge Capacity Expansion.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – (Comm. 16 E-6) Emergency Shelter Grant Program Contracts.

Received and referred to the HEALTH COMMITTEE.

Item 49 – (Comm. 16 E-7) Senior Services – Authorization to Accept Additional Grant Funding & Amend Contracts.

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Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 50 – (Comm. 16 E-8) Request for Legislative Action to Increase the Appropriation to Transitional Services, Inc. by \$49,907 in 100% NYS Off. of Mental Health Reinvest.

Received and referred to the HEALTH COMMITTEE.

Item 51 – (Comm. 16 E-9) Request for Legislative Action to Increase Appropriations to Lake Shore Behavioral Health, & Others

Received and referred to the HEALTH COMMITTEE.

Item 52 – (Comm. 16 E-10) Ms. Peoples moved for immediate consideration. Mr. Holt seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO 274 Re: Health-Division of Medical Examine Transfer of Funds.

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., JULY 16, 1998

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 16th Session of the Legislature of Erie County, held in the County Hall, in the City of Buffalo, on the **Sixteenth** day of*

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July A.D., 1998, a Resolution was adopted, of which the following is a true copy:

WHEREAS, the Department of Health, Medical Examiners Office, has partially completed a computer network designed to increase efficiency of their operations, and

WHEREAS, the 1998 Adopted Budget included \$27,255 under Code 830-776 Unisys which was for the purpose of providing a computer network for the Medical Examiners Office, and

WHEREAS, after reviewing the proposal from Unisys, and upon consultation with the Division of Information and Support Services it has been determined that the equipment should be purchased under New York State Contract. The Division of Information and Support Services will provide technical support.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the following transactions within the accounts of the Department of Health, Division of Medical Examiner:

Increase - Account 933 Lab & Technical Equipment	\$27,255
Decrease - Account 830-776 Unisys	<u>27,255</u>
Net Increase	\$ <u>0</u>

and be it further

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

REF: Comm. 16E-10

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Item 53 – (Comm. 16E-11) Re: Senior Services – Transfer Grant Funding.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 54 – (Comm. 16E-12) Ms. Mariinelli moved for immediate consideration.
Ms. Peoples seconded.

WHEREAS, the County of Erie has been awarded \$342,000 in Federal Intermodal Surface Transportation Efficiency Act Enhancement Funds to construct the Two Mile Creek Greenway bicycle path from the Riverwalk in the City of Tonawanda to Sheridan Park in the Town of Tonawanda, and

WHEREAS, the County of Erie has also dedicated \$286,000 in capital bond funds in the 1997 and 1998 Erie County capital budgets to provide a local match to the construction of this bicycle path, and

WHEREAS, the Two Mile Creek Greenway will be partially located on lands owned by the Town of Tonawanda,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to enter into all necessary and appropriate intermunicipal agreements, right of way permits, and other

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land control agreements, with the Town of Tonawanda necessary to construct, maintain and operate the Two Mile Creek Greenway on lands owned by the Town of Tonawanda as generally located on Attachment A to this resolution.

REF: Comm. 16E-12

CARRIED UNANIMOUSLY

RESOLUTION NO. 275 Re: Two Mile Creek Greenway – Land Control Agreements with Town of Tonawanda.

WHEREAS, the County of Erie has been awarded \$342,000 in Federal Intermodal Surface Transportation Efficiency Act Enhancement Funds to construct the Two Mile Creek Greenway bicycle path from the Riverwalk in the City of Tonawanda to Sheridan Park in the Town of Tonawanda, and

WHEREAS, the County of Erie has also dedicated \$286,000 in capital bond funds in the 1997 and 1998 Erie County capital budgets to provide a local match to the construction of this bicycle path, and

WHEREAS, the Two Mile Creek Greenway will be partially located on lands owned by the Town of Tonawanda,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to enter into all necessary and appropriate intermunicipal agreements, right of way permits, and other land control agreements, with the Town of Tonawanda necessary to construct, maintain and operate the Two Mile Creek Greenway on lands owned by the Town of Tonawanda as generally located on Attachment A to this resolution.

REF: Comm. 16E-12

Item 55 - (Comm. 16E-13) Ms. Marinelli moved for immediate consideration. Ms. Peoples seconded.

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CARRIED UNANIMOUSLY

RESOLUTION NO. 276 Re: Two Mile Creek Greenway – Land Control Agreements with City of Tonawanda.

WHEREAS, the County of Erie has been awarded \$342,000 in Federal Intermodal Surface Transportation Efficiency Act Enhancement Funds to construct the Two Mile Creek Greenway bicycle path from the Riverwalk in the City of Tonawanda to Sheridan Park in the Town of Tonawanda, and

WHEREAS, the County of Erie has also dedicated \$286,000 in capital bond funds in the 1997 and 1998 Erie County capital budgets to provide a local match to the construction of this bicycle path, and

WHEREAS, the Two Mile Creek Greenway will be partially located on lands owned by the City of Tonawanda,

NOW THEREFORE BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to enter into all necessary and appropriate intermunicipal agreements, right of way permits, and other land control agreements, with the City of Tonawanda necessary to construct, maintain and operate the Two Mile Creek Greenway on lands owned by the City of Tonawanda as generally located on Attachment A to this resolution.

REF: Comm.16E-13

Item 56 – (Comm. 16E-14) Re: Sale of County Owned Inventory SBL#'s 125.650-4-1 Thru 125.650-4-4 Elm Avenue, Town of West Seneca.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 55 – (Comm. 16E-15) Re: Youth Services – Increase in Overtime &

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Purchase of Equipment for Kitchen at East Ferry Detention Center.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 58 – (Comm. 16E-16) Re: Probation – Addition of Staff.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 59 – (Comm 16E-17) Re: Position Change Report .

Received and refered to the PUBLIC SAFETY COMMITTEE.

Item 60 – (Comm. 16-E-18) Copy of Letter to Erie County Soil & Water Conservation District Re: Resignation From Board of Directors.

Received and filed.

COMMUNICATIONS FROM THE DEPARTMENTS**FROM ECC**

Item 61 - (Comm. 16D-1) Re: Minutes of Meeting Held 5/27/98

Item 62 – (Comm. 16D-2) Re: Minutes of Meeting Held 6/24/98.

The above two items were received and filed.

FROM ECMC

Item 63 – (Comm. 16D-3) Re: Board of Managers Finance Committee
7/7/98 – Financial Statements for 5/31/98. NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Erie County Executive Dennis T. Gorski,

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will hold a public hearing on Tuesday, July 14, 1998 at 11:00 a.m. concerning:

A LOCAL LAW in relation to electing a retirement incentive program pursuant to Chapter 47 of the Laws of 1998.

The hearing will be held in the Erie County Executives Conference Room on the 16" floor of the Rath Building, 95 Franklin Street, in the City of Buffalo.

On June 22, 1998, the Erie County Legislature adopted Erie County Local Law Introduction Number 3 of 1998. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7 th floor of 25 Delaware Avenue, in the City of Buffalo, New York.

DENNIS T. GORSKI

Erie County Executive

EC MORGUE

Item 64 – (Comm. 16D-4) Re: Monies & Other Property Found on Deceased Persons.

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

COUNTY ATTORNEY

Item 65 – (Comm. 16D-5) Notice of County Executive's Public Hearing – Local Law. Intro No. 3 1998.

Received, filed and printed.

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Item 66 – (Comm. 16D-6) Notice of County Executive's Public Hearing – Local Law Intro No. 2 1998.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Erie County Executive Dennis T. Gorski, will hold a public hearing on Tuesday, July 14, 1998 at 11:00 a.m. concerning:

A LOCAL LAW in relation to regulation of home health care services provided to county residents pursuant to contracts awarded by the County of Erie.

The hearing will be held in the Erie County Executives Conference Room on the 16' floor of the Rath Building, 95 Franklin Street, in the City of Buffalo.

On June 11, 1998, the Erie County Legislature adopted Erie County Local Law Introduction Number 2 of 1998. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th floor of 25 Delaware Avenue, in the City of Buffalo, New York.

DENNIS T. GORSKI

Erie County Executive

Received, filed and printed.

DPW

Item 67 – (Comm. 16D-7) SEQR Determination of Significance Positive Declaration EC Courts Master Plan Implementation Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

BUDGET MANAGEMENT & FINANCE

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Item 68 – (Comm. 16 D-8) Budget Monitoring Report for Period Ending 5/32/98.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

BOARD OF ELECTIONS

Item 69 – (Comm. 16D-9) Ms. Peoples moved for immediate consideration. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 277 Re: Transfer of Funds in Erie County Board of Elections 1998 Budget.

WHEREAS, a vital part of the electoral process is accurately counting and processing absentee and affidavit ballots, and

WHEREAS, currently, Inspectors count all absentee and affidavit ballots by hand at the close of the polls, and

WHEREAS, this may result in human error and the voiding of a ballot because of any marks which the Inspector may unknowingly make when counting the ballot, and

WHEREAS, by law, any marks made on an absentee ballot other than in the appropriate box will cause that ballot and vote to be void, and

WHEREAS, the Board's current procedure of reviewing, counting and processing election results, while although accurate, is also very timely, and

WHEREAS, the scanning system will allow all absentee and affidavit ballots to be counted and processed in-house, in a quick and expedient manner without the risk of human error, and

WHEREAS, funds exist in the 1998 departmental budget of the Erie County Board of Elections; and therefore, there is no additional cost to the County.

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature determines that there is a need to maintain adequate and up-to-date equipment at the Board of Elections to secure the accuracy of the electoral process, and be it further

RESOLVED, that this Honorable Body does hereby authorize the sum of \$91,500 to be transferred from Account 830 - Contractual Services as follows:

Account 932 - Furniture & Office Equipment: \$56,500

Buyout purchase of Optical Scan Absentee Ballot Tabulation System

Account 822 - Rental Charges: \$35,000

Rental of said scanning system through November 1998

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RESOLVED, that certified copies of this resolution be sent to the County Executive, Erie County Comptroller, Director of Budget and Management and the

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Commissioners of the Erie County Board of Elections.

REF: Comm. 16D-9

DPW

Item 70 – (Comm. 16D-10) Ms. Peoples moved for immediate consideration.
Mr. Dusza seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 278 Re: Storm Sewer Permanent Easement Cayuga Creek Road
CR165 Parcel SBL 124.22-4-2, Town of Cheektowaga

WHEREAS, the Town of Cheektowaga has asked the County to grant a permanent easement across County owned property, (SBL 124.22-4-2) along Cayuga Creek Road (CR 165), in the Town of Cheektowaga; and

WHEREAS, said easement is sought to permit Town of Cheektowaga to construct a 60" storm sewer outlet pipe; and

WHEREAS, the Town of Cheektowaga's storm sewer line will improve conditions for residents in the surrounding area of the Town.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, through the County Attorney, is hereby authorized to sign and deliver to the Town of Cheektowaga a permanent easement for construction and maintenance of a 60" storm sewer outlet to Cayuga Creek across County property (SBL 124.22-4-2) along Cayuga Creek Road in the Town of Cheektowaga. Said easement shall be approximately 24 meters by 19 meters and lying as follows:

Commencing at a point in the southerly right of way for Cayuga Creek Road, at its intersection with the centerline of the Aris Avenue right of way extended; thence

Easterly along said right of way a distance of 1.2 meters more or less to the point of beginning; thence

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Through the property of the County of Erie the following:

South 01°00'10" East a distance of 25.8 meters more or less to a point; thence

South 52°52'43" West a distance of 18.8 meters more or less to a point; thence

North 01°00'18" West a distance of 24.0 meters more or less to a point in the said right of way; thence

North 48°30'58" East along said right of way a distance of 20.0 meters more or less to the point of beginning. Containing 378.2 square meters of land more or less; and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to provide a certified copy to the County Attorney and forward three (3) additional certified copies of this resolution to the Deputy Commissioner - Highways.

REF: Comm.16D-10

Item 71 – (Comm. 16D-11)

Re: Relocation of Erie County Public Health Lab at ECMC Campus.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

BOARD OF ELECTIONS

Item 72 – (Comm. 16D-12) Ms. Peoples moved for immediate consideration. Ms. Fisher seconded.

CARRIE UNANIMOUSLY

RESOLUTION NO. 279 Re: Complex Technology Grant

WHEREAS, the Erie County Board of Elections has been awarded a Complex

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Technology Grant totaling \$87,500 to electronically image the complete active file of registered voters in Erie County, and

WHEREAS, once completed, it will allow immediate electronic access to records by Board employees and the general public, and

WHEREAS, the end result would be the elimination of all hard copy voter registration record files, which would be put in storage and eventually destroyed according to the 1996 State Archives and Records Administration Retention and Disposition Schedule.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a grant award funded 100% by the New York State Education Department which is budgeted as follows:

REVENUE

Account 551 -- State Aid	\$87,500
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EXPENSE

Account 830 -- Contractual Services	\$87,500
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and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management, the County Comptroller, the County Attorney and the Commissioners of the Erie County Board of Elections.

Fiscal Implications: None

REF: Comm.16D-12

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DPW

Item 73 – (Comm. 16D-13) Ms. Peoples moved for immediate consideration. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 280 Re: Surplus Revenue Road Repair Reserve Fund.

CORRECTIONAL FACILITY

Item 74 – (Comm. 16D-14) Re: Response to Comptroller's Audit & Review of Staffing & Overtime.

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law #1432, and

WHEREAS, the 1998 Adopted budget includes \$5,869,434 in Road Repair Reserve Fund, and

WHEREAS, the Road Repair Reserve Fund has an audited surplus from the 1997 Real Property Transfer Tax in the amount of \$769,000, and

WHEREAS, surplus Road Repair Reserve funds can only be used for capital repairs of roads and bridges in the County, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing, and

WHEREAS, a public hearing was held on July 16, 1998 at 2:00 p.m.,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby approve the following budget amendments.

	<u>Increase</u>
Road Fund Road Repair Reserve Fund Balance	210-964-224-98
769,000.00	
Road Fund Road Repair Reserve Interdepartment Highways	210-964-224-82-2230
769,000.00	
Road Fund Interdepartment - Road Repair Reserve	210-963-223-83-2240
769,000.00	
Road Fund Interfund Capital	210-963-223-880-2108
769,000.00	
Capital Fund 686 project - Interfund Revenue	420-686-223-686-2230
769,000.00	
Capital Fund 686 project - Roads - Construction Expenditures	420-686-223-972
769,000.00	

and be it further

RESOLVED, that the following road and bridge repair projects will be initiated during 1998

1998 TRANSFER TAX PROJECTS

OVERLAY	COST	TOTAL
Maple	\$ 200,000.00	
McKinley	228,000.00	
Clarence Center	360,000.00	
Railroad	200,000.00	
Bullis	100,000.00	
Keller	30,000.00	
Bowen	240,000.00	
Zimmerman	200,000.00	
Versailles	208,000.00	
Newton	248,000.00	

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Lake	130,000.00	
Crump	80,000.00	
Cattaraugus	220,000.00	
Woodside/Concord	<u>20,000.00</u>	
TOTAL OVERLAY		\$ 2,464,000.00

OIL & CHIP

West Becker	22,000.00
Crittenden	80,000.00
Carney	40,000.00
Burdick	30,000.00
Three Rod	2,000.00
Stolle	24,000.00
Ransom	40,000.00
Hall	40,000.00
William	30,000.00
N. Boston	11,000.00
Delameter	7,000.00
Gowans	12,000.00
Ketchum	12,000.00
Lotus Point	20,000.00
Pontiac	60,000.00
Cain	70,000.00
Feddick	64,000.00
East Creek	40,000.00
Center	150,000.00
Partridge	90,000.00
Hayes Hollow	36,000.00
Lewis	34,000.00
Church	18,000.00
Sharp/Sibley	40,000.00
Morse	24,000.00
Belcher	22,000.00

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Groth	24,000.00	
Quaker	60,000.00	
Ketchum	24,000.00	
Pratham	80,000.00	
Zoar Valley	40,000.00	
Foote	20,000.00	
Ottenbecker	16,000.00	
Brewer	16,000.00	
Foster (Maint.Pave)	<u>60,000.00</u>	
TOTAL OIL & CHIP		\$ 1,358,000.00
Wherle Drive		800,000.00
Misc. Paving/Patching Countywide (not including labor)		850,000.00
Paint/Stripe Roads Countywide		364,000.00
Heavy Equipment Repairs		<u>802,434.00</u>
GRAND TOTAL		\$ <u>6,638,434.00</u>

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Dennis T. Gorski; the County Comptroller, Nancy Naples; the Director of Budget and Management, Kenneth Kruly; the First Assistant County Attorney, Alan Gerstman; the Commissioner of Public Works, John C. Loffredo; and the Deputy Commissioner of Highways, David P. Comerford.

REF: Comm. 16D-13

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ECMC

Item 75 – (Comm. 16D-15) Re: Minutes of Board of Managers Meeting Held

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6/1/98 & Notice of Meeting Held 7/9/98.

Received and referred to the HEALTH COMMITTEE.

BUFFALO ZOO

Item 76 – (Comm. 16D-16) Re: Financial Report 5/98.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COUNTY ATTORNEY

Item 77 – (Comm. 16D-17) Re: Notice of County Executive's Public Hearing – Resolutions Intro 14-7, 14-8, 14-10 & 14-17.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT Erie County Executive Dennis T. Gorski, will hold a public hearing on Wednesday, July 22, 1998 at 10:00 a.m., concerning appropriations from the County contingency fund for the following purposes:

BUFFALO AND ERIE COUNTY PUBLIC LIBRARY**LACKAWANNA - LIBRARY BOOKS & MEDIA****\$2,500.00****SNYDER FIRE DEPARTMENT****\$1,500.00****ARTS IN EDUCATION INSTITUTE. OF WNY****\$2,000.00****WEST SENECA AMERICORPS -****SHARING THE WORDS TUTORING PROGRAM****\$ 800.00**

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The hearing will be held in the Erie County Executive's Conference Room on the 16th floor of the Rath Building, 95 Franklin Street, in the City of Buffalo.

On July 2, 1998 the Erie County Legislature adopted Resolutions Reference Numbers Int. 14-7, Int. 14-8, Int. 14-10 and Int. 14-17 authorizing this action. Copies of the proposed resolution are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

DENNIS T. GORSKI
ERIE COUNTY

EXECUTIVE

Received, filed and printed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

NEW YORK STATE COMPTROLLER

Item 78 – (Comm. 16M-1) Re: Annual Public Authority Data Request 1998.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE

PRICE WATERHOUSE

Item 79 – (Comm. 16M-2) Re: NFTA Financial Statements 3/31/98 & 1997.

Received and referred to the FINANCE & MANGEMENT COMMITTEE.

EC DEVELOPMENT COORDINATION BOARD

Item 80 – (Comm. 16M-3) Re: 1999-2004 Capital Improvement Program.

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Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ECWA

Item 81 – (Comm. 16M-4) Re: ECWA 1997 Annual Report.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

JOHN J. DELMONTE, ESQ

Item 82 – (Comm. 16M-5) Re: Notice of Claim .

Received and referred to the COUNTY ATTORNEY

GREATER BUFFALO WELLNESS COUNCIL

Item 83 – (Comm. 16M-6) Re: July/August 1998 Wellness Calendar & Directory

Received and referred to the HEALTH COMMITTEE.

MELINDA HOLLAND, CLEAN SITES

Item 84 – (Comm. 16M-7) Re: Summary of Task Force Meeting Held 6/16/98 & Notice of Meeting to be held 7/21/98

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ECIDA

Item 85 – (Comm. 16M-8) Re: Notice of Board of Directors Meeting Held 7/15/98.

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Received and filed.

CHILD & FAMILY SERVICES OF ERIE COUNTY

Item 86 – (Comm. 16M-9) Re: Response to Comptroller's Audit Report for Preventive Services Contract with Erie County Social Services 1996.

Received and referred to the SOCIAL SERVICES COMMITTEE

COUNTY MUNICIPAL REGIONALISM COMMITTEE

Item 87 – (Comm. 16M-10) Re: Report to the Erie County Legislature 7/1/98.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

EC MENTAL HYGENE COMMUNITY SERVICES BOARD

Item 88 – (Comm. 16M-11) Re: Notice of Board Meeting to be Held 7/16/98

Received and referred to the HEALTH COMMITTEE.

HODGSON RUSS ANDREWS WOODS & GOODYEAR

Item 89 – (Comm. 16M-12) Re: Erie County Stadium Lease

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

NYS DEPARTMENT OF AGRICULTURE AND MARKETS

Item 90 – (Comm. 16M-13) Re: Review of Agricultural District No. 2.

Item 91 – (Comm. 16M-14) Re: Review of Agricultural District No. 3

Item 92 – (Comm. 16M-15) Re: Review of Agricultural District No. 4.

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Item 93 – (Comm. 16M-16) Re: Review of Agricultural District No. 5.

The above four times were received and filed.

EC COUNCIL ON THE DISABLED

Item 94 – (Comm. 16M-17) Re: Year End Report 6/98.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ASSEMBLYMAN ANDERSON

Item 95 – (Comm. 16M-18) Re: Acknowledgement of Receipt of Resolution

CONGRESSMAN QUINN

Item 96 – (Comm. 16M-19) Re: Acknowledgement of Receipt of Resolution .

The above two items were received and filed.

KEN W. KLOEBER CONSULTING ENGINEERS

Item 97 – (Comm. 16M-20) Re: Notice of Public Scoping Meetings Re: EC Court Master Plan Implementation Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 98 – Ms. Peoples moved that when this Legislature adjourns, it do so out of respect to the memory Mrs. Bessie Patterson. Mr. Kuwik seconded.

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CARRIED UNANIMOUSLY.

ADJOURNMENT

Item 99 – 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, September 10, 1998.** Mrs. Fisher seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature **adjourned until Thursday September 10, 1998 at 2 p.m. Eastern Standard Time.**

Laurie Manzella
Clerk