ERIE COUNTY LEGISLATURE
MEETING NO. 21
October 22, 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. Larson.

Minutes of the previous meeting.

Ms. Peoples moved to approve minutes from meetings 18, 19, and 20. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 1 – Mr. Weinstein presented a resolution Saluting Leonard Pleskow as the 1998 Health Care Industries Association Humanitarian Award Along With the Governor's Lifetime Service Award.

Chairman Swanick directed that the resolution be made Et Al.

CARRIED UNANIMOUSLY.

Item 2 – Mr. Swanick presented a resolution Congratulating Jim Yeates on his Retirement.

Chairman Swanick directed that the resolution be made et al.

CARRIED UNANIMOUSLY.

Item 3 – Ms. Swanick and Ms. Peoples presented a resolution Recognizing the Arts and Cultural Organizations in Erie County During National Arts and Humanities Month.

Chairman Swanick directed that the resolution be made et al.

CARRIED UNANIMOUSLY.

Item 4 – Ms. Peoples presented a resolution Congratulating the Educational Opportunity Center of the University at Buffalo for 25 years of Service to the Western New York Community.

Chairman Swanick directed that the resolution be made et al.

CARRIED UNANIMOUSLY.

Item 5 - Mr. Kuwik presented a resolution

need info

Item 6 – Mr. Kuwik presented a resolution

LOCAL LAWS

Item 7 - CHAIRMAN SWANICK directed that Local Law Intro No. 10 (Print #1) 1997 remain on the table.

Item 8 – CHAIRMAN SWANICK directed that Local Law Intro No. 11 (Print #1) 1997 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 9 – CHAIRMAN SWANICK directed that Local Law Intro No. 1 (Print # 1) 1998 remain on the table and in the HEALTH COMMITTEE.

Item 10 - CHAIRMAN SWANICK directed that Local Law Intro No. 6 (Print # 1) 1998 remain on the table and in the HEALTH COMMITTEE.

COMMITTEE REPORTS

Item 11 – Mr. Dusza presented the following and moved for immediate consideration. Ms. Peoples seconded.

CARRIED UNANIMOUSLY

RESOULTION NO. 331

October 13, 1998

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

1. RESOLVED, that all items are hereby tabled.

RAYMOND K. DUSZA
CHAIRMAN

Mr. Dusza moved the approval. Ms. Peoples seconded.

Item 12 – Ms. Peoples presented the following and moved for immediate consideration. Ms. Peoples secodned.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 332

October 13, 1998

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 12

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

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

Item Page 1998 (Comm. 20E-11)
a. **COUNTY EXECUTIVE**: ECSD No. 2 Stearns & Wheler Environmental Engineers & Scientists Change Order No.2
(4-0)

Item Page 1998 (Comm. 20E-15)
b. **COUNTY EXECUTIVE**: Engineering Services Agreement Legislative Comm. 20E-13 Pratt & Huth-6 ECSD No. 1 Felber Lane Pumping Station Elimination Eng. Serv. During Cons.
(4-0)

Item Page 1998 (Comm. 20E-16)
c. **COUNTY EXECUTIVE**: EC Southtowns Sewage Treatment Agency Waste Paper Pulp Feed Facilities & Modification General/Mechanical-Contract "A" Change Order No. 1.
(4-0)

Item Page 1998 (Comm. 20E-9)
2. **COUNTY EXECUTIVE**:
WHEREAS, the Commissioner' s secretary is still working with an old IBM computer system with minimal memory, speed and hard drive storage, and

WHEREAS, three (3) other employees using personal computers with small screen monitors are experiencing eye strain, and

WHEREAS, the Department wishes to upgrade one system and printer for more efficient operation of daily work and e-mail, and relieve eye strain, and

WHEREAS, there currently is no funding in the Department's Technical Equipment account,

NOW, THEREFORE, BE IT

RESOLVED, that the amount of **$3100** be transferred from **Other Expenses** (110 942640826) to the ***Technical Equipment*** account (110 942640933) for the purchase of a Gateway computer system, a laser printer, and three (3) large screen monitors, 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 Parks, Recreation & Forestry.
(4-0)

Item Page 1998 (Comm. 20E-14)
3. **COUNTY EXECUTIVE**:
WHEREAS, Frank Perkowski, Sr. and Francie Reid of 663 Cypress Avenue, Angola, New York 14006 have requested temporary and permanent easements from Erie County Sewer District No. 2 (ECSD No. 2); so that, they can install a new water line to their property; and

WHEREAS, the granting of these easements will have no negative affect on the ability of ECSD No. 2 to operate and maintain its facilities; and

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

NOW, THEREFORE, BE IT

RESOLVED, that a ten (10) foot temporary easement and a five (5) foot permanent easement on Parcel No. 235.05-1-3 be granted to Frank Perkowski, Sr. and Francie Reid of 663 Cypress Avenue, Angola, New York 14006 for the sole purpose of installing a new water service to their property; 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., Deputy Commissioner of the Department of Environment and Planning, and one (1) certified copy to Steven Gawlik, Assistant County Attorney.
(4-0)

GREGORY B. OLMA
CHAIRMAN

Ms. Peoples moved the approval. Ms. Peoples seconded.

Item 13 – Ms. Marinelli presented the following and moved for immediate consideration. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 333

October 15, 1998

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 10

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

Item Page 1998 (Comm. 18E-12)

1. **COUNTY EXECUTIVE:**

RESOLVED, that the Community Enrichment Committee does hereby recommend that the full Legislature confirm the appointment Adam Perry, 578 Taunton Place, Buffalo New York 14216, as a Trustee of Erie Community College, with a term expiring June 2007.

(5-0)

LYNN M. MARINELLI
CHAIR

Ms. Marinelli moved the approval. Ms. Peoples seconded.

Item 14 – Ms. Peoples presented the following and moved for immediate consideration. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 334

October 15, 1998

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 9

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

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

next page

Item Page -1997 (Int. 21-2)

a. **GREENAN:** Use of Revenue Derived from Motor Vehicle-Related Taxes & Fees for Road & Bridge Repair.
(6-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm. 17E-13)
b. **COMPTROLLER:** Review of Unfilled Vacant Positions.
(6-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm.17E-20)
c. **COMPTROLLER:** Management Letter Issued in Conjunction with the Audit of ECMC Financial Statements for the Year Ended 12/31/97
(6-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm.17E-21)
d. **COMPTROLLER:** Letter from Deloitte & Touche, L.L.P. to the Management of ECMC Re: Internal Control & Other Matters
(6-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 18E-1)
e. **COMPTROLLER:** Interim Financial Report for Six Months Ended 6/30/98
(6-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1997 (Comm. 20E-5)
f. **COMPTROLLER:** Quarterly Investments - Report 4/1/98 - 6/30/98
(6-0) Chairman Swanick Present as Ex-Officio Member

2. **RESOLVED,** that the following item is hereby received, filed and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item Page -1998 (Comm. 9 M-24)
a. **BUFFALO ZOO:** Copy of Letter to Legislator Fisher Re: Funding for the Buffalo Zoo
(5-0)

(As Amended)
Item Page -1997 (Comm. 1D-19A)
3. **BUDGET, MANAGEMENT & FINANCE:**
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 980397 through 980418 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. 980397 / 9899 - ASSESSOR - Cancel - $831.54
SBL No. 107.00-2-7 - TOWN OF ALDEN
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 831.54 - Town/SpecialDist/School
Charge to : ALDEN CENTRAL 831.54

CANCEL - CLERICAL ERROR, THIS PARCEL WAS ENTITLED TO AN STAR EXEMPTION FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980398 / 9899 - ASSESSOR - Cancel - $805.78
SBL No. 188.00-1-9 - TOWN OF AURORA
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 805.78 - Town/SpecialDist/School
Charge to : EAST AURORA UNION 805.78

CANCEL - CLERICAL ERROR, THIS PARCEL WAS ENTITLED TO AN STAR EXEMPTION IN THE AMOUNT OF 31,210 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980399 / 9899 - ASSESSOR - Cancel - $698.01
SBL No. 210.02-3-13 - TOWN OF BOSTON
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 698.01 - Town/SpecialDist/School
Charge to : EDEN CENTRAL 698.01

CANCEL - CLERICAL ERROR, THIS PARCEL WAS ENTITLED TO AN STAR EXEMPTION IN THE AMOUNT OF 38,650 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980400 / 9899 - ASSESSOR - Cancel - $698.01
SBL No. 210.02-4-27 - TOWN OF BOSTON
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 698.01 - Town/SpecialDist/School
Charge to : EDEN CENTRAL 698.01

CANCEL - CLERICAL ERROR, THIS PARCEL WAS ENTITLED TO AN STAR EXEMPTION IN THE AMOUNT OF 38,650 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980401 / 9899 - ASSESSOR - Cancel - $728.40
SBL No. 211.10-3-42 - TOWN OF BOSTON
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 728.40 - Town/SpecialDist/School
Charge to : HAMBURG CENTRAL 728.40

CANCEL - CLERICAL ERROR, THIS PARCEL WAS ENTITLED TO AN STAR EXEMPTION IN THE AMOUNT OF 38,650 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980402 / 9899 - ASSESSOR - Cancel - $5,106.53
SBL No. 226.02-4-17.121 - TOWN OF BOSTON
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 5,106.53 - Town/SpecialDist/School
Charge to : HAMBURG CENTRAL 5,106.53

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION THAT WAS USED ON THIS PARCEL WAS MISCALCULATED. THE AMOUNT WAS 38,650 AND SHOULD BE 258,000. THIS IS A TRAILER PARK WITH SENIORS RESIDING IN THE PARK AND THE CALCULATION IS DIFFERENT FROM A SINGLE PROPERTY. RPTL 550(2)B.

Petition No. 980403 / 9899 - ASSESSOR - Cancel - $853.12
SBL No. 226.20-1-13 - TOWN OF BOSTON
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 853.12 - Town/SpecialDist/School
Charge to : HAMBURG CENTRAL 853.12

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION TO WHICH THIS PARCEL WAS ENTITLED TO IN THE AMOUNT OF 38,650 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980404 / 9899 - ASSESSOR - Cancel - $698.01
SBL No. 240.00-4-1.3/A - TOWN OF BOSTON
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 698.01 - Town/SpecialDist/School
Charge to : EDEN CENTRAL 698.01

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO A STAR EXEMPTION IN THE AMOUNT OF 38,650 WHICH WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 980405 / 9798 - ASSESSOR - Refund - $75.50
SBL No. 258.10-1-33.2 - TOWN OF BOSTON
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 75.50 - Town/SpecialDist/School
Charge to : SPRING-GRIFFITH 75.50

REFUND - ERROR IN ESSENTIAL FACT, THIS PARCEL WAS CHARGED FOR A SECOND GARAGE WHEN NONE EXISTED. ASSESSED VALUE WAS 84,000 AND SHOULD BE 80,000. RPTL 550(3)B.
CHECK IN FAVOR OF: DEAN R. BALLOWE

Petition No. 980406 / 9899 - ASSESSOR - Cancel - $427.49
SBL No. 283.02-1-23 - TOWN OF BRANT
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 427.49 - Town/SpecialDist/School
Charge to : LAKE SHORE CENTRAL 427.49

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 42,220 TO WHICH THIS PARCEL IS ENTITLED WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980407 / 9899 - ASSESSOR - Cancel - $937.41
SBL No. 284.00-4-8.3 - TOWN OF BRANT
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 937.41 - Town/SpecialDist/School
Charge to : NORTH COLLINS CENT 937.41

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 42,220 TO WHICH THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX BILL. RPTL 550(2)C.

Petition No. 980408 / 9899 - ASSESSOR - Cancel - $1,642.91
SBL No. 284.00-5-19 - TOWN OF BRANT
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 1,642.91 - Town/SpecialDist/School
Charge to : LAKE SHORE CENTRAL 1,642.91

CANCEL - CLERICAL ERROR, THIS PARCEL WAS ENTITLED TO BOTH A SENIOR EXEMPTION IN THE AMOUNT OF 42,220 AND A STAR EXMEPTION IN THE AMOUNT OF 44,250 BOTH OF WHICH WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 980409 / 9899 - ASSESSOR - Refund - $111.67
SBL No. 266.18-2-52 - TOWN OF BRANT

Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 111.67 - Town/SpecialDist/School
Charge to : VILLAGE OF FARNHAM 111.67

REFUND - ERROR IN ESSENTIAL FACT, THE BUILDING WAS REMOVED. THE ASSESSMENT WAS 18,500 AND SHOULD BE 8,000. RPTL 550(3)A.
CHECK IN FAVOR OF: THOMAS & ANN FOSE

Petition No. 980410 / 9899 - ASSESSOR - Cancel - $908.19
SBL No. 80.18-13-24 - TOWN OF CHEEKTOWAGA
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 908.19 - Town/SpecialDist/School
Charge to : CHEEK. UNION #3 908.19

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 32,350 THAT THIS PARCEL WAS ENTILED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980411 / 9899 - ASSESSOR - Cancel - $862.33
SBL No. 91.08-2-42 - TOWN OF CHEEKTOWAGA
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 862.33 - Town/SpecialDist/School
Charge to : CHEEK. UNION #2 862.33

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 32,350 THAT THIS PARCEL IS ENTILED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980412 / 9899 - ASSESSOR - Cancel - $862.33
SBL No. 91.08-14-42 - TOWN OF CHEEKTOWAGA
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 862.33 - Town/SpecialDist/School
Charge to : CHEEK. UNION #2 862.33

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 32,350 TO WHICH THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980413 / 9899 - ASSESSOR - Cancel - $1,038.73
SBL No. 91.10-5-36 - TOWN OF CHEEKTOWAGA
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 1,038.73 - Town/SpecialDist/School
Charge to : CHEEK. UNION #3 1,038.73

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 32,350 TO WHICH THIS PARCEL IS ENTILED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980414 / 9899 - ASSESSOR - Cancel - $190.56
SBL No. 92.02-3-24./102 - TOWN OF CHEEKTOWAGA
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 190.56 - Town/SpecialDist/School
Charge to : LANCASTER CENTRAL 190.56

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 32,350 TO WHICH THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980415 / 9899 - ASSESSOR - Cancel - $862.33
SBL No. 92.17-1-1 - TOWN OF CHEEKTOWAGA
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 862.33 - Town/SpecialDist/School
Charge to : CHEEK. UNION #2 862.33

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 32,350 TO WHICH THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980416 / 9899 - ASSESSOR - Cancel - $862.33
SBL No. 92.18-5-62 - TOWN OF CHEEKTOWAGA
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 862.33 - Town/SpecialDist/School
Charge to : CHEEK. UNION #2 862.33

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 32,350 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 4550(2)C.

Petition No. 980417 / 9899 - ASSESSOR - Cancel - $681.71
SBL No. 102.12-4-25 - TOWN OF CHEEKTOWAGA
Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 681.71 - Town/SpecialDist/School
Charge to : CHEEKTO. CENTRAL 681.71

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 32,350 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 980418 / 9899 - ASSESSOR - Cancel - $681.71

SBL No. 102.12-4-25 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - $ 0.00 - County
Acct. No. 132 - $ 681.71 - Town/SpecialDist/School
Charge to : CHEEKTO. CENTRAL 681.71

CANCEL - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 32,350 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

(6-0) Chairman Swanick Present as Ex-Officio Member

Item	Page	-1997	(As Amended) (Int. 13-20)

4. **PEOPLES, SWANICK, FITZPATRICK, KUWIK, MARINELLI, OLMA LARSON, RANZENHOFER & FISHER:**

WHEREAS, Many of our constituents countywide are delinquent in payment of their county real property taxes, and

WHEREAS, Penalties, interest and mandatory full payment of real property taxes have caused a burden and hardship on some taxpayers whose financial situations do not afford them the ability to make full remittance of real property taxes due in one and only one payment, and

WHEREAS, The Erie County Tax Department currently has outstanding real property taxes totaling an estimated $56,074,026.85 for 1997, $55,053,756.50 for 1996 and $53,843,171.46 for 1995, and

WHEREAS, Collection of these outstanding real property taxes not including interest penalties would result in an estimated total of $165 million, and

WHEREAS, Collection of real property taxes is important because these proceeds provide a means to fund County Share expenditures covering State Mandated costs; General Government expenditures; and Buffalo and Erie County Public Library costs, and

WHEREAS, State Mandated costs funded by local revenues have increased by $4.39 million, General Government costs by $9.12 million and Library expenditures have by approximately $1 million in the 1997 approved county budget, and

WHEREAS, Given the opportunity to pay these delinquent real property taxes in no less than two and no more than four installments over a 31 day period, these constituents would provide an otherwise uncollectible, timely influx of cash, bring delinquent real property tax accounts current and make monies available to the Erie County Comptroller for payment of county expenditures,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby request Erie County Senior Budget Consultant Greg Gach and Erie County Attorney Kenneth A. Schoetz, to appear before the Finance Committee to discuss the feasibility of implementing a payment program for taxpayers who are delinquent on real property taxes and provide dialogue as to how the Erie County Real Property Tax Law would affect implementation of this program, and be it further

RESOLVED, That this Honorable Body does declare that should feedback received prove favorable, steps will be initiated to implement this payment program during the 1998 real property tax season, and be it further

RESOLVED, That all monies collected from this payment program be credited to the county property tax levy, thereby increasing the available pool of monies for payment of County Share expenditures, and be it further

RESOLVED, That certified copies of this resolution be sent to the County Executive Dennis Gorski, Erie County Attorney Kenneth A. Schoetz, Erie County Comptroller Nancy Naples, Director of Budget and Management Kenneth Kruly.
Fiscal Impact: None
(6-0) Chairman Swanick Present as Ex-Officio Member

			(As Amended)
Item	Page	-1997	(Comm. 17E-56)

5. **COUNTY EXECUTIVE:**

WHEREAS, the Village of Sloan has requested to purchase the County of Erie inventory properties as listed above for future development for public purposes, and

NOW, THEREFORE BE IT RESOLVED, that the following described parcels of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to the Village of Sloan, 425 Reiman Street, Sloan, New York 14212 for the sum of One and 00/100 Dollars ($1.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Sloan, Town of Cheektowaga, County of Erie and State of New York being part of Farmlot 32, Township 11, Range 7 and further described on Erie County Tax Maps as Section, Block and Lot No. 112.120-1-1.200 (Lovejoy Street 8.16 acres). Intending to convey all land acquired by Erie County as Serial No. 1644 in the County In Rem Tax Foreclosure Action No. 153.

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Sloan, Town of Cheektowaga, County of Erie and State of New York being part of Farmlot 32, Township 11, Range 7 and further described on Erie County Tax Maps as Section, Block and Lot No. 113.090-1-2.200 (Lovejoy Street 5.59 acres). Intending to convey all land acquired by Erie County as Serial No. 1645 in the County In Rem Tax Foreclosure Action No. 153, and be it further

RESOLVED, that the Village of Sloan understands that if they were to sell these parcels at a future date, the County of Erie would be entitled to share in the profit of that sale and that the property shall first be offered to contiguous landowners, and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance and the County Attorney's Office.
(6-0) Chairman Swanick Present as Ex-Officio Member

CRYSTAL D. PEOPLES
CHAIR

Ms. Peoples moved the approval. Ms. Marinelli seconded.

Item 15 – Mr. Fitzpatrick presented the following and moved for immediate consideration. Mrs. Fisher sec onded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 335

October 15, 1998

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 10

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

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

Item Page -1998 (Comm. 18D-7)
a. **DPW:** 1998 Overlay "A" Program Project No. CHIPS OP-98A Towns of Cheektowaga, Clarence, Eden, Evans, Hamburg, Orchard Park, Tonawanda & West Seneca.
(5-0)

Item Page -1998 (Comm. 18D-8)
b. **DPW:** 1998 Culvert Reconstruction & Bridge Rehab Project No. Culverts 98 Towns of Aurora, Colden & Elma.
(5-0)

Item Page -1998 (Comm. 18M-2)
c. **TOWN OF GRAND ISLAND:** Commenting on the Niagara Frontier Planning Association's Proposal
(6-0) Chairman Swanick present as ex-officio member

Item Page -1998 (Comm. 20M-6)
d. **NFTA:** Minutes of Board Meeting Held 8/17/98
(6-0) Chairman Swanick present as ex-officio member

Item Page -1998 (Comm. 20M-14)
e. **TOWN OF GRAND ISLAND:** Copy of Letter Re: Niagara Frontier Planning Association Proposal
(6-0) Chairman Swanick present as ex-officio member

Item Page -1998 (Comm. 20M-15)
f. **ECIDA:** Notice of Board of Directors Meeting to be Held 10/14/98
(6-0) Chairman Swanick present as ex-officio member

Item Page -1998 (Comm. 18D-12)
2. **DPW:**

"WHEREAS, A project for the Reconstruction of Intersection of McKinley Parkway (CR 204), Bayview Road (CR 169) and Sowles Road (CR 162) Intersection, in the Town of Hamburg, Erie County, P.I.N. 5128.00, (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 Construction Phase of the project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement.

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 above subject project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance the full non-federal share of the cost of the Construction Phase of the Project or portions thereof; and be it further

RESOLVED that the sum of $272,090 is hereby appropriated from the following sources, the 1996 Federal Aid Program ($67,000) and the 1998 Federal Aid Program ($205,090) and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the 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 NYSDOT 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 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 copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement 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."

(5-0)

Item Page -1998 (Comm. 18D-13)

3. **DPW:**

WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Angola Highway Vehicle Storage Facility in an amount not to exceed $477,508.00, and

WHEREAS, during the course of work, it was discovered that unforeseen conditions would require an additional $3,000.00 funding to the construction contingency,

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency fund and DPW overhead be increased from $25,000.00 to $28,000.00, with authorization for the Commissioner of Public Works to approve change orders, 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 1996 Highway Building Construction & Rehabilitation capital bond account, SFG 732, 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.
(5-0)

Item Page -1998 (Comm. 18D-14)
4. **DPW:**
"WHEREAS, a Departmental professional services contract was assigned to Sear-Brown to perform engineering services for the design of intersection improvements at the Hopkins Road and Klein Road intersections in the Town of Amherst, and

WHEREAS, it has been determined that the Contract must be increased due to additional engineering services required to complete the design of this CMAQ Intersection Safety Improvement Project.

NOW, THEREFORE, BE IT

RESOLVED, that an amount of $10,000 be allocated from the 1995 Bridge Design Program for a change order to the professional services contract for engineering services with Sear-Brown, Inc., 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."
(6-0) Chairman Swanick present as ex-officio member

Item Page -1998 (Comm. 18D-16)
5. **DPW:**
WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Roof Repair – Emergency Response Services – All County-owned Buildings, and

WHEREAS, a contract was awarded to Jameson Roofing Co. in the maximum amount of $40,000.00, the total expenditure of which shall be based upon a project-by-project basis,

NOW, THEREFORE, BE IT

RESOLVED, that the total expenditure be increased from $40,000.00 to $80,000.00, with authorization for the Commissioner of Public Works to approve the work based upon the NYS

Department of Labor Prevailing Wage Rate Schedule and for all materials furnished and installed for each emergency response repair, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the following bond accounts:

1990	Roof Replacement & Waterproofing – DPW	SFG 583, Fund 410	$ 593.00
1991	Roof Replacement & Waterproofing - DPW	SFG 595, Fund 410	$ 1,111.00
1991	Code Compliance	SFG 593, Fund 410	$11,150.00
1993	Code Compliance	SFG 607, Fund 410	$14,657.00
1996	Code Compliance	SFG 748, Fund 410	$12,489.00
		Total	$40,000.00

and be it further

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

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

MICHAEL A. FITZPATRICK
CHAIRMAN

Mr. Fitzpatrick moved the approval. Mrs. Fisher seconded.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 336

October 15, 1998

SOCIAL SERVICES
COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CHASE.

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

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

next page

a. **COMPTROLLER:** Child & Family Services Inc. Contract Compliance with the Erie County Department of Social Services for period Ended 12/31/96
(4-0)

Item Page -1998 (Comm. 13D-17)

b. **SOCIAL SERVICES:** Review of Final Audit Report of Child & Family Services of Erie County Contract Compliance with Erie Co. Social Services for Period Ended 12/31/96
(4-0)

Item Page -1998 (Comm. 16E-1)

c. **COMPTROLLER:** Audit of Contracts for Preventive Services of Child & Family Services of Erie County with Erie County Social Services
(4-0)

Item Page -1998 (Comm. 16M-9)

d. **CHILD & FAMILY SERVICES OF ERIE COUNTY:** Response to Comptroller's Audit Report for Preventive Services Contract with Erie County Social Services 1996
(4-0)

Item Page -1998 (Comm. 16M-17)

e. **EC COUNCIL ON THE DISABLED:** Year End Report 6/98
(4-0)

Item Page -1998 (Comm. 18E-6)

2. **COUNTY EXECUTIVE:**

WHEREAS, since 1989, the Department of Social Services has successfully operated an office in the City of Lackawanna, providing basic entitlement program services to the Lackawanna and Blasdell communities, and

WHEREAS, the Erie County Legislature in 1996 (Comm. 13E-20) authorized relocation of the STRIDE Office through a lease for 4,300 square feet at 609 Ridge Road in Lackawanna, and

WHEREAS, the Department has used this space for nearly two years, and

WHEREAS, the Department has determined that the lease of 4,300 square feet meets its program requirements but has not been cleaned appropriately for use as a professional work place, and

WHEREAS, the Department initiated discussions with the landlord to increase the services covered in the current lease for cleaning and janitorial services and also to allow the security costs to be lowered through competitive bid. The guard service is now publicly bid at a significantly lower cost than had been specified in the original lease.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a three-year and two-month lease amendment (9/16/1998 to 11 /15/2001) with the landlord, Peter A Vinolus, for space at 609 Ridge Road in the City of Lackawanna, adding services for the thorough cleaning and janitorial care of 4,300 square feet of space at $50 per week, or $2,600 per year, raising the lease total cost to $44,095 per year, and be it further

RESOLVED, that the funds for this expenditure are available in the 1998 Adopted Budget of the Department of Social Services, and be it further

RESOLVED, that the following budget amendments are hereby authorized for the period September 16, 1998 to December 31, 1998:

Department of Social Services, Department 200, Fund 120

ACCOUNT		INCREASE/ (DECREASE)
821	Dues & Fees	$800
826-998	Other Expenses	($800)
	Total Appropriation Change	$-0-

and be it further

RESOLVED, that certified copies of this Resolution shall be forwarded to the Division of Budget, Management and Finance and the Department of Social Services.
(4-0)

Item Page -1998 (Comm. 18E-13)

3. **COUNTY EXECUTIVE:**

WHEREAS, the Title V Senior AIDES Program employs workers 55 years of age and older in subsidized positions, and

WHEREAS, it is the intent of the Senior AIDES Program to place these workers in an unsubsidized position within a two-year period, and

WHEREAS, the Department of Senior Services has a Senior AIDES worker in the Protective Services for Adults unit whose subsidized placement has expired, and

WHEREAS, the Department wishes to retain this worker in an unsubsidized part-time position, and

WHEREAS, the Department has identified funds in the Area Agency on Aging Grant, Project No. 8 10, to fund this position at no additional cost to the County, and

WHEREAS, the appropriate B-100 is attached for approval of the position.

NOW, THEREFORE, BE IT

RESOLVED, that a part-time Community Service Aide position, Job Group 1, be created in the Area Agency on Aging-Grant, Project No. 810, effective immediately at a cost of $1535.92 for the remainder of 1998, for the purpose of hiring a subsidized part-time Senior AIDES worker, and be it further

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

(4-0)

GEORGE A. HOLT, JR.
CHAIRMAN

Mr. Holt moved the approval. Ms. Peoples seconded.

Item 17 – Mrs. Fisher presented the following and moved for immediate consideration. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 337

October 15, 1998

HEALTH
COMMITTEE
REPORT NO. 12

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

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

ABCDE

Item Page -1998 (Comm. 20D-4)

f. **HEALTH:** Notice to Postpone Board of Health Meeting Scheduled for 10/20/98.
(5-0) Legislator Peoples absent. Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm. 20D-5)

g. **EC MORGUE:** Monies & Other Property Found on Deceased Persons.
(5-0) Legislator Peoples absent. Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm. 20D-9)

h. **ECMC:** Notice of Board of Managers Meeting to be held 10/15/98.

(5-0) Legislator Peoples absent. Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm. 20D-11)

i. **ECMC:** Board of Managers Finance Committee 10/6/98 Financial Statements for 8/31/98.

(5-0) Legislator Peoples absent. Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm.20M-12)

j. **GREATER BUFFALO COMMUNITY WELLNESS COUNCIL:** Wellness Calendar & Directory 10/98.

(5-0) Legislator Peoples absent. Chairman Swanick Present as Ex-Officio Member

Item Page -1998 (Comm. 20E-13)

2. **COUNTY EXECUTIVE**:

WHEREAS, the HIV/STD Support Services Grant funds a Public Health Nurse who provides HIV testing, reimburses the STD Clinic for participation in a Chlamydia Study, and provides funding for HIV testing supplies, and

WHEREAS, the Erie County Health Department has received a continuing grant award in the amount of $60,375 from the New York State Department of Health for the period 1/1/98 - 3/31/99, and

WHEREAS, the grant award funds HIV Testing and a Chlamydia Study for fifteen months.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept a contract with the New York State Department of Health for the purpose of receiving reimbursement for the HIV/STD Support Services Program and the Erie County Legislature hereby approves the revisions to the budget as follows:

HIV/STD SUPPORT SERVICES
1/1/98 - 3/31/99
PROJECT #780

REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
STATE AID	$ 60,375	-0-	$ 60,375
LOCAL SOURCE	14,097	+1,320	15,417
TOTAL	$ 74,472	+1,320	$ 75,792

APPROPRIATONS			
PERS. SERVICES	$ 51,403	0	$ 51,403
FRINGES	14,089	0	14,089
MEDICAL SUPPLIES	6,250	0	6,250
TRAVEL-CONFERENCE	0	1,320	1,320
CONTRACTUAL SALARY	2,730	0	2,730
TOTAL	$ 74,472	$1,320	$ 75,792

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.
(5-0)

Item Page -1998 (Comm. 20E-18)

3. **COUNTY EXECUTIVE**:

WHEREAS, the Department of Health has analyzed its objects of expense within the Division of Emergency Medical Services, and has determined that in Account 801 - Overtime, expenditures will exceed appropriations by an estimated $15,000, and

WHEREAS, the Emergency Medical Services Communication Center has experienced unanticipated overtime, and

WHEREAS, a transfer of funds must be made in order to continue the provision of this vital public health service for the remainder of the 1998 fiscal year.

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 Emergency Medical Services (50-07):

Increase Account 801 Overtime	$15,000
Decrease Account 800 Personal Services	15,000
Net Increase	$ -0-

and be it further

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

Item Page -1998 (Comm. 20E-19)

4. **COUNTY EXECUTIVE**:

WHEREAS, the New York State Department of Health has awarded $70,000 to the Erie County Department of Health for the purpose of continuing the HIV Seroprevalence Study for a twelve month period ending 6/30/99.

NOW, THEREFORE, BE IT

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

HIV SEROPREVALANCE GRANT
07/1/98 - 06/30/99
PROJECT #782

SFG	SUB	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
388		HIV CONSELING & TESTING	$ 47,842	$ 0	$ 47,842
553		STATE AID	$ 69,770	$230	$ 70,000
		TOTAL	$ 117,612	$230	117,842
		APPR0PRIATIONS			
800		PERSONNEL SERVICES	$ 89,380	180	$ 89,560
801		OVERTIME	$ -	50	$ 50
805		FRINGES	$ 24,500	0	$ 24,500
890		CONTRACTUAL SAL. RES.	$ 3,732	0	$ 3,732
		TOTAL	$ 117,612	$ 230	$ 117,842

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.
(5-0)

Item Page -1998 (Comm. 20E-20)

5. **COUNTY EXECUTIVE**:

WHEREAS, the Erie County Department of Health has received a grant from the New York State Health Department in the amount of $84,000, and

WHEREAS, over 300,000 people in the United States die of causes directly related to smoking, and

WHEREAS, most smokers start using tobacco before the age of eighteen (18), and

WHEREAS, the Health Department's Environmental Health Unit will conduct an informational campaign targeted toward merchants, informing them of the New York State Law prohibiting the sale of tobacco products to persons under the age of eighteen (18), and

WHEREAS, the County desires to subcontract with all Police Departments in Erie County to conduct compliance checks of merchants by using underage operatives who will attempt to purchase tobacco products.

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 Health Department to be budgeted as follows:

Youth Tobacco Enforcement & Prevention Program
10/1/98 - 12/31/99

SFG	SUB	REVENUE		NEW BUDGET
428		PENALTIES & FINES	$	14,500
553		STATE AID	$	84,000
553		STATE AID PRIOR YEAR	$	23,898
		TOTAL	$	122,398

APPROPRIATIONS

800	PERSONNEL SERVICES	$	48,370

805	FRINGES	12,576
810	OFFICE SUPPLIES	2,000
821	DUES & FEES	100
824	TRAVEL & MILEAGE	2,400
825	OUT OF AREA TRAVEL	1,000
826	OTHER EXPENSES	5,000
830	CONTRACTUAL SERVICES	42,000
880-5100	INTERFUND DISS	1,000
932	OFFICE EQUIPMENT	1,000
933	LAB & TECH EQUIPMENT	6,952
	TOTAL	$ 122,398

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to subcontracts with the Erie County Sheriff s Department and other police agencies in an amount not to exceed $42,000 to conduct compliance checks of merchants by using underage operatives to attempt to purchase tobacco products to carry out this project, and be it further

RESOLVED, that police agencies will be reimbursed at the rate of $30.00 per compliance check, and be it further

RESOLVED, that one half of the fines collected by the Health Department will be returned to the police agencies for educational programs designed to prevent adolescents from smoking as provided in Article 13-F of the New York State Public Health Law, 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.
(5-0)

JUDITH P. FISHER
CHAIR

Mrs. Fisher moved the approval. Ms. Peoples seconded.

LEGISLATORS RESOLUTIONS

Item 18 – Ranzenhofer presented the following and requested that it be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro 21-1 Re: Lease Rates for Fire Hydrants.

Item 19 – Ms. Peoples presented the following resolution and moved for immediate consideration. Ms. Marinelli seconded.

RESOLUTION NO. 338 Re: County Commitment to Construction of a New Convention Center for Buffalo and Erie County. (Intro. 21-2)

WHEREAS, Buffalo, Erie County and Western New York possess vast natural, artistic, historical, recreational and commercial resources, and

WHEREAS, these resources, in conjunction with Buffalo's regional proximity to Canada, including Niagara Falls, naturally dictate that our region's potential to derive economic benefit from tourism is significant, and

WHEREAS, through agreements entered into at the time of its construction, and new agreements finalized during recent years, the operation and maintenance of the Buffalo Convention Center is a responsibility of County government, and

WHEREAS, business, industrial and labor leaders, in addition to public officials agree that in order for Buffalo, Erie County and Western New York to expand upon its convention, marketing and tourism potential, a new Convention Center facility must be constructed, and

WHEREAS, in consideration of the many and varied capital improvement projects, be they public and/or private in nature, the construction of a new Convention Center facility in Buffalo is the only project whose sole purpose is to bring new dollars into Buffalo, Erie County and Western New York from outside the local community, thereby generating tangible economic growth, creating new jobs and broadening our tax base, and

WHEREAS, the tourism and convention industry is a powerful economic engine driving several communities throughout the United States; in 1996, direct spending on conventions and trade shows in the United States was in excess of $90 billion, with ancillary economic impact to particular cities and metropolitan areas well in excess of that figure, and

WHEREAS, Buffalo and Erie County's existing place in the area of tourism and convention activities is significant as well; in 1997 alone, this community played host to 23 city-wide conventions, all utilizing the existing Convention Center facility, attracting more than 45,000 people to downtown Buffalo who pumped more than $38 million into Buffalo and Erie County's local economy, and

WHEREAS, according to the C.H. Johnson Consulting, Inc. study of proposals to construct a new Convention Center in downtown Buffalo, a new, larger Convention Center, with an approximately 125,000 square foot exhibit hall, could generate $58.7 million in direct economic impact for this area, and

WHEREAS, the same study suggests that a new Convention Center facility also translates into additional jobs in our community; construction of a new facility alone would

generate nearly 1,500 new jobs, and the facility itself, once opened and operational, would generate nearly 1,000 permanent jobs, and

WHEREAS, for such a proposal as this to prove ultimately successful, a strong, viable partnership must be fostered amongst business and industry, labor and government, and

WHEREAS, the success of any plan to enhance the tourism and marketing potential of this region, and in the process any plan to enhance any economic benefit to be derived therefrom, cannot be a partisan issue, and

WHEREAS, it must be recognized that the construction of a new Convention Center facility, while receiving assistance from government, must ultimately be a private sector driven initiative, with government an equal partner in the process, and

WHEREAS, several individuals from the public and private sector have begun reviewing proposals and educating themselves on the issue of such a new construction through a task force assembled by Erie County Executive Dennis Gorski to review the site for a new Convention Center and the plans for the existing facility, and

WHEREAS, a capital expenditure of this nature would require financial contributions from numerous sources, including but not limited to private sector driven sources, as well as federal, state, county and city governments, and

WHEREAS, the necessity of keeping Erie County's strong bond rating intact and financial well-being closely monitored, it is critically important that any financial contribution to this project by Erie County be entered into collectively by the Legislature and the County administration only after ensuring that doing so allows the county to sustain its financial strength, and

WHEREAS, the Erie County Legislature, though cognizant of the need for continued, constructive dialogue toward cooperative private-public efforts in this area, is prepared to commit to a financial goal for the county's contribution to this significant capital expenditure, in the hopes that such commitment will precipitate the additional commitments that allow this project to commence,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the significant positive economic impact to be generated by the construction of a new Convention Center facility in downtown Buffalo, toward the eventual financial benefit of Buffalo, Erie County and Western New York as a whole, and be it further

RESOLVED, that this Honorable Body does hereby recognize its previous commitments relative to the operation and maintenance of the Buffalo Convention Center, and does

affirmatively state its intention to continue to support operation and maintenance of a new Convention Center facility in a manner consistent with existing agreements, and be it further

RESOLVED, that this Honorable Body does hereby put itself on record in support of the construction of a new Convention Center in downtown Buffalo, in a private sector driven process working in a collaborative fashion with business and industry, labor and government, and be it further

RESOLVED, that this Honorable Body is hereby prepared to pledge the county's financial involvement in such a project for the purposes of encouraging other entities, private and public, to step forward and adopt similar commitments to move forward with this project, and be it further

RESOLVED, that this Honorable Body does hereby invite private sector leaders, labor union leaders, officials of the Greater Buffalo Convention and Visitors Bureau, City of Buffalo officials, as well as representatives of the Office of the County Executive, the Erie County Division of Budget, Management and Finance, and the Erie County Department of Environment and Planning to a future meeting of the Legislature's Committee on Economic Development to move this issue forward through a phased action plan, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Dennis T. Gorski, Erie County Budget Director Kenneth C. Kruly, Erie County Environment and Planning Commissioner Richard M. Tobe, Buffalo Mayor Anthony Masiello, Buffalo Common Council President James Pitts, Greater Buffalo Convention and Visitors Bureau Chief Executive Officer Richard Geiger, the members of the Board of Directors of the Buffalo Convention Center, and to the Buffalo Council of the AFL-CIO.

Fiscal Impact: To be Determined. A New Convention Center Will Be Positive for Regional Economy.

REF: Int. 21-2

Chairmen Swanick directed that a roll call vote be taken.

Ayes: Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer, Weinstein, Debenedetti, Dusza, Fisher, Fitzpatrick, Holt, Kuwik, Marinelli, Olma, Peoples, Swanick. Ayes – 17, Noes – 0.

Ms. Peoples moved the approval. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

Item 20 – Mr. Holt presented the following resolution and moved for immediate consideration. Ms. Peoples seconded.

RESOLUTION NO. 339 Re: Buffalo Place Budget (Intro. 21-3)

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing, a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc. (BPI), designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district services, and annual contracts for this purpose were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, and 1998; and

WHEREAS, said Local Law required that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 1999 annual budget on September 22, 1998,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 1999 shall be the sum of $1,176,983 as contained in the attached budget which shall be a part of this Resolution, which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the district; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by BPI of the mall special services set forth in Section 8 of said Local Law; the payment to BPI of the proceeds of the mall special district charges, less administrative costs, to be used by BPI in providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982; and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 30, 1998, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district service charges for 1999 in conformance with the formula set forth in Section 7 of Erie County Local Law No. 8-1984 using the latest available final general or special assessment roll prepared by the City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., and the Director of the Erie County Division of Budget, Management and Finance.

Fiscal Impact: To Be Determined.

REF: Int. 21-3

Mr. Holt moved to amend Resolution. Ms. Peoples second. Ms. Peoples seconded.

CARRIED.

Mr. Holt moved to make the resolution et al. Mr. Marshall seconded.

Mr. Holt moved the approval as amended. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

Item 21 – Ms. Debenedetti presented the following and moved for immediate approval. Ms. Peoples seconded.

Resolution NO. 340 Re: Economic Development (Intro. 21-4)

WHEREAS, Erie County's job growth rate is significantly lower than regions of the United States, and

WHEREAS, The City of Buffalo has recently pledged to market the Niagara section of the Thruway (1-190) as an international business development tool, and

WHEREAS, The Executive Director of the Erie County Industrial Development Agency (ECIDA) believes that the Tonawanda Street corridor between the Scajaquada Expressway and Amherst Street, along the 1-190 in the City of Buffalo, is prime real estate for light industrial development, given its proximity to transportation routes and Canada, and

WHEREAS, The area is currently under-utilized and could be redeveloped office park similar to successful projects in Amherst and the Southtowns, and

WHEREAS, A light industrial office park could attract new business an existing local businesses the opportunity to expand, and

WHEREAS, The residents of Black Rock-Riverside are desperately in need of jobs which pay a livable wage, and

WHEREAS, The Executive Director of the ECIDA believes that a land-use study must be completed before the land can be properly marketed and redeveloped, and

WHEREAS, The ECIDA believes that once said study is completed that land can be marketed for light industrial development,

WHEREAS, There was an error in the original resolution, Int. 6-15, which released $25,000 from the legislative contingency for the purpose of pursuing a land-use study of the Tonawanda Street corridor and this resolution serves as a correction to Int. 6-15,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature recognizes the need to economic development incentives, and be it further

RESOLVED, That the legislature hereby transfers the $25,000 released in Int. 6-15 to Fund 110, Project 945, Department 620 Department of Environment and Planning as follows:

Transfer $25,000 to the Erie County Industrial Development Agency (DAC: 110945620830139)

and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget Management & Finance, and the Commissioner of Environment & Planning 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 Erie County Executive Dennis Gorski, Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman, Mayor Anthony Masiello, and to Executive Director of the Erie County Industrial Development Agency Ronald Coan.

Fiscal Impact: $25,000 of budgeted 1998 County funds

REF: Int. 21-4
(As Amended 10/22/98)

Mr. Debenedetti moved to amend the resolution. Ms. Peoples seconded.

Mr. Debenedetti moved the approval as amended.

CARRIED UNANIMOUSLY

Item 22 – Mrs. Fisher presented the following and moved for immediate approval. Ms. Peoples seconded.

RESOLUTION NO. 341 Re: Support for Employment of Individuals with Developmental Disabilities. (Intro 21-5)

WHEREAS, individuals with developmental disabilities become productive, self supporting and more fully participating citizens of Erie County when the opportunity for their employment in our community is available, and

WHEREAS, with proper and sufficient training, supervision and support, individuals with developmental disabilities serve as capable and productive workers in our community, and

WHEREAS, a total of 675 adults with developmental disabilities have been identified as needing either a full or part time job in Erie County, and

WHEREAS, in recognition of this need, the Erie County 1998-2000 Local Government Plan for Developmental Disabilities has established a high priority to develop and increase the number and range of integrated job placement opportunities in order to promote and support the participation of the developmentally disabled in Erie County, and

WHEREAS, the New York State Office of Vocational Services for Individuals with Disabilities (VESID) and the New York State Office of Mental Retardation and Developmental Disabilities (OMR/DD) have established programs to train and prepare, supervise, and support individuals with developmental disabilities in a supported employment environment in communities,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the New York State Office of Vocational Services for Individuals with Disabilities and the New York State Office of Mental Retardation and Developmental Disabilities expansion of community based work opportunities for the developmentally disabled and encourages local employers to hire the developmentally disabled, and be it further

RESOLVED, that this Honorable Body does hereby memorialize New York State Governor George Pataki and the Western New York delegation of the Legislature to increase funding for the expansion of community based work opportunities for the developmentally disabled, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, the Western New York delegation of the State Legislature, Mental Health Association in New York State, Inc. President Joseph A. Glazer (169 Central Ave. Albany, NY 12206), Mental Health Association of Erie County President Roger Stone (999 Delaware Ave. Buffalo, NY

14209), and the Erie County Mental Hygiene Community Services Board Chair Dr. Charles Sabatino (Room 1237 Rath Building).

Fiscal Impact: None for resolution.

Mrs. Fisher moved to amend the resolution. Ms. Peoples seconded.

ADD the following to the third RESOLVE clause:

... Mental Health Association in New York State, Inc. President Joseph A. Glazer (169 Central Ave. Albany, NY 12206), Mental Health Association of Erie County President Roger Stone (999 Delaware Ave. Buffalo, NY 14209), and the Erie County Mental Hygiene Community Services Board Chair Dr. Charles Sabatino (Room 1237 Rath Building).

Mr. Marshall moved to make the resolution et al. Mrs. Fisher seconded.

Mrs. Fisher moved the resolution as amended. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

Item 23 – Ms. Peoples presented the following and moved for immediate approval. Mr. Debenedetti seconded.

RESOLUTION NO. 342 Re: Additional Funding for Youth Programs. (Intro. 21-6)

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,

NOW, THEREFORE, BE IT

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

NAME	LINE	AMOUNT
Town Boys & Girls Club	**830/0270**	**$3,000**
TOTAL		**$3,000**

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 and to William Gallagher, Town Boys & Girls Club, Inc., 54 Riverdale Ave., Buffalo, NY 14207

Fiscal Impact: Appropriation of 1998-budgeted funds.

REFERENCE: INT. 21-6

Ms. Peoples moved the approval. Mr. Debenedetti seconded.

CARRIED UNANIMOUSLY.

Item 24 – Mrs. Fisher presented the following and requested that it be referred to the Health Committee.
GRANTED.

Re: In support of New York Creating Alternatives in Residential Environments and Services.

Item 25 – Mr. Marshall presented the following resolution and moved for immediate approval. Ms. Peoples seconded.

RESOLUTION NO. 343 Re: Support for Community Services. (Intro 21-8)

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 enabling legislation 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 $7,000.00 from the legislative contingency (Countywide DAC: 110923310893) to Fund 110, Project 301 Agency Payments and Grants -- Public benefit Services, (DAC: 110921301830), for paying the following groups or agencies:

NAME	LINE	AMOUNT
Boston Town Band	**n/a**	**$2,000.00**
Collins Volunteer Fire Department	**n/a**	**$2,500.00**
Collins Center Volunteer Fire Department	**n/a**	**$2,500.00**
TOTAL		**$7,000.00**

and be it further

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

RESOLVED, that certified copies of this resolution will be forwarded to County Executive Dennis Gorski, County Comptroller Nancy Naples, Budget Director Kenneth Kruly, First Assistant County Attorney Alan Gerstman, Mr. Herb Klein, Chairman, Boston Town Band, PO Box 165 Boston, NY 14110, Mr. Robert G. Feidt, Jr., Chief, Collins Volunteer Fire Company, PO Box 385, Collins, NY 14034-0385, and to Mr. Rob Majes, Collins Center Volunteer Fire Department, PO Box 461, Collins Center, NY 14035.

Fiscal Impact: Expenditure of $7,000.00 of budgeted 1998 funds.

REF: Int. 21-8

Mr. Marshall moved the approval. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 26 - Mrs. Fisher moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 20E-2. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 344 Re: Urging congress to renegotiate Medicare coverage

WHEREAS, Despite the urgings of health plans throughout the nation, the United States' Medicare administrator has refused to renegotiate medical benefits or out-of-pocket fees for senior citizens in 1999, and

WHEREAS, The current levels of reimbursement have led to many HMOs dropping Medicare coverage from their package of services, thus leaving senior citizens scrambling to find coverage that allows them to see their preferred doctors or having to return to the traditional Medicare system where they apply for reimbursement from the government, and

WHEREAS, A further hindrance to increasing the participation of HMOs in providing Medicare coverage is the fact that reimbursement rates by the federal government vary from state to state, so that a comparable city such as Philadelphia receives a higher reimbursement rate than does Buffalo, and

WHEREAS, These situations are contrary to the theory that the key to the survival of the Medicare program is in linking those on Medicare with HMOs that provide Medicare coverage, and

WHEREAS, The effects of the current system can be seen locally in Independent Health's decision to restructure its Encompass 65 Medicare coverage to the detriment of choice for our community's senior citizens,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby express its desire to ensure that our nation's senior citizens receive the most comprehensive health care possible, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the United States Congress and President Bill Clinton to reopen negotiations on 1999 Medicare medical benefits and out-of-pocket expenses, and be it further

RESOLVED, That this Honorable Body does further memorialize the United States Congress and President Bill Clinton to make federal reimbursement rates equal across state lines so as to foster an increased participation rate of HMOs in Medicare coverage, and be it further

RESOLVED, That certified copies of this resolution be sent to the Western New York delegation of the United States Congress and President Bill Clinton.

JUDITH P. FISHER

Fiscal Impact: None for resolution.

Mrs. Fisher moved to amend the resolution. Ms. Peoples seconded.

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

WHEREAS, A further hindrance to increasing the participation of HMOs in providing Medicare coverage is the fact that the federal government's reimbursement rates vary from county to county based on the average health care cost for seniors in that county, thus fostering a system where counties like Erie that provide quality care at a lower cost are penalized for their efficiency through lower reimbursement rates, and

ADD, following the third WHEREAS clause:

WHEREAS, Under the aforementioned system a comparable sized city like Pittsburgh receives a reimbursement rate in excess of $600 for their Medicare patients, while Buffalo only receives $325 to $347 (depending on the age of the patient); a figure that equates to a loss in reimbursement of approximately $27,500,000 for the 100,000 seniors in Erie County over age 65, and

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

RESOLVED, That this Honorable Body does further memorialize the United States Congress and President Bill Clinton to make federal Medicare reimbursement rates equal from county to county so as to foster a greater participation in the program by HMOs and thereby increase choice of hospitals and health care for our seniors, and be it further

DELETE, in its entirety, the FISCAL IMPACT statement, and REPLACE with the following:

Fiscal Impact: Increasing our county's reimbursement rates to that of Pittsburgh could have a potential positive impact of approximately $27.5 million in Medicare reimbursement.

Mrs. Fisher moved to amend the resolution making it et al. Ms. Peoples seconded.

Mrs. Fisher moved the adoption of the resolution as amended. Ms. Peoples seconded.

CARRIED UANIMOUSLY.

Item 27 - Mr. Kuwik moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 20E-21. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 345 Re: District Attorney's Assets Forfeiture Grant

RESOLVED, that $88,100 in available balances in the Assets Forfeiture Trust Fund is hereby transferred to the District Attorney's Assets Forfeiture Grant, SFG Project 333, and be it further

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

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

Revenue		Increase
Act. 502	District Attorney Asset Forfeitures	$88,100
	Total Revenue	$88,100

Appropriation	
Act. 930 - Automotive Equipment	$31,000
Act. 932 - Furniture, Fixtures & Office Equipment	6,150
Act. 933 - Laboratory and Technical Equipment	34,070
Act. 880 - Probation	16,880
Total Appropriation	$88,100

PROBATION DEPARTMENT OPERATING FUND

Revenue		
Act. 685	District Attorney	$16,880
	Total Revenue	$16,880

Appropriation	
Act. 821 - Dues & Fees	$16,880
Total Appropriation	$16,880

and be it further

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

REF: Comm. 20E-21

Mr. Kuwik moved the adoption of the resolution. Ms, peoples seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

NONE

COMMUNICATIONS FROM ELECTED OFFICIALS

COMPTROLLER

Item 28 – (Comm. 21E-1) Certificate of Determination by the County Comptroller Relative to Authorization, issuance, Form & Content of $60,000,000 R.A.N.

Received and filed.

LEGISLATOR MARSHALL

Item 29- (Comm.21E-2) Acknowledgement of Appointment to Budget Committee.

Receive, file and print.

COMPTROLLER

Item 30 – (Comm. 21E-3) Sheriffs' Office – Holding Center Commissary Balance Sheet & Statement of Income & Changes in Fund Balance for years 12/31/97 & 1996.

Received and referred to the Finance & Management Committee.

LEGISLATOR CHASE

Item 31 – (Comm. 21E-4) Notice of Absence from Social Services Committee Meeting Held 10/15/98.

Received and filed.

COUNTY EXECUTIVE

Item 32 – (Comm. 21E-5) Position Change Report PP# 22

Received and referred to the Government Affairs Committee.

LEGISLATOR MARSHALL

Item 33 – (Comm. 21E-6) Mr. Marshall presented the following and moved for immediate consideration. Mr. Ranzenhoffer seconded.

CARRIED UNANIMOUSLY

RESOULTION NO. 346 Re: Minority Selection for ECMC Board of Managers

WHEREAS, Article XV1, Section 1602-B(l) of the Erie County Charter stipulates that the Majority and Minority caucuses in the Erie County Legislature shall each make one appointment to the Erie County Medical Center Board of Managers, and

WHEREAS, said appointments are subject to the confirmation of the full Legislature, and

WHEREAS, the Republican Minority now hereby submits the name of Kevin E. Cichocki, B.A., B.S., D.C. for appointment to the ECMC Board of Managers to serve out the remainder of the term commencing on January 1, 1998 and expiring on December 31, 2002, and

WHEREAS, Mr. Cichocki has been duly appointed by the members of the Minority caucus of the Erie County Legislature to serve the remaining term on the ECMC Board of Managers by virtue of a petition signed by a majority of the Minority caucus' membership,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Mr. Kevin E. Cichocki, 345 Dick Road, Depew, New York, 14043, to serve as a member of the Erie County Medical Center Board of Managers, and be it further

RESOLVED, that said appointment if effective immediately, and shall expire on December 3 1, 2002, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Erie County Medical Center Chief Executive Officer Paul J. Candino, and to Ms. Patricia Grasha, Secretary to the ECMC Board of Managers.

PETITION OF NOMINATION FOR ECMC BOARD OF MANAGERS

In accordance with Article XVI, Section 1602-B(l) of the Erie County Charter

we, the undersigned, representing a majority of the Minority party of the Erie County

Legislature, do hereby nominate for appointment to the ECMC Board of Managers Mr.

Kevin E.Cichocki, 345 Dick Road, Depew, N.Y. 14043 to serve out the remainder of the

unexpired term ending on December 31, 2002.

FREDERICK J. MARSHALL
13th District

DALE W. LARSON
17th District

JOHN W. GREENAN
9th District

JEANNE Z. CHASE
12th District

MICHAEL H. RANZENHOFER
16th District

Dr. BARRY A. WEINSTEIN
15th District

Mr. Marshall moved to amend the resolution. Mr. Larson seconded.

WHEREAS, Article XV1, Section 1602-B(l) of the Erie County Charter stipulates that the Majority and Minority caucuses in the Erie County Legislature shall each make one appointment to the Erie County Medical Center Board of Managers, and

WHEREAS, said appointments are subject to the confirmation of the full Legislature, and

WHEREAS, the Republican Minority now hereby submits the name of Kevin E. Cichocki, B.A., B.S., D.C. for appointment to the ECMC Board of Managers to serve out the remainder of the term commencing on January 1, 1998 and expiring on December 31, 2002, and

WHEREAS, Mr. Cichocki has been duly appointed by the members of the Minority caucus of the Erie County Legislature to serve the remaining term on the ECMC Board of Managers by virtue of a petition signed by a majority of the Minority caucus' membership,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Mr. Kevin E. Cichocki, 345 Dick Road, Depew, New York, 14043, to serve as a member of the Erie County Medical Center Board of Managers, and be it further

RESOLVED, that said appointment if effective immediately, and shall expire on December 31, 2002, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Erie County Medical Center Chief Executive Officer Paul J. Candino, and to Ms. Patricia Grasha, Secretary to the ECMC Board of Managers.

REF: Comm. 21E-6
(As Amended 10/22/98)

Mr. Marshall moved the approval of the resolution as amended. Ms. Peoples secodned.

CARRIED UNANIMOUSLY.

COUNTY EXECUTIVE

Item 34 – (Comm. 21E-7) Erie Count/Tribe Environmental Partnership Project.

Received and referred to the Energy & Environment Committee.

Item 35 – (Comm. 21E-8) Health – Nutrition Education Program 8/1/98 – 7/31/99.

Received and referred to the Health Committee.

Item 36 – (Comm. 21E-9) Reappointments to the Erie County Traffic Safety Board.

Received, filed and printed.

Item 37 – (Comm. 21E-10) Health – Revised Immunization Action Plan 11/1/98 – 10/31/99.

Received and referred to the Health Committee.

Item 38 – (Comm. 21E-11) Filling Vacant Positions Report for 9/98.

Received and referred to the Government Affairs Committee.

Item 39 – (Comm. 21E-12) Filing Vacant Positions for 8/98.

Received and referred to the Government Affairs Committee.

Item 40– (Comm. 21E-13)

Ms. Peoples moved for immediate consideration. Mr. Holt seconded.

CARRIED UNANIMOUSLY.

RESOULTION NO. 347 Re: Annual Audit of the Erie County Deferred Compensation Plan.

WHEREAS, the New York State Deferred Compensation Rules and Regulations require participating local employers to contract with a Certified Public Accounting firm to conduct an annual independent audit of the Deferred Compensation Plan, and

WHEREAS, on September 30, 1998 the Erie County Deferred Compensation Committee approved Toski, Schaefer & Co., P.C. to be the independent auditor for the Erie County Deferred Compensation Plan for the period November 1, 1998 to October 31, 2003,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County legislature does hereby authorize the Erie County Executive to enter into a five (5) year agreement, subject to annual renewal by the Legislature,

with Toski, Schaefer & Co., P.C. to be the independent auditor of the Erie County Deferred Compensation Plan for the period from November 1, 1998 to October 31, 2003; and be it further

RESOLVED, that copies of the resolution be sent to County Executive, Dennis T. Gorski; Budget Director, Kenneth C. Kruly; Personnel Commissioner, Leonard R. Lenihan; Michael Bogulski (CSEA) and John Orlando (AFSCME)

REF: Comm. 21E-13

Ms. Peoples moved the approval. Mrs. Holt seconded.

CARRIED UNANIMOUSLY

Item 41 – (Comm. 21E-14) $12,000 Appropriation for Youth Summit on drug & Alcohol Abuse.

Received and referred tot he Public Safety Committee.

Item 42 – (Comm. 21E-15) Senior Services – Authorization to Revise Protective Services for Adults Grant.

Received and referred to the Social Services Committee.

Item 43 – (Comm. 21E-16) Request for Legislative Action to Increase the Appropriation to the WNY Independent Living Project, Inc. by $89,138 in 100% NYS Mental Health.

Item 44 – (Comm. 21E-17) Request for Legislative Action to Increase the Appropriation to Traditional Services, Inc, by $44,679 in 100% NYS Office Mental Health.

Item 45 – (Comm. 21E-18) Request for Legislative Action to Increase the Appropriation to Living Opportunities of DePaul by $67,750 in 100% NYS Mental Health State Aid.

Item 46 – (Comm. 21E-19) Request for Legislative Action to Increase the Appropriation to Housing Options, Inc by $36,118 in 1000% NYS Office of Mental Health.

The above four items were received and referred to the Health Committee.

Item 47 – (Comm. 21E-20)

Ms. Peoples moved for immediate consideration. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

RESOULTION NO. 348 Re: Deferred Compensation Plan – 9/3/98 & 4/1/98 Amendments.

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Model Deferred Compensation Plan for Employees of the County of Erie (the "*Model Plan*") and offers the Model Plan for adoption by local employers;

WHEREAS, the County of Erie, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the County of Erie;

WHEREAS, Section 457 of the Internal Revenue Code, as amended (the "*Code*"), was recently amended by the Small Business Job Protection Act of 1996 to require that amounts held pursuant to eligible deferred compensation plans such as the Model Plan must be held in trust for the exclusive benefit of participants and their beneficiaries;

WHEREAS, Section 457(e)(9) of the Code was recently amended by the Taxpayer Relief Act of 1997 to increase the maximum elective distribution amount for small accounts from $3,500 to $5,000;

WHEREAS, effective September 3, 1997, the Board amended and restated the Model Plan to require that amounts held pursuant to eligible deferred compensation plans such as the Model Plan must be held in trust for the exclusive benefit of participants and their beneficiaries and to make other miscellaneous modifications to the Model Plan;

WHEREAS, effective April 1, 1998, the Board again amended and restated the Model Plan in the form set forth in Exhibit A to increase the maximum elective distribution amount for small accounts from $3,500 to $5,000, to permit the deferred compensation committee of a Model Plan to direct the transfer of the account balances of Participants whose employment is being transferred to another employer permitted to adopt an eligible deferred compensation plan pursuant to Section 457 of the Code or, alternatively, to permit such Participants to each elect to transfer their account balances, to the eligible deferred compensation plan of the Participants' new employer, and to clarify that each Participant may take into account the portion of the annual deferred compensation limitation that the Participant did not utilize under any eligible deferred compensation plan adopted pursuant to Section 457 of the Code for the purpose of determining such Participant's catch-up contribution limitation with respect to the Model Plan adopted by the Participant's employer;

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations;

WHEREAS, the County of Erie has determined that Fidelity Management Trust Company will serve as trustee pursuant to the proposed trust agreement until such time, if any, as one or more successor trustee(s) will be appointed in accordance with the Regulations; and

WHEREAS, upon due deliberation, the County of Erie has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the County of Erie by adopting the amended and restated Model Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby amends the Deferred Compensation Plan for Employees of the County of Erie effective November 2, 1998 by adopting the amended and restated Model Plan effective April 1, 1998, in the form attached hereto as Exhibit A.

AND, BE IT FURTHER

RESOLVED, that the County of Erie hereby selects Fidelity Management Trust Company to serve as trustee pursuant to the proposed trust agreement, which will be implemented in substantially the form attached hereto as Exhibit B.

AND, BE IT FURTHER

RESOLVED, that the County of Erie hereby amends the Deferred Compensation Plan for Employees of the County of Erie by adopting the Model Plan effective September 3, 1997 and April 1, 1990.

REF: Comm. 21E-20

Ms. Peoples moved the approval. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

Item 48 – (Comm. 21E-21)

Ms. Peoples moved for immediate consideration. Mrs. Fisher seconded.

CARRIED UNANIMOUSLY.

RESOULTION NO. 349 Re: Deferred Compensation Plan – 91/1/97 Amendments.

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Rules and Regulations of the New York State Deferred Compensation Board (the "*Rules and Regulations*"), has promulgated the Model Deferred Compensation Plan for Employees of Erie County (the "*Model Plan*") and offers the Model Plan for adoption for local employers;

WHEREAS, Erie County, pursuant to Section 5 and the Rules and Regulations, has adopted and currently administers the Model Plan in a form known as the Deferred Compensation Plan for Employees of Erie County;

WHEREAS, Section 457 of the Internal Revenue Code was recently amended by the Small Business Job Protection Act of 1996 to allow eligible deferred compensation plans such as the Model Plan to provide additional deferral opportunities for certain veterans of the military service pursuant to the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 and, effective for plan years beginning after December 31, 1996, to provide (i) for maximum deferral amounts to increase with cost-of-living adjustments, (ii) for increased flexibility in distribution elections and (iii) for in-service withdrawals of small inactive account balances;

WHEREAS, the Board has recently amended and restated the Model Plan, effective January 1, 1997, by adopting the amendments set forth below, and has offered such amendments for adoption by each Model Plan currently sponsored by a local employer in accordance with the Rules; and

WHEREAS, upon due deliberation, Erie County has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Erie County by adopting such amendments to the Model Plan as are indicated below;

NOW, THEREFORE, BE IT

RESOLVED, that Erie County hereby amends the Deferred Compensation Plan for Employees of Erie County by adopting the amendments to the Model Plan effective January 1, 1997, which amendments read as follows:

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Erie County, New York this (date) and directed that it be filed as appropriate.

Ms. Peoples moved the approval. Mrs. Fisher seconded.

CARRIED UNANIMOUSLY.

Item 49 – (Comm. 21E-22)

Ms. Peoples moved for immediate consideration. Mrs. Fisher seconded.

CARRIED UNANIMOUSLY.

RESOULTION NO. 350 Re: Flexible Benefits Tax Free Qualified Parking

WHEREAS, the Erie County Legislature authorized the County Executive to enter into agreements with Health Economics Group, Inc. to administer a Flexible Benefits Plan for Erie County for the years 1990 through 1998, and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with Health Economic Group, Inc. to administer a Tax Free Qualified Parking Plan for Erie County for the period from July 1, 1998 to December 31, 1998, and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with AFLAC to administer the Flexible Benefits Plan for managerial/confidential employees for plan year 1998,

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Executive to enter into a one (1) year agreement with both Health Economics Group, Inc. and AFLAC to administer the Erie County Flexible Benefits Plan and the Tax Free Qualified Parking Plan for the period from January 1, 1999 to December 31, 1999, and be it further

RESOLVED, that the source of funding for the employer paid $2.25 monthly fee per Flex spending account participant, and the $1.75 monthly fee per Tax Free Qualified Parking participant shall be from existing departmental fringe benefits appropriations, and be it further

RESOLVED, that the source of funds for the Health Economics Group, Inc. $1,000 management fee shall come from prior years FICA savings, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County's Flexible Benefits Committee and the Division of Budget, Management and Finance.

REF: Comm. 21E-22

Ms. Peoples moved the approval. Mrs. Fisher seconded.

CARRIED UNANIMOUSLY.
Item 50 – (Comm. 21E-23) EC In REM 155 Tax Forclosure.

Item 51 – (Comm. 21E-24) Purchase of Unpaid Tax Liens at the Tax Sale in 11/98.

The above two items were received and referred to the Finance & Management Committee.

Item 52 – (Comm. 21E-25) Submission of Application & Contracts for a Subzone to Foreign Trade Zone #23 for Riteway Products.

Receive and referred to the Economic Development Committee.

Item 53 – (Comm. 21E-26) An Erie County Policy for Payments in Lieu of Taxes (PILOT) Agreements.

Received and referred to the Finance & Management Committee.

Item 54 – (Comm. 21E-27) Appointments tot he Eire County Fisheries Advisory Board.

Received and referred to the Energy & Environment Committee

COMMUNCIATIONS FROM THE DEPARTMENTS

DEP

Item 55 – (Comm. 21D-1) SEQR Negative Declaration Notice of Nonsignificance ECSD No. 2 Big Sister Treatment Plant Improvement & Big Sister Creek Bank Protection.

Received and referred to the Energy & Environment Committee.

BUDGET MANAGEMENT & FINANCE

Item 56 – (Comm. 21D-2) Budget Monitoring Report for the Period Ending 8/31/98

Received and referred to the Finance & Management Committee.

ECMC

Item 57 – (Comm. 21D-3) Notice of Board of Managers Meeting Held 10/15/98 & Minutes of Meeting Held 9/10/98.

Received and referred to the Health Committee.

BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 58 – (Comm. 21D-4) Notice of Board of Trustees Meeting Held 10/15/98 & Minutes of Meeting Held 9/17/98.

Received and filed.

COUNTY ATTORNEY

Item 59 – (Comm. 21D-5) Notice of County Executive's Approval of Intro. 17-18.

Item 60 – (Comm. 21D-6) Notice of County Executive's Approval of Intro 18-6.

Item 61- (Comm. 21D-7) Notice of County Executive's Approval of Intro. 18-7 .

The above three items are received, filed and printed.

ECC

Item 62 – (Comm. 21D-8) Notice of Board of Trustees Meeting to be Held 10/28/98.

Received and filed.

DEP

Item 63 – (Comm. 21D-9) SEQR Solicitation for Lead Agency Status Type I Action "Chips FAB" Sanitary Sewer Extension, Pumping Station & Holding Tank.

Received and referred to the Energy & Environment Committiee.

CLERK OF THE LEGISLATURE

Item 64 – (Comm. 21D-10) Clock in Deadline for Session to be Held 11/5/98.

Received and filed.

DPW

Item 65 – (Comm. 21D-11) Award of Contract Thompson Road CR278, Town of Clarence.

Item 66 – (Comm. 21D-12) Increase to Consultant Contract Darling Road Bridge 379-2, Town of Aurora.

Item 67 – (Comm. 21D-13) Increase to Construction Contact 1998 Culvert Reconstruction & Bridge Rehabilitation, Towns of Aurora, Colden & Elma.

Item 68 – (Comm. 21D-14) Increase to Constrution Contact Phillips Road, Towns of Colden Holland & Sardinia.

Item 69 – (Comm. 21D-15) Agreement with NYSDOT Rowley Road Bridge 319-1, Town of Cheektowaga.

Item 70 – (Comm. 21D-16) Vehicle Lift Replacement Lancaster Highway Garage.

Item 71 – (Comm. 21D-17) Extension of Agreement for Snow & Ice Control on State Highways.

The above seven items were received and referred to the Economic Development Committee.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

MELINDA HOLLAND CLEAN SITES

Item 72 - (Comm 21M-1) Summary of 7/29/98 Task Force Meeting – Revised, Summary of 9/16/98 task Force Meeting & Notice of Meeting to be Held 11/17/98.

Received and referred to the Energy & Environment Committee.

CONGRESSMAN QUINN

Item 73 – (Comm. 21M-2) Acknowledgement of Receipt of Resolution.

Received and filed.

EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 74 – (Comm. 21M-3) Notice of Meeting Held 10/15/98 & Minutes of Meeting Held 9/17/98.

Received and referred to the Health Committee.

EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 75 – (Comm. 21M-4) Minutes of Meeting Held 9/22/98.

NYSDEC

Item 76 – (Comm. 21M-5) 1996 Clean Water/Clean Air Bond Act Project Bulletin 887/889 Kensington Ave. Proposed Remedial Action Plan.

Item 77 – (Comm. 21M-6) Notice of Public Meeting to be Held 11/5/98.

Item 78 – (Comm. 21M-7) Fact Sheet – Former Gastown Manufactured Gas Plant Site.

The above four items were received and referred to the Energy & Environment Committee.

MEMORIAL RESOLUTIONS

NONE

ADJOURNMENT

ITEM 79 – 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, November 5, 1998.** Mr. Marshall seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature **adjourned until Thursday November 5, 1998 at 2 p.m. Eastern Standard Time**.

Laurie Manzella
Clerk