

ERIE COUNTY LEGISLATURE
MEETING NO. 5
February 19, 1998

The Legislature was called to order by Chairman SWANICK.

.....
All Members present.
.....

The Invocation was delivered by Rev. Casimiro D. Rodriguez, Sr.,
Pastor, Missionary Church of Christ.
.....

The Pledge of Allegiance was led by Mr. PAULY.

The Minutes of the previous meeting were APPROVED.

ITEMS ON THE TABLE

ITEM 1 - Ms. PEOPLES moved to take Comm. 2D-10 from the table
for immediate consideration. Mr. HOLT seconded.

CARRIED.

Legislator Ransenhofer in the negative.

RESOLUTION NO. 85 Re: Court Facilities Project

WHEREAS, legislative resolutions dated June 20, 1996 and
September 12, 1996 designated the South Fernbach Site (Site) for a
new Family Court Building and authorized the Department of Public
Works to take "all necessary steps" to progress this project, and

WHEREAS, the City of Buffalo Common Council passed a
resolution authorizing the Buffalo Urban Renewal Agency (BURA) to
sell or transfer the South Fernbach site to the County for
\$490,000.00, and

WHEREAS, State funds are involved in this project, a Consultant Selection Committee (Selection-Committee) was formed to interview prospective architectural/engineering and construction management firms for this project, as per State and County guidelines, and

WHEREAS, the committee consisted of Harold J. Brand, Jr., James P. Keane, Dale Morris, James C. Hearn, R.A., Michael A. Judd, R.A., and John C. Loffredo, P.E., and

WHEREAS, after careful review of each firm's capabilities, the Selection Committee is recommending four firms as having the necessary expertise, experience, and manpower to provide the required services, and

WHEREAS, the recommended firms are:

1. Foit-Albert Associates -- design of new building
 2. Hamilton Houston Lownie Architects PC -- design of renovation
 3. Ciminelli-Cowper -- Construction Manager for new building
 4. Cannon - CRSS -- Construction Manager for renovation
- and,

WHEREAS, although the Selection Committee prefers and is recommending the above two construction management firms, it has also been determined that any of the other construction management firms that made the "short list" (Turner, URS Greiner, Lehrer McGovern-Bovis/Russell, Ross Wilson/Sverdrup Facilities) are also acceptable as construction managers for this project,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into agreements with the following firms:

1. Foit-Albert Associates - design of the new building;
2. Hamilton Houston Lownie Architects PC - design of renovation;
3. Ciminelli-Cowper - Construction Manager for new building
4. Cannon - CRSS - Construction Manager for renovation

and be it further

RESOLVED, that the total sum for all four fees, plus design contingencies, shall not exceed \$6,866,000.00, and be it further

RESOLVED, that the fee allocation shall be taken from the appropriate Court capital bond account, and be it further

RESOLVED, that the County Executive is authorized to enter into all necessary agreements with BURA including, but not limited to, a Memorandum of Understanding, an Option to Purchase, and/or a Land Disposition Agreement to purchase the Site for an amount not to exceed \$490,000.00, and be it further

RESOLVED, that the exercise of said Option to Purchase or Land Disposition Agreement and the approval by this Legislature of any and all bond resolutions necessary for the Courthouse Site acquisition and Courthouse construction shall be conditional on full compliance with, and completion of, all environmental review requirements promulgated by 6 NYCRR, Part 617 of Article 8 of the N.Y.S. Environmental Conservation Law and subsequent approval by this Legislature of a Findings Statement as same is defined in and referenced in the NYCRR, and be it further

RESOLVED, that all these authorizations are contingent upon the Legislature's authorizing the sale of said Court capital bonds, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, and one copy each to the County Attorney, the Budget Director and Comptroller's Office.

Ms. PEOPLES offered an amendment as follows:

DELETE the first RESOLVE clause in its entirety and replace with the following:

RESOLVED, that the County Executive is hereby authorized to enter into agreements with the following firms:

Foit-Albert Associates - design of the new building;
Hamilton Houston Lownie Architects PC - design of renovation;
Ciminelli-Cowper - Construction Manager for renovation;
Turner - Construction Manager for new building;

and be it further

RESOLVED, that the authorization for Ciminelli-Cowper as CM for renovation and Turner as CM for the new building be granted with the condition that Ross Wilson/Sverdrup Facilities be retained for a portion of the Project Construction Inspections, to be negotiated between the aforementioned construction management firms and the Commissioner of Public Works, and be it further

ADD the following after the sixth RESOLVE clause:

RESOLVED, that the Legislature hereby directs the construction management firms, in a collective process after consultation with the Commissioner of Public Works, to retain the services of an independent Contract Compliance Officer to ensure that M/WBE goals are achieved, and to report to the Legislature and the Erie County Office of Equal Employment Opportunity (EEO) on a regular basis as to the progress of those goals within the framework of the court project, and be it further

RESOLVED, that each contract authorized by this Resolution shall provide that the County may, among other remedies, order the contractor to cease work should the contractor fail, in the course of performance, to pursue in good faith goals for participation of Minority Business Enterprises and Women's Business Enterprises as set out in Erie County Local Law No. 6-1987, and be it further

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

Chairman SWANICK directed that a Roll Call be taken.

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

CARRIED.

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

Chairman SWANICK directed that a Roll Call be taken.

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

CARRIED.

ITEM 2 - Ms. PEOPLES moved to take the Minutes from Meeting No.3, 1998 from the table for immediate consideration. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

✓ ITEM 3 - Mr. DEBENEDETTI presented a resolution of Congratulations Honoring the ~~R~~iverside Review on its 75th Anniversary. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

✓ ITEM 4 - Mr. DUSZA presented a resolution of Congratulations in Recognition of the 75th ~~A~~nniversary of the William Street Citizens & Taxpayers Association. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

✓ ITEM 5 - Mesdames PEOPLES, FISHER, MARINELLI & CHASE, & Messrs. SWANICK, DEBENEDETTI, DUSZA, FITZPATRICK, HOLT, KUWIK, OLMA, GREENAN, MARSHALL, LARSON, RANZENHOFER, PAULY & WEINSTEIN presented a resolution ~~of Congratulations~~ Honoring Chris Rego on the Occasion of His Retirement as Deputy Comptroller. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 6 - Ms. MARINELLI, Messrs. RANZENHOFER & SWANICK presented a resolution of Congratulations Honoring Alex Wilson on his Olympic Achievement in Mogul Skiing. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 7 - Mr. DUSZA presented a resolution of Congratulations Honoring the organizers of the Pulaski Day Parade. Ms. PEOPLES 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 AND MANAGEMENT COMMITTEE.

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

COMMITTEE REPORTS

ITEM 11 - Mr. FITZPATRICK presented the following and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55B

FEBRUARY 10, 1998

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 2

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

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

Item	Page	-1998	(Comm. 3M-1)
a. ERIE COUNTY PRESERVATION BOARD: Waterfront Project.			Buffalo Inner-Harbor
(5-0)			Chairman Swanick present as ex-officio member.

Item	Page	-1998	(Comm. 3M-5)
b. NFTA: Minutes of Meeting Held 12/15/97.			
(5-0)			Chairman Swanick present as ex-officio member.

- Item Page -1998 (Comm. 3M-15)
c. ECIDA: Notice of Meeting to be Held 2/11/98.
(5-0) Chairman Swanick present as ex-officio member.

- Item Page -1998 (Comm. 3D-13)
2. DPW:

WHEREAS, the Town of West Seneca is preparing a resolution authorizing the Town to enter into an agreement with the County of Erie for the improvement of the Center Road storm sewer system, in the Town of West Seneca, Job Number L-9621, and

WHEREAS, it is necessary to construct 314 feet of 15" storm sewer system on Center Road from Lind Avenue, easterly, and

WHEREAS, the storm sewer is an improvement that benefits the County of Erie and resolves present inadequate drainage along Center Road, and

WHEREAS, the Town of West Seneca agrees to prepare the necessary plans and specifications, let the project for bidding, and administer the project, and

WHEREAS, the most economical and expeditious method to perform this work is to participate with the Town of West Seneca in their contract for this project and share the County cost of the project with the Town of West Seneca, and

WHEREAS, the County of Erie be authorized to pay its share of the project cost which amounts to \$10,638.75.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie agrees to pay the Town of West Seneca for the Erie County share of storm drainage improvements on Center Road, CR 571, based on its share of the project costs, but not to exceed \$10,638.75; and be it further

RESOLVED, that an amount of \$10,638.75 be allocated from the 1982 Bridge and Road Widening Program for this purpose; and be it further

RESOLVED, that upon project completion, any unused funds be returned to the County of Erie, and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner, Highways.

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

Item Page -1998 (Comm. 3D-14)
3. DPW:

WHEREAS, A project for the replacement of CR 319, Rowley Road Bridge 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 or portions thereof, with the Federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement, and

WHEREAS, 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 the Preliminary Engineering (Design I-VI), Right-of-Way (Incidentals and Acquisition), and Construction Phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$282,240.00 is hereby appropriated from the 1994 Bridge Design Program (\$16,000); 1996 Federal Aid Projects (\$91,240), and the 1997 Federal Aid Projects (\$175,000), in addition to \$20,000 previously appropriated for the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases via Erie County Resolution No. 17D-54 adopted September 22, 1994 and made available to 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.

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

Item Page -1998 (Comm. 3D-15)
4. DPW:

WHEREAS, the New York State Department of Transportation proposes to replace a bridge on Route 249 over Big Sister Creek (BIN 1-06113-0) in the Town of Brant, and

WHEREAS, in conformance with Section 42 of the New York State Highway Law, the New York State Department of Transportation proposes to utilize Mile Block Road, CR 546 and Cain Road, CR 491 in the Towns of Brant, Eden, Evans, and North Collins, as a detour during the replacement of the bridge which is expected to take several months, and

WHEREAS, the New York State Department of Transportation will provide traffic control devices and make improvements or repairs when necessary to the above-mentioned roads to make it adequate to handle additional detour traffic,

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize the New York State Department of Transportation to utilize the above mentioned County roads as part of a detour during the period of construction, and be it further

RESOLVED, That the County of Erie will continue to provide routine maintenance on the above-mentioned County roads, and be it further

RESOLVED, that the Clerk of the Legislature forward seven (7) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation.

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

AS AMENDED

Item Page -1998 (Int. 3-1)
5) SWANICK, PEOPLES, KUWIK, FISHER, OLMA, DUSZA, MARINELLI &
DEBENEDETTI:

WHEREAS, the County Legislature has authorized County Executive Gorski to sign a Memorandum of Understanding (MOU) for the Buffalo Bills lease extension utilizing the county stadium, currently known as Rich Stadium, and

WHEREAS, the MOU sets forth an agreement in principle allowing for the development of the formal lease language between the three parties to the agreement, including the state of New York, Buffalo Bills organization and the county of Erie, and

WHEREAS, final lease documents must be approved by the County Legislature, and

WHEREAS, under the fifteen year lease extension, the County of Erie agrees to undertake certain stadium improvements not to exceed a total project cost \$63.25 million, thereby providing for total completion and occupancy on or before the first regular season home game of the 2000-01 National Football League (NFL) season, and

WHEREAS, the state of New York has agreed to finance the entire cost of the aforementioned stadium improvements, with Erie County assuming the cost of certain operating expenses, including structural maintenance and game day expenses, and

WHEREAS, the Buffalo Bills organization will have final authority over the selection of project architects, engineers and construction managers, as well as construction bids, documentation and scheduling, and

WHEREAS, a Project Labor Agreement (PLA) may be a useful vehicle for completing the stadium renovation project, on-time and within the aforementioned budget parameters, as well as insuring full and fair Minority and Women Business Enterprise (MBE & WBE) participation, and

WHEREAS, a PLA can also clearly establish comprehensive terms and conditions, thereby avoiding costly project change orders and work slow-downs, and

WHEREAS, on February 12, 1997, Governor Pataki issued an executive order directing state agencies to utilize PLAs consistent with guidelines as established by the state Court of Appeals,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support a Project Labor Agreement (PLA), consistent with guidelines established by the state Court of Appeals, for the \$63.25 million county stadium improvement project, and be it further

RESOLVED, that this Honorable Body does hereby request an evaluation by the state of New York and the Buffalo Bills organization with Erie County toward development of a PLA, embracing the following principles:

- * Providing for the most efficient and effective means of completing this project on-time and within budget;
- * Obtaining the best quality of work at the lowest possible price;
- * Providing for fair wages and full MBE/WBE participation;
- * Hiring local construction firms and construction trades workers to help bolster the local economy.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York Governor George E. Pataki, Erie County Executive Dennis T. Gorski and Buffalo Bills owner Ralph C. Wilson.

Fiscal Impact: Impact of a PLA is Positive for Erie County's Local Economy.

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

MICHAEL A. FITZPATRICK
Chairman

Mr. FITZPATRICK requested that Resolve No. 5 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Mr. FITZPATRICK moved the adoption of RESOLVE No. 5. Ms. PEOPLES seconded.

Chairman SWANICK directed that a Roll Call be taken.

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

CARRIED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

FEBRUARY 10, 1998

ENERGY AND ENVIRONMENT
COMMITTEE
REPORT NO. 2

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

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

Item Page -1997 (Comm. 9M-22)
a. ERIE COUNTY WATER AUTHORITY: 1996 Financial Statements.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 14M-7)
b. CITIZEN TASK FORCE: Draft Agenda & Other Information.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 18M-4)
c. HUD: Reports: "The State of the Cities" & "HUD 2020:
Management Reform Plan, Executive Summary".
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 20M-1)
d. JOHN WHITNEY: Buffalo Urban Resources Partnership-
Organization Briefing Minutes.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 3E-21)
e. COUNTY EXECUTIVE: Erie County Sewer Construction Projects
Annual Change Order Report.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 3M-12)
f. NYSDEC: Fact Sheet - 3M O-Cel-O Sponge Facility.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 3M-13)
g. NYSDEC: Status Update - Dunlop Tire Corporation & Polymer
Application Update.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 3M-14)
h. MELINDA HOLLAND, CLEAN SITES: Summary of Meeting Held
12/16/97, Summary of Meeting Held 1/7/98 Revised & Notice of
Meeting Held 1/20/98.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 3M-16)
i. NYSDEC: Fact Sheet - River Road & Cherry Farm.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 2E-9)
2. COUNTY EXECUTIVE: OPEN ITEM
A RESOLUTION APPROVING AN APPLICATION TO THE STATE COMPTROLLER
FOR AN ORDER GRANTING PERMISSION FOR THE INCREASE OF MAXIMUM AMOUNT
TO BE EXPENDED FOR FACILITIES IN ERIE COUNTY SEWER DISTRICT NO. 5.

(Introduced) January 23, 1997
(Adopted) February 19, 1998

WHEREAS, the County Legislature of the County of Erie, New York has heretofore duly caused to be prepared and a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a \$135,000 proposed increase of maximum amount to be expended for improvements in the Meadow Lakes Extension to Erie County Sewer District No. 5, which report and estimate of cost, has been approved by the Board of Managers of said District on October 15, 1997 and filed with the County Legislature pursuant to Sections 254 and 268 of the County Law, and

WHEREAS, the maximum estimated cost of such improvements of said Sewer District is \$1,335,000, and

WHEREAS, said County Legislature duly adopted Resolution No. 414 on the 9th day of October, 1997, authorizing and directing the preparation by the Department of Environment and Planning of an Application to the State Comptroller for his order approving the proposed increase of maximum amount to be expended for such improvements, such Application to be executed and verified by and on behalf of the County by the County Executive, and

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

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

Section 1. Said Application to the State Comptroller was prepared at the direction of said County Legislature;

Section 2. Said County Legislature believes the contents of the Application to be accurate.

Section 3. Said Application is hereby directed to be forwarded by the County Executive to the State Comptroller to obtain his order approving the proposed increase of maximum amount to be expended.

Section 4. This resolution shall take effect immediately.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 3E-17)
3. COUNTY EXECUTIVE:
WHEREAS, The County Executive has made appointments to the Erie County Sewer District No. 3 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 3 Board of Managers are hereby confirmed:

<u>Erie County Sewer District No. 3</u>	<u>Term Expires</u>
Hon. Jerry Hicks Councilman, Town of West Seneca 180 Seneca Creek Road West Seneca, NY 14224 (NEW MEMBER)	12/31/99

Hon. James F. Connolly Councilman, Town of Hamburg 5035 Clarice Drive Hamburg, NY 14075	12/31/99
Ms. Janis Colarusso Orchard Park Town Clerk 4295 S. Buffalo Street Orchard Park, NY 14127	12/31/99
Ms. Betty Reukauf 15 Hillside Drive Orchard Park, NY 14127	12/31/99
Hon. Lisa M. Rood Supervisor, Town of Boston 8500 Boston State Road Boston, NY 14025 (NEW MEMBER)	12/31/99
Hon. Gordon Hessel, Jr. Supervisor, Town of Holland 47 Pearl Street Holland, NY 14080	12/31/99
Hon. Peter Ruh Councilman, Town of Eden 2795 East Church Street Eden, NY 14057	12/31/99
Mr. Gerald L. Devlin, P.E. Asst. Deputy Commissioner 95 Franklin Street Buffalo, NY 14202	12/31/97

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, Deputy Commissioner of Environment and Planning, the Board of Managers, the appointees and Richard J. Schechter of the County Attorney's Office.

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

Item Page -1998 (Comm. 3E-18)
4. COUNTY EXECUTIVE:
WHEREAS, The County Executive has made appointments to the Erie County Sewer District No. 2 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 2 Board of Managers are hereby confirmed:

<u>Erie County Sewer District No. 2</u>	<u>Term Expires</u>
Hon. Michael Walters Mayor, Village of Angola 41 Commercial Street Angola, NY 14006	12/31/99
Hon. Robert Catalino Supervisor, Town of Evans 8787 Erie Road Angola, NY 14006	12/31/99
Mr. John H. Crosta 1430 N. Creek Road Lakeview, NY 14085	12/31/99
Hon. Brenda J. Bauer Trustee, Village of North Collins 10543 Main Street North Collins, NY 14111 (NEW MEMBER)	12/31/99
Ms. Anne Knack Administrative Assistant 2795 East Church Street Eden, NY 14057	12/31/99
Mr. Charles J. Alessi, P.E. Deputy Commissioner 95 Franklin Street Buffalo, NY 14202	12/31/99

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, Deputy Commissioner of Environment and Planning, the Board of Managers, the appointees and Richard J. Schechter of the County Attorney's Office.

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

Item Page -1998 (Comm. 3E-26)
5. COUNTY EXECUTIVE:
WHEREAS, the Erie County Legislature had awarded the Lake Bay Grove Pumping Station Replacement - Contract 42 to Amherst Construction, Inc., 150 Milton, Williamsville, New York 14221, and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of the Lake Bay Grove Pumping Station Replacement - Contract 42 in the amount of \$12,940.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Lake Bay Grove Pumping Station - Contract 42 between the County of Erie and Amherst Construction, Inc., 150 Milton Street, Williamsville, New York 14221 be accepted in the amount of \$12,940.00, which includes Payment No. 2 (final) in the amount of \$647.00; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Lake Bay Grove Pumping Station Replacement - Contract 42 in the amount of \$12,940.00 and make final payment from sewer operating account Erie County Sewer District No. 2 Fund No. 220, Project No. 852, Department No. 820, Object 826 between the County of Erie and Amherst Construction, Inc., and be it further

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

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

Item Page -1998 (Comm. 3E-27)
6. COUNTY EXECUTIVE:

WHEREAS, the County of Erie, Erie County Department of Environment and Planning - Division of Sewerage Management was notified that funds were available through the New York State Department of Labor - New York Occupational Safety Hazard Abatement Board that could assist Erie County in conforming to Federal and State health and safety laws; and

WHEREAS, the Division of Sewerage Management estimates that they could qualify for a \$115,000.00 grant through the New York State Department of Labor, and

WHEREAS, the Division of Sewerage Management was successful in obtaining similar grants of \$70,000.00, \$65,000.00, and \$35,000.00 on March 16, 1993, July 6, 1994 and August 23, 1995, respectfully.

NOW, THEREFORE, BE IT

RESOLVED, that the application made to the New York State Department of Labor - New York Occupational Safety Hazard Abatement Board is hereby approved and ratified and the proposed agreement for receipt of the funds is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an agreement with the New York State Department of Labor Occupational Safety Hazard Abatement Board for \$115,000.00, or an amount as may be adjusted by the DOL, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that a certified copy of this resolution be sent to Richard J. Schechter, Assistant County Attorney, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning and the Erie County Comptroller's Office.

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

GREGORY B. OLMA
Chairman

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

CARRIED UNANIMOUSLY.

ITEM 13 - Ms. PEOPLES presented the following and moved for immediate consideration. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

FEBRUARY 12, 1998

FINANCE AND MANAGEMENT
COMMITTEE
REPORT NO. 2

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

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

Item Page -1997 (Comm. 23D-8)
a. BUDGET, MANAGEMENT & FINANCE: Budget Monitoring Report for the
Period Ending 9/30/97.

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

Item Page -1997 (Comm. 26E-1)
b. **COMPTROLLER: Baker Victory Services; Increase Contract Compliance with Erie County DSS for the 12 Month Period Ended 12/31/96.**
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 27E-2)
c. **COMPTROLLER: County of Erie - Interim Financial Report for the Nine Months Ended 9/30/97.**
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 27E-5)
d. **COMPTROLLER: Sales Tax Receipts for Month of September.**
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 2E-1)
e. **COMPTROLLER: Single Audit of Federal Programs.**
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 2M-2)
f. **AUDIT COMMITTEE FOR ERIE COUNTY: Annual Report for Year Ended 12/31/96.**
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 2M-4)
g. **TOWN OF TONAWANDA: Certified Resolution Re: Direct Payment of Erie County Sales Tax to Town of Tonawanda.**
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 2M-8)
h. **KPMG PEAT MARWICK, LLP: Independent Auditor's Report on General Purpose Financial Statements for Year Ended 12/31/96.**
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 1D-19A)
2. **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 listing below) now, therefore be it,

RESOLVED, that Petitions numbered 1 through 50 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. 1/1998 - ASSESSOR - Cancel - \$96.92
SBL No. 111.28-1-14 - CITY OF BUFFALO

Acct. No. 112 - 96.92
Acct. No. 132 - 0.00

Charge to:

CANCEL - CLERICAL ERROR, THE RPTL 520 THAT WAS PLACED ON THE PARCEL WAS MISCALCULATED. THE ASSESSED VALUE THAT WAS USED WAS 15,100 IT SHOULD BE 1500. RPTL 554 7(B).

Petition No. 2/1997 - ASSESSOR - Cancel - \$325.41
SBL No. 142.16-6-29 - CITY OF LACKAWANNA

Acct. No. 112 - 325.41
Acct. No. 132 - 0.00

Charge to:

CANCEL - CLERICAL ERROR, THIS PARCEL IS ELIGIBLE FOR A 50% SENIOR EXEMPTION IN THE AMOUNT OF 36,000 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 558(20C).

Petition No. 3/1998 - ASSESSOR - Cancel - \$9.49
SBL No. 38.44-2-1.11 - CITY OF TONAWANDA

Acct. No. 112 - 9.49
Acct. No. 132 - 0.00

Charge to:

CANCEL - CLERICAL ERROR, PARCEL WAS MERGED ON THE NEW SUBDIVISION MAP FOR THE 97 TAX ROLL. RPTL 550(2)F.

Petition No. 4/1998 - ASSESSOR - Cancel - \$9.49
SBL No. 38.44-1-1.311 - CITY OF TONAWANDA

Acct. No. 112 - 9.49
Acct. No. 132 - 0.00

Charge to:

CANCEL - CLERICAL ERROR, PARCEL WAS MERGED ON THE NEW SUBDIVISION MAP FOR THE 97 TAX ROLL. RPTL 550(2)F.

5
Petition No. 3482 / 1998 - ASSESSOR - Cancel - \$9.49

SBL No. 38.44-2-1.22 - CITY OF TONAWANDA

Acct. No. 112 - \$ 9.49

Acct. No. 132 - \$ 0.00

Charge to :

CANCEL - CLERICAL ERROR, THIS PARCEL WAS MERGED ON A NEW SUBDIVISION MAP FOR THE 97 TAX ROLL. RPTL 550(2)F.

6
Petition No. 3483 / 1998 - ASSESSOR - Cancel - \$17.08

SBL No. 52.32-3-15.111 - CITY OF TONAWANDA

Acct. No. 112 - \$ 17.08

Acct. No. 132 - \$ 0.00

Charge to :

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE CITY OF TONAWANDA MAKING IT WHOLLY EXEMPT FROM TAXES PLACING IT IN ROLL SECTION OF THE TAX ROLL. RPTL 550(7)A.

7
Petition No. 3484 / 1998 - ASSESSOR - Cancel - \$75.92

SBL No. 52.32-3-15.123 - CITY OF TONAWANDA

Acct. No. 112 - \$ 75.92

Acct. No. 132 - \$ 0.00

Charge to :

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE CITY OF TONAWANDA MAKING IT WHOLLY EXEMPT FROM TAXES. THIS PARCEL BELONGS IN ROLL SECTION 8 OF THE TAX ROLL. RPTL 550(7)A.

8
Petition No. 3485 / 1998 - ASSESSOR - Cancel - \$9.49

SBL No. 52.32-3-15.124 - CITY OF TONAWANDA

Acct. No. 112 - \$ 9.49

Acct. No. 132 - \$ 0.00

Charge to :

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE CITY OF TONAWANDA MAKING IT WHOLLY EXEMPT FROM TAXES. PARCEL BELONGS IN ROLL SECTION 8 OF THE TAX ROLL. RPTL 550(7)A.

9
Petition No. 3486 / 1998 - ASSESSOR - Cancel - \$9.49

SBL No. 52.32-3-15.125 - CITY OF TONAWANDA

Acct. No. 112 - \$ 9.49

Acct. No. 132 - \$ 0.00

Charge to :

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE CITY OF TONAWANDA MAKING IT WHOLLY EXEMPT FROM TAXES. PARCEL BELONGS IN ROLL SECTION 8 OF THE TAX ROLL. RPTL 550(7)A.

10
Petition No. 3487 / 9798 - ASSESSOR - Refund - \$121.71

SBL No. 40.11-2-36 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 121.71

Charge to : SWEET HOME CENTRAL 121.71

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 114,000 IT SHOULD BE 106,600. RPTL 550(2)A.
CHECK IN FAVOR OF: RICHARD & DEBORAH VAN LANGEN

11
Petition No. 3488 / 1994 - ASSESSOR - Cancel - \$2,154.55

SBL No. 54.14-1-12.3 - TOWN OF AMHERST

Acct. No. 112 - \$ 494.54

Acct. No. 132 - \$ 1,660.01

Charge to : TOWN OF AMHERST 298.22
SWEET HOME CENTRAL 1,221.60
NORTH BAILEY FIRE PROTECT 140.19

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE TOWN OF AMHERST MAKING IT WHOLLY EXEMPT FROM TAXES EXCEPT SPECIAL ASSESSMENTS. RPTL 550(7)A.

12
Petition No. 3489 / 9798 - ASSESSOR - Refund - \$758.38

SBL No. 67.64-3-23 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 758.38

Charge to : AMHERST CENTRAL 758.38

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION OF 50% IN THE AMOUNT OF 27,800 TO WHICH THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF: EARL ELVAREZ

13
Petition No. 3490 / 1998 - ASSESSOR - Cancel - \$1,732.95

SBL No. 68.20-1-50 - TOWN OF AMHERST

Acct. No. 112 - \$ 561.73

Acct. No. 132 - \$ 1,171.22

Charge to : TOWN OF AMHERST 367.32
WILLIAMSVILLE CENT 803.90

CANCEL - CLERICAL ERROR, THE RPTL 520 THAT WAS PLACED ON THE TAX ROLL WAS CHARGING FOR AN EXEMPTION THAT DID NOT EXIST ON THIS PARCEL IN 1997. RPTL 550(2)B.

14
Petition No. 3491 / 1998 - ASSESSOR - Cancel - \$1,731.50
SBL No. 79.25-5-13 - TOWN OF AMHERST
Acct. No. 112 - \$ 402.29
Acct. No. 132 - \$ 1,329.21
Charge to : TOWN OF AMHERST 238.01
 AMHERST CENTRAL 1,091.20

CANCEL - CLERICAL ERROR, THIS PARCEL WAS INCORRECTLY CHARGED FOR A RPTL 520 ON THE TAX ROLL. IT WAS CHARGED FOR AN EXEMPTION THAT DID NOT EXIST ON THE 1997 TAX ROLL. RPTL 550(2)B.

15
Petition No. 3492 / 1998 - ASSESSOR - Cancel - \$17,537.14
SBL No. 81.01-1-13 - TOWN OF AMHERST
Acct. No. 112 - \$ 0.00
Acct. No. 132 - \$ 17,537.14
Charge to : WILLIAMSVILLE CENT 17,537.14

CANCEL - CLERICAL ERROR, THIS PARCEL INCLUDED A PREVIOUSLY PAID SCHOOL TAX ON THE 1998 TAX ROLL. RPTL 550(2)I

16
Petition No. 3493 / 1998 - ASSESSOR - Cancel - \$1,931.72
SBL No. 81.05-4-23 - TOWN OF AMHERST
Acct. No. 112 - \$ 607.96
Acct. No. 132 - \$ 1,323.76
Charge to : TOWN OF AMHERST 397.55
 WILLIAMSVILLE CENT 926.21

CANCEL - CLERICAL ERROR, THE RPTL 520 THAT WAS PLACED ON THIS PARCEL IS IN ERROR, THIS PARCEL IS BEING CHARGED FOR AN EXEMPTION THAT DID NOT EXIST ON THE 1997 TAX ROLL. RPTL 550(2)C.

17
Petition No. 3494 / 1997 - ASSESSOR - Refund - \$264.21
SBL No. 226.03-1-12 - TOWN OF BOSTON
Acct. No. 112 - \$ 69.07
Acct. No. 132 - \$ 195.14
Charge to : TOWN OF BOSTON 33.75
 EDEN CENTRAL 142.76
 BOSTON FIRE PROTECTION 14.93
 EC#3 BOSTON VALLEY 3.70

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 14,900 IT SHOULD BE 7,100. RPTL 550(2)A.
CHECK IN FAVOR OF : CHARLES CLARK

18
Petition No. 3495 / 1997 - ASSESSOR - Refund - \$341.25
SBL No. 227.00-5-22.1 - TOWN OF BOSTON
Acct. No. 112 - \$ 0.00
Acct. No. 132 - \$ 341.25
Charge to : EC#3 BOSTON VALLEY 195.00
EC#3 BOSTON VALLEY 146.25

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED UNITS OF SERVICE AND FRONTAGE ON THE ERIE COUNTY SEWER TAX. RPTL 550(2)E. CHECK IN FAVOR OF: DONALD & SYLVIA HOXSIE

19
Petition No. 3496 / 9697 - ASSESSOR - Refund - \$59.52
SBL No. 281.06-1-84 - TOWN OF BRANT
Acct. No. 112 - \$ 0.00
Acct. No. 132 - \$ 59.52
Charge to : LAKE SHORE CENTRAL 59.52

REFUND - CLERICAL ERROR, THE ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 65,000 IT SHOULD BE 62,000. RPTL 550(2)A. CHECK IN FAVOR: HENRY & MARYBETH MICHNIK

20
Petition No. 3497 / 1997 - ASSESSOR - Refund - \$58.24
SBL No. 281.06-1-84 - TOWN OF BRANT
Acct. No. 112 - \$ 24.24
Acct. No. 132 - \$ 34.00
Charge to : TOWN OF BRANT 30.18
BRANT FIRE PROTECTION 3.82

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL THE ASSESSMENT WAS 65,000 IT SHOULD BE 62,000. RPTL 550(2)A. CHECK IN FAVOR OF: HENRY & MARYBETH MICHNIK

21
Petition No. 3498 / 1998 - ASSESSOR - Cancel - \$402.79
SBL No. 112.36-4-3 - TOWN OF CHEEKTOWAGA
Acct. No. 112 - \$ 0.00
Acct. No. 132 - \$ 402.79
Charge to : VILLAGE OF SLOAN 402.79

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR A VILLAGE TAX THAT WAS PREVIOUSLY PAID TO THE VILLAGE OF SLOAN. RPTL 550(2)I

22
Petition No. 3499 / 1996 - ASSESSOR - Cancel - \$344.02
SBL No. 113.16-2-24 - TOWN OF CHEEKTOWAGA
Acct. No. 112 - \$ 0.00
Acct. No. 132 - \$ 344.02
Charge to : ERIE CO SEW DST 1 344.02

MAKING IT WHOLLY EXEMPT FROM TAXES. ~~RPTL~~ 550(7)A.

²³
Petition No. 3500 / 1998 - ASSESSOR - Cancel - \$329.36

SBL No. 113.30-3-19 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 329.36

Charge to : VILLAGE OF SLOAN 329.36

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR A VILLAGE TAX THAT WAS PREVIOUSLY PAID THE VILLAGE OF SLOAN. RPTL 550(2)I

²⁴
Petition No. 3501 / 1998 - ASSESSOR - Cancel - \$160.60

SBL No. 29.18-3-14 - TOWN OF CLARENCE

Acct. No. 112 - \$ 104.86

Acct. No. 132 - \$ 55.74

Charge to : TOWN OF CLARENCE 35.13
SWORMSVILLE FIRE 13.76
ECSD #5 N DIST PROJ 6.85

CANCEL - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 70,000 IT SHOULD BE 54,000. RPTL 550(2)A.

²⁵
Petition No. 3502 / 1998 - ASSESSOR - Cancel - \$160.60

SBL No. 29.18-3-15 - TOWN OF CLARENCE

Acct. No. 112 - \$ 104.86

Acct. No. 132 - \$ 55.74

Charge to : TOWN OF CLARENCE 35.13
ECSD #5 N DIST PROJ 6.85
SWORMSVILLE FIRE 13.76

CANCEL - CLERICAL ERROR, THE ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 70,000 IT SHOULD BE 54,000. RPTL 550(2)A.

²⁶
Petition No. 3503 / 1998 - ASSESSOR - Cancel - \$160.60

SBL No. 29.18-3-35 - TOWN OF CLARENCE

Acct. No. 112 - \$ 104.86

Acct. No. 132 - \$ 55.74

Charge to : TOWN OF CLARENCE 35.13
ECSD #5 N DIST PROJ 6.85
SWORMSVILLE FIRE 13.76

CANCEL - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 70,000 IT SHOULD BE 54,000. RPTL 550(2)A.

27
Petition No. 3504 / 1998 - ASSESSOR - Cancel - \$22.76

SBL No. 44.18-5-7 - TOWN OF CLARENCE

Acct. No. 112 - \$ 15.07

Acct. No. 132 - \$ 7.69

Charge to : TOWN OF CLARENCE 7.69

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 239,000 IT SHOULD 236,700.
RPTL 550(2)A.

28
Petition No. 3505 / 1998 - ASSESSOR - Cancel - \$122.02

SBL No. 58.06-3-1 - TOWN OF CLARENCE

Acct. No. 112 - \$ 72.74

Acct. No. 132 - \$ 49.28

Charge to : TOWN OF CLARENCE 49.28

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 22,000 IT SHOULD BE 210,900.
RPTL 550(2)A.

29
Petition No. 3506 / 1998 - ASSESSOR - Cancel - \$871.05

SBL No. 71.02-5-24.11 - TOWN OF CLARENCE

Acct. No. 112 - \$ 553.83

Acct. No. 132 - \$ 317.22

Charge to : TOWN OF CLARENCE 190.59
CLARENCE FIRE DIST 126.63

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 752,000 IT SHOULD BE 667,500.
RPTL 550(2)A.

30
Petition No. 3507 / 1998 - ASSESSOR - Cancel - \$181.86

SBL No. 71.05-1-22 - TOWN OF CLARENCE

Acct. No. 112 - \$ 123.21

Acct. No. 132 - \$ 58.65

Charge to : TOWN OF CLARENCE 42.39
HARRIS HILL FIRE DIST 16.26

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 205,800 IT SHOULD BE 187,000.
RPTL 550(2)A.

31
Petition No. 3508 / 1998 - ASSESSOR - Cancel - \$204.95

SBL No. 71.07-1-13 - TOWN OF CLARENCE

Acct. No. 112 - \$ 131.08

Acct. No. 132 - \$ 73.87

Charge to : TOWN OF CLARENCE 43.90
CLARENCE FIRE DIST 29.97

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY

ON THE TAX ROLL. THE ASSESSED VALUE WAS 420,000 IT SHOULD BE 400,000. RPTL 550(2)A.

32
Petition No. 3509 / 1998 - ASSESSOR - Cancel - \$365.86

SBL No. 71.07-1-54 - TOWN OF CLARENCE

Acct. No. 112 - \$ 233.98

Acct. No. 132 - \$ 131.88

Charge to : TOWN OF CLARENCE 78.38
CLARENCE FIRE DIST 53.50

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 460,700 IT SHOULD BE 425,000. RPTL 550(2)A.

33
Petition No. 3510 / 1998 - ASSESSOR - Cancel - \$153.71

SBL No. 71.07-1-81 - TOWN OF CLARENCE

Acct. No. 112 - \$ 98.30

Acct. No. 132 - \$ 55.41

Charge to : TOWN OF CLARENCE 32.93
CLARENCE FIRE DIST 22.48

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 75,000 IT SHOULD BE 60,000. RPTL 550(2)A.

34
Petition No. 3511 / 1998 - ASSESSOR - Cancel - \$172.15

SBL No. 71.10-3-4 - TOWN OF CLARENCE

Acct. No. 112 - \$ 109.46

Acct. No. 132 - \$ 62.69

Charge to : TOWN OF CLARENCE 37.67
CLARENCE FIRE DIST 25.02

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 136,700 IT SHOULD BE 120,000. RPTL 550(2)A.

35
Petition No. 3512 / 1998 - ASSESSOR - Cancel - \$274.19

SBL No. 72.01-2-8 - TOWN OF CLARENCE

Acct. No. 112 - \$ 174.33

Acct. No. 132 - \$ 99.86

Charge to : TOWN OF CLARENCE 60.00
CLARENCE FIRE DIST 39.86

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 154,000 IT SHOULD BE 127,400. RPTL 550(2)A.

36
Petition No. 3513 / 1998 - ASSESSOR - Cancel - \$228.83

SBL No. 72.11-2-7 - TOWN OF CLARENCE

Acct. No. 112 - \$ 145.49

Acct. No. 132 - \$ 83.34

Charge to : TOWN OF CLARENCE 50.07
CLARENCE FIRE DIST 33.27

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 164,300 SHOULD BE 142,100. RPTL 550(2)A.

37
Petition No. 3514 / 1998 - ASSESSOR - Cancel - \$246.35

SBL No. 72.01-3-14 - TOWN OF CLARENCE

Acct. No. 112 - \$ 156.65

Acct. No. 132 - \$ 89.70

Charge to : TOWN OF CLARENCE 53.89
CLARENCE FIRE DIST 35.81

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 615,800 IT SHOULD BE 591,900. RPTL 550(2)A.

38
Petition No. 3515 / 1998 - ASSESSOR - Cancel - \$215.44

SBL No. 72.11-3-25 - TOWN OF CLARENCE

Acct. No. 112 - \$ 136.99

Acct. No. 132 - \$ 78.45

Charge to : TOWN OF CLARENCE 47.13
CLARENCE FIRE DIST 31.32

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 105,900 IT SHOULD BE 85,000. RPTL 550(2)A.

39
Petition No. 3516 / 1998 - ASSESSOR - Cancel - \$223.69

SBL No. 72.10-1-7 - TOWN OF CLARENCE

Acct. No. 112 - \$ 142.23

Acct. No. 132 - \$ 81.46

Charge to : TOWN OF CLARENCE 48.94
CLARENCE FIRE DIST 32.52

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 100,700 IT SHOULD BE 79,000. RPTL 550(2)A.

40
Petition No. 3517 / 1998 - ASSESSOR - Cancel - \$1,004.23
SBL No. 82.01-1-5 - TOWN OF CLARENCE
Acct. No. 112 - \$ 655.43
Acct. No. 132 - \$ 348.80
Charge to : TOWN OF CLARENCE 219.54
 HARRIS HILL FIRE DIST 86.46
 ERIE CO SEWER DIST #5 42.80

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 119,900 IT SHOULD BE 19,900. RPTL 550(2)A.

41
Petition No. 3518 / 1998 - ASSESSOR - Cancel - \$180.73
SBL No. 82.06-5-30 - TOWN OF CLARENCE
Acct. No. 112 - \$ 117.98
Acct. No. 132 - \$ 62.75
Charge to : TOWN OF CLARENCE 39.50
 HARRIS HILL FIRE DIST 15.56
 ERIE CO SEWER DIST #5 7.69

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 226,000 IT SHOULD BE 208,000. RPTL 550(2)A.

42
Petition No. 3519 / 1998 - ASSESSOR - Cancel - \$230.92
SBL No. 84.06-4-22.2 - TOWN OF CLARENCE
Acct. No. 112 - \$ 152.05
Acct. No. 132 - \$ 78.87
Charge to : TOWN OF CLARENCE 44.11
 CLARENCE FIRE DIST 34.76

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 25,700 IT SHOULD BE 2,500. RPTL 550(2)A.

43
Petition No. 3520 / 9697 - ASSESSOR - Cancel - \$2,951.80
SBL No. 342.00-2-8 - TOWN OF COLLINS
Acct. No. 112 - \$ 727.84
Acct. No. 132 - \$ 2,223.96
Charge to : TOWN OF COLLINS 476.88
 CHEEKTO. CENTRAL 1,633.49
 COLLINS FIRE PROTECT 113.59

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE UNITED STATES SMALL BUSINESS IS EXEMPT FROM TAXES FROM DATE OF ACQUISITION JUNE 1, 1996 RPTL 550(7)A.

44
Petition No. 3521 / 1998 - ASSESSOR - Refund - \$128.57
SBL No. 226.00-3-37 - TOWN OF EDEN
Acct. No. 112 - \$ 0.00
Acct. No. 132 - \$ 128.57
Charge to : EDEN CENTRAL 128.57

REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 7,350 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
CHECK IN FAVOR OF : JOSEPH WIERZBIC

45
Petition No. 3522 / 1997 - ASSESSOR - Refund - \$247.14
SBL No. 279.08-2-10 - TOWN OF HOLLAND
Acct. No. 112 - \$ 156.18
Acct. No. 132 - \$ 90.96
Charge to : TOWN OF HOLLAND 90.96

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 20,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF : KENNETH & RUTH BIENKO

46
Petition No. 3523 / 1998 - ASSESSOR - Cancel - \$105.07
SBL No. 93.11-3-5 - TOWN OF LANCASTER
Acct. No. 112 - \$ 0.00
Acct. No. 132 - \$ 105.07
Charge to : TOWN OF LANCASTER 105.07

CANCEL - CLERICAL ERROR, PARCEL WAS BILLED OUT AS A TWO FAMILY HOME WHEN IT IS A SINGLE FAMILY HOME THIS RESULTED IN AN OVERCHARGE FOR REFUSE AND WATER.

157
Petition No. 3524 / 1998 - ASSESSOR - Cancel - \$230.64
SBL No. 104.19-6-29 - TOWN OF LANCASTER
Acct. No. 112 - \$ 0.00
Acct. No. 132 - \$ 230.64
Charge to : TOWN OF LANCASTER 115.64
ECSD #4 115.00

CANCEL - CLERICAL ERROR, PARCEL IS VACANT LAND AND WAS BILLED IN ERROR FOR REFUSE AND SEWER. RPTL 550(2)E.

158
Petition No. 3525 / 1998 - ASSESSOR - Cancel - \$179.89
SBL No. 104.23-1-26 - TOWN OF LANCASTER
Acct. No. 112 - \$ 131.88
Acct. No. 132 - \$ 48.01
Charge to : TOWN OF LANCASTER 48.01

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO A VETERAN'S EXEMPTION IN THE AMOUNT OF 10,000 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL.

TAX ROLL. RPTL 550(2)C.

Petition No. 49/1998 - ASSESSOR - Cancel - \$254.07

SBL No. 116.02-1-2 - TOWN OF LANCASTER

Acct. No. 112 - 0.00

Acct. No. 132 - 254.07

Charge to: TOWN OF LANCASTER 254.07

CANCEL - CLERICAL ERROR, THIS PROPERTY WAS BILLED AS A TWO FAMILY HOME WHEN IT IS A SINGLE FAMILY HOME. THIS PROPERTY WAS OVERCHARGED FOR REFUSE AND SEWER. RPTL 550(2)E.

Petition No. 50/1998 - ASSESSOR - Cancel - \$115.64

SBL No. 126.12-1-35 - TOWN OF LANCASTER

Acct. No. 112 - 0.00

Acct. No. 132 - 115.64

Charge to: TOWN OF LANCASTER 115.64

CANCEL - CLERICAL ERROR, THIS IS VACANT AND WAS BILLED IN ERROR FOR REFUSE TAX. RPTL 550(2)E.

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

Item Page -1998 (Comm. 2E-2)
3. COMPTROLLER:

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE IMPROVEMENT OF COUNTY COURT FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,000,000, APPROPRIATING \$3,000,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

(Introduced) January 22, 1998

(Adopted) February 19, 1998

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County is hereby authorized to undertake the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning improvement of County court facilities. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,000,000, and said amount is hereby appropriated therefor, pursuant to the duly adopted 1998 Capital Budget for the County, as hereby amended.

The plan of financing includes the issuance of \$3,000,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$3,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness for the specific object or purpose for which the \$3,000,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. 62 (2nd) of the Law, is five (5) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52,00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(1) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(2) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

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

(3) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(3-2) Legislators Ranzenhofer and Larson in the negative. Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 2E-19)
4. COUNTY EXECUTIVE:

WHEREAS, Buffalo River Apartments, L.P. (BRA), is developing a Housing Project (Project) for low-income elderly persons, pursuant to Section 421-e of the Real Property Tax Law, and

WHEREAS, BRA, a limited partnership, will have as its general operating partner, an affiliate of the Old First Ward Community Association, Inc., a not-for-profit corporation organized pursuant to the not-for-profit corporation law, and

WHEREAS, this Project will be located at 67 Vincennes Street in the Old First Ward Neighborhood in the City of Buffalo and will contain sixteen (16) new low-income apartments for the elderly, and

WHEREAS, in order to make this Project economically feasible for BRA, it is necessary to obtain tax relief from the County of Erie and the City of Buffalo on the property improvement, and

WHEREAS, on February 18, 1997, the City of Buffalo Common Council unanimously approved a PILOT Agreement and now BRA is requesting that the County now sign the same PILOT Agreement, and

WHEREAS, the Project will be managed by Delta Development, a not-for-profit corporation.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a PILOT Agreement by and among the County of Erie, the City of Buffalo and the Buffalo River Apartments, L.P. relating to property located at 67 Vincennes Street in the Old First Ward Neighborhood and all other Agreements necessary to conclude this Project, and be it further

RESOLVED, that said agreement shall include an annual Payment in Lieu of Taxes of \$1,600 by BRA in the first year of the PILOT Agreement, with a three (3) percent increase annually thereafter with the County share of each annual payment being twenty-five (25) percent of the total amount, and be it further

RESOLVED, that certified copies of this Resolution be sent to the Director of 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 requested that Resolve No. 3 be separated.

GRANTED.

Ms. PEOPLES moved to the balance of the report. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

Ms. PEOPLES moved the adoption of Resolve No. 3. Mr. DUSZA seconded.

Mr. MARSHALL moved to send Resolve No. 3 back to committee. Mr. GREENAN seconded.

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Ms. PEOPLES moved the adoption of Resolve No. 3. Mr. KUWIK seconded.

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

FEBRUARY 12, 1998

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 2

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

1. RESOLVED, that the following item is hereby received and filed:

Item Page -1997 (Comm. 22D-21)
a. ERIE COMMUNITY COLLEGE: ECC Board of Trustees Resolution.
(6-0) Chairman Swanick present as ex-officio member.

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

- | Item | Page | -1997 | (Comm. 23E-2) |
|------|--------------|--|---------------|
| a. | DEBENEDETTI: | Copy of Letter to NFTA Re: Concerns with Funding for Opening Ceremonies. | |
| | (6-0) | Chairman Swanick present as ex-officio member. | |

AS AMENDED
(Int. 19-4)

Item	Page	-1997
3.	CHASE, MARINELLI, FISHER, HOLT, LARSON, PAULY, SWANICK, PEOPLES, KUWIK, DUSZA, DEBENEDETTI & GREENAN:	
	WHEREAS, Buffalo is well known nationally for having homes designed by the late Frank Lloyd Wright, and	

WHEREAS, these houses are very important to our community and its identity, and

WHEREAS, Greycliff, the Frank Lloyd Wright designed summer home in Derby, New York, is in dire need for restoration, and

WHEREAS, the Greycliff Conservancy is in the process of purchasing the home and property with the intention of stabilizing the property to prevent further deterioration and restoring the property to its original condition, and

WHEREAS, with the restoration of Frank Lloyd Wright's city home on Jewett Parkway underway, there will be two of his masterpieces restored in Buffalo, and

WHEREAS, historic landmarks and architectural treasures such as these Frank Lloyd Wright homes are a wonderful tourist attraction, and

WHEREAS, with increased tourism our community will benefit from additional revenue that local business will acquire,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the Greycliff Conservancy's efforts for the preservation of the Frank Lloyd Wright designed summer home, Greycliff, and be it further

RESOLVED, that certified copies of this resolution be forwarded to members of the Town of Evans Board, members of the Village of Angola Board, Patty Snyder, President of the Evans/Brant Chamber of Commerce, Carol Bronnenkant of the Greycliff Conservancy, New York State Parks Commissioner Bernadette Castro and Senator Daniel Patrick Moynihan.

Fiscal Impact: None.

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

LYNN M. MARINELLI
Chairperson

Ms. MARINELLI moved the adoption. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

FEBRUARY 12, 1998

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 2

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

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

Item Page -1997 (Comm. 12E-14)
a. DEBENEDETTI: Copy of Letter to Personnel Commissioner Re: Request
for Information.
(5-0)

Item Page -1997 (Int. 19-16)
b. HOLT: Clarification Regarding the Consolidation of the City of
Buffalo Polling Places.
(5-0)

Item Page -1997 (Comm. 27D-5)
c. COUNTY ATTORNEY: Notices of Claim.
(5-0)

- d. Item Page -1998 (Comm. 3D-1)
COUNTY ATTORNEY: Notices of Claim.
(5-0)
- e. Item Page -1998 (Comm. 3E-32)
COUNTY EXECUTIVE: Position Change Report 1/98.
(5-0)
- f. Item Page -1998 (Comm. 3E-33)
COUNTY EXECUTIVE: Position Change Report 11/97.
(5-0)
- g. Item Page -1998 (Comm. 3E-34)
COUNTY EXECUTIVE: Position Change Report 12/97.
(5-0)

2. Item Page -1998 (Comm. 3E-24)
COUNTY EXECUTIVE:
WHEREAS, General Municipal Law Section 104-b, subdivision 4 requires the governing board of the County to annually review County policies and procedures with respect to procurement of goods and services where such goods and services are not required by law to be procured pursuant to competitive bidding, and

WHEREAS, the Erie County Procurement Policies and Procedures have been reviewed and found to be in compliance with the requirements of General Municipal Law Section 104-b and were adopted by this Legislature on July 25, 1996, and

WHEREAS, such Policies and Procedures are in addition to and in furtherance of specific purchase and procurement laws and rules set forth by State statute, the Erie County Charter, and the Erie County Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the Erie County Purchase Policies and Procedures Under General Municipal Law 104-b as the policy of the County of Erie pursuant to General Municipal Law Section 104-b, and be it further

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

(5-0)

RAYMOND K. DUSZA
Chairman

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

FEBRUARY 12, 1998

HEALTH/MENTAL HEALTH
COMMITTEE
REPORT NO. 2

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

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

Item Page -1997 (Comm. 21D-8)
a. HEALTH: Rules & Regulations Promulated Pursuant to Local Law
#5 - 1997.
(5-0)

Item Page -1997 (Comm. 23D-1)
b. ERIE COUNTY MEDICAL CENTER: Finance Committee 11/7/97
Financial Statements for 9/30/97.
(5-0)

Item Page -1997 (Comm. 26D-6)
c. ERIE COUNTY MEDICAL CENTER: Finance Committee 12/5/97
Financial Statements for 10/31/97.
(5-0)

Item Page -1997 (Comm. 27D-13)
d. ERIE COUNTY MEDICAL CENTER: Lease Audit for 1/1/96 -
12/31/96.
(5-0)

Item Page -1998 (Comm. 3D-3)
e. ERIE COUNTY MEDICAL CENTER: Board of Managers Annual Meeting
1/22/98.
(5-0)

Item Page -1998 (Comm. 3M-9)
f. COMMUNITY WELLNESS COUNCIL: Notice of Meeting to be Held
2/26/98.
(5-0)

Item Page -1998 (Comm. 3M-17)
g. THE WELLNESS INSTITUTE: Invitation to Attend Meeting to be
Held 2/10/98.
(5-0)

Item Page -1998 (Comm. 27E-13)
2. COUNTY EXECUTIVE:
RESOLVED, that the Erie County Legislature does hereby confirm
the appointment of the following individual to the Board of
Managers of the Erie County Medical Center:

APPOINTMENT	Term Expires
Dr. John Fudyma	2001
David Miller Building	
462 Grider Street	
Buffalo, NY 14215	
(5-0)	

Item Page -1998 (Comm. 3E-22)
3. COUNTY EXECUTIVE:
WHEREAS, the Erie County Department of Health operates a
Tuberculosis Control Outreach Program, and

WHEREAS, the Erie County Department of Health has received a
revised grant in the amount of \$32,650 for the continuation of the
Tuberculosis Control Outreach Program, and

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

NOW, THEREFORE, BE IT

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

TB CONTROL
2/1/98-1/31/99 -
PROJECT # 778

<u>SFG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
582		STATE AID	\$ 34,099	-1,449	\$ 32,650
		TOTAL	<u>\$ 34,099</u>	<u>-1,449</u>	<u>\$ 32,650</u>
		<u>EXPENSES</u>			
800		PERSONNEL SERVICES	26,699	201	26,900
805		FRINGES	<u>7,400</u>	<u>-1,650</u>	<u>5,750</u>
		TOTAL	<u>\$ 34,099</u>	<u>\$ (1,449)</u>	<u>\$ 32,650</u>

and be it further

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

(5-0)

Item Page -1998 (Comm. 3E-23)
4. COUNTY EXECUTIVE:

WHEREAS, New York State requires that the Medical Examiner's Toxicology Laboratory be fully accredited by June 30, 1998, and

WHEREAS, the New York State Legislature appropriated funds to help forensic laboratories pay the cost associated with the attaining and maintaining accreditation required by Executive Law Article 49-B, and

WHEREAS, the Medical Examiner's Toxicology Laboratory will purchase a liquid chromatograph/mass spectrometer and a chromatographic data system to maintain proficiency.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice to accept the grant budgeted as follows:

Medical Examiner's Toxicology Lab Aid Grant
2/1/98 - 1/31/99
Project #886

SFG	REVENUE	BUDGET
553	State Aid Other	<u>\$179,800</u>
	TOTAL	<u>\$179,800</u>
	EXPENSES	
826	Other	\$ 1,500
933	Equipment	<u>178,300</u>
	TOTAL	<u>\$179,800</u>

and be it further

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

Item Page -1998 (Comm. 3E-28)
5. 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 for 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

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	STATE AID	\$ 44,300	16,075	\$ 60,375
388	LOCAL SOURCE	<u>10,824</u>	<u>3,273</u>	<u>\$ 14,097</u>
	TOTAL	<u>\$ 55,124</u>	<u>19,348</u>	<u>\$ 74,472</u>
EXPENSES				
800	PERS. SERVICES	41,122	10,281	51,403
805	FRINGES	11,272	2,817	14,089
814	MEDICAL SUPPLIES	0	6,250	6,250
890	CONTRACT SALARY RESERVE	<u>2,730</u>	<u>0</u>	<u>2,730</u>
	TOTAL	<u>\$ 55,124</u>	<u>19,348</u>	<u>\$ 74,472</u>

and be it further

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

(5-0)

JUDITH P. FISHER
Chairperson

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS:

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

CARRIED UNANIMOUSLY.

RESOLVED, That a certified copy of this resolution be forwarded to the County Attorney and Commissioner of Environment and Planning.

FISCAL IMPACT: Possible savings to taxpayers

DALE W. LARSON JEANNE Z. CHASE JOHN W. GREENAN
MICHAEL H. RANZENHOFER BARRY A. WEINSTEIN, MD.
FREDERICK J. MARSHALL

Ms. PEOPLES offered an amendment as follows:

ADD, following the second RESOLVE clause:

RESOLVED, that the attached materials be forwarded to the County Attorney and the Commissioner of Environment and Planning for their consideration in the development of said report, and be it further

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

CARRIED UNANIMOUSLY.

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

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

CARRIED UNANIMOUSLY.

ITEM 18 - Mr. MARSHALL presented the following resolution and requested it be referred to the SOCIAL SERVICES COMMITTEE.

GRANTED.

Int. 5-2 From: Legs. Marshall, Greenan, Larson, Ranzenhofer & Chase Re: Loss of Welfare Benefits Due to Illegal Activities.

ITEM 19 - Mr. MARSHALL presented the following resolution and requested it be referred to the SOCIAL SERVICES COMMITTEE.

GRANTED.

✓ Int. 5-3 From: Legs. Marshall, Greenan, Chase, Larson & Ranzenhofer
Re: Need to Change Social Services Confidentiality Law.

ITEM 20 - Mr. MARSHALL presented the following resolution and requested it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

✓ Int. 5-4 From: Legs. Marshall, Chase, Greenan, Larson, Ranzenhofer & Weinstein Re: Pilot Program for Firefighters Smart Coats.

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

Int. 5-5 From: Legs. Marshall, Chase, Greenan, Larson, Ranzenhofer & Weinstein Re: Opposition to City of Buffalo Non-Resident Government Employee Surcharge.

Chairman SWANICK directed that Int. 5-5 be referred to the GOVERNMENT AFFAIRS COMMITTEE.

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

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Subsequently, Int. 5-5 was referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 22 - Mr. MARSHALL presented the following resolution and requested it be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Int. 5-6 From: Legs. Marshall, Greenan & Larson Re: ECIDA Cooperative Development Policy.

ITEM 23 - Mr. RANZENHOFER presented the following resolution and requested it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Int. 5-7 From: Legs. Ranzenhofer, Greenan & Weinstein Re: Appointments of the Legislature.

ITEM 24 - Mr. GREENAN presented the following resolution and moved for immediate consideration. Mr. MARSHALL seconded.

Int. 5-8 From: Legs. Greenan, Chase, Larson, Weinstein, Ranzenhofer & Marshall Re: Support for Assembly CitySTAR Legislation.

Chairman SWANICK directed that Int. 5-8 be referred to the FINANCE AND MANAGEMENT COMMITTEE.

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

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Subsequently, Int. 5-8 was referred to the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 25 - Mr. GREENAN presented the following resolution and moved for immediate consideration. Mr. MARSHALL seconded.

Int. 5-9 From: Legs. Greenan, Chase, Larson, Weinstein, Ranzenhofer & Marshall Re: Support for Assembly CountySTAR Legislation.

Chairman SWANICK directed that Int. 5-9 be referred to the FINANCE AND MANAGEMENT COMMITTEE.

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

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Subsequently, Int. 5-9 was referred to the FINANCE AND MANAGEMENT
COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62 Re: Easing the Property Tax Burden on
Disabled Veteran Senior Citizens
(Int. 5-10)

WHEREAS, Under current law senior citizen property tax
exemptions are determined by income, and

WHEREAS, The definition of income includes veterans disability
compensation, and

WHEREAS, In many cases, these older veterans cannot work and
must rely upon their disability compensation as their sole means to
make ends meet, and

WHEREAS, In light of their unselfish and noble sacrifice for
their country, those in public service should make every effort to
ease the burden that these fine men and women face, and

WHEREAS, As a way to provide a measure of relief to our
elderly disabled veterans New York State passed and signed into law
A.5323/S.4526 in 1997, which authorizes municipalities by local law
to exclude veterans disability compensation from the calculation of
income for the determination of real property tax exemptions for
senior citizens,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does reiterate its
sincere gratitude to the noble men and women who have served their
country in the armed forces, and be it further

RESOLVED, That this Honorable Body does hereby direct the Erie County Department of Law to draft a local law to exclude veterans disability compensation from the calculation of income for the determination of real property tax exemptions for senior citizens in accordance with applicable state law, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Erie County Executive Dennis Gorski, Erie County Budget Director Kenneth Kruly, Erie County Attorney Kenneth Schoetz, Erie County Director of Veterans Services Henry Mazurek, and Erie County Commissioner of Senior Services Paul Fitzpatrick.

Fiscal Impact: None.

RAYMOND K. DUSZA

Chairman SWANICK directed that the names of Legislators Swanic, Peoples, Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeBenedetti, Marinelli, Chase, Greenan, Larson, Marshall, Pauly, and Ranzenhofer be added as co-sponsors.

Mr. MARSHALL moved to send to committee. Mr. WEINSTEIN seconded.

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63 Re: Urging State to Classify Building
and Health Inspectors as Peace
Officers Under Penal Law (Int. 5-11)

WHEREAS, Building and health inspectors are required to perform duties on location, often under belligerent if not dangerous circumstances, without the benefit of weapons or law enforcement status and protection, and

WHEREAS, One recent illustration of the potential danger faced by said inspectors is the case of Buffalo building inspector Michael Schieber, who was assaulted on October 2 in the course of taking a photograph of a property during an on-site inspection, and

WHEREAS, The perpetrator of the assault received a conditional discharge for his actions, a sentence that required no fine or jail time to be served, and

WHEREAS, This sentence sends the message that punishment for assaulting a building or health inspector will be light to nonexistent, placing said officers under greater threat of violence, and

WHEREAS, In August 1996 an Erie County public health technician named Jason Patronik was also assaulted during the performance of his duties, and

WHEREAS, One method of protecting said officers would be through their designation as peace officers under New York State Penal Law, thereby making the attack of said officers assault in the second degree,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby express its concern for the building and health inspectors of our area, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York State Legislature and New York State Governor George Pataki to introduce, pass and sign into law legislation to amend New York State Penal Law § 2.10 Persons designated as peace officers, to include building and health inspectors employed by Erie County and/or its municipalities, thereby making the attack of said inspectors assault in the second degree under New York State Penal Law § 220.05 Assault in the second degree, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York State Governor George Pataki, the Western New York delegation of the New York State Legislature, Buffalo housing inspector Michael Schieber (c/o the City of Buffalo), and Erie County Executive Dennis Gorski.

Fiscal Impact: None for resolution.

GREGORY B. OLMA

Mr. OLMA offered the following amendment to the resolution:

ADD, following the sixth WHEREAS clause:

WHEREAS, this status would in no way allow the aforementioned inspectors easier or more ready access to firearm licenses.,

ADD, following the second RESOLVE clause:

RESOLVED, that this Honorable Body does hereby state that it in no way intends, with this legislation, to advocate the arming of the aforementioned inspectors, but only advocates greater protection through stronger assault laws in the designation of the inspectors as peace officers, and be it further

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

CARRIED UNANIMOUSLY.

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

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Chairman SWANICK directed that the name of Legislator Ranzenhofer be added as a co-sponsor.

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

CARRIED.

and Peoples?

Legislators Greenan, Pauly and Chase in the negative.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64 Re: Long Term Solutions to Strengthen
Business at the Main Place Mall
(Int. 5-12)

WHEREAS, The Main Place Mall recently considered banning unchaperoned youths under age 18 on school days as a way to keep large groups of children from congregating in the mall after school, and

WHEREAS, This plan was created in response to altercations that have occurred inside and just outside of the mall, and

WHEREAS, While it is true that some of the children congregating in the mall may be intent on disrupting business, it is also true that many are there either to patronize the mall's businesses or simply to meet friends in a common area, and

WHEREAS, One reason the mall may be chosen by these children as a common area for congregation is that there are so few places downtown they can go after school, and

WHEREAS, The Main Place Mall itself used to be home to a teen resource center headed by the YWCA of Western New York; a center that was closed when the Main Liberty Group took over the mall, and

WHEREAS, While some merchants were in favor of the ban, others stated that it would hurt their business, and

WHEREAS, The larger issue is how to foster business in a mall that is facing a vacancy rate exceeding 50 percent, and

WHEREAS, Thankfully, the Main Place Liberty Group has decided not to institute the ban, and rather look for long term solutions to the situation in cooperation with Buffalo Mayor Anthony Masiello and other interested parties,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby commend the Main Place Liberty Group for its decision not to implement what would have been an unfair and reactionary ban on children that would not have solved the real problems the mall is facing, and be it further

RESOLVED, That this Honorable Body does hereby express interest in being included in discussions as to how to improve business at the Main Place Mall, and be it further

RESOLVED, That this Honorable Body does hereby request that Main Liberty Group General Manager Patrick Hotung, and representatives of the City of Buffalo, NFTA, Buffalo Place and Buffalo Board of Education appear at a future meeting of the Legislature's Economic Development Committee to discuss possible long term strategies for improving business at the mall while welcoming and accommodating all people and ages, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Main Liberty Group General Manager Patrick Hotung, Buffalo Mayor Anthony Masiello, the NFTA, Buffalo Place and Buffalo Board of Education.

Fiscal Impact: None for resolution.

GEORGE A. HOLT, Jr.

Mr. HOLT offered the following amendment:

ADD, following the fourth WHEREAS clause:

WHEREAS, Another reason for the abundance of youths congregating after school is the lack of jobs available to them, despite the fact that children ages 14 and over can gain working papers, and

ADD, following the third RESOLVE clause:

RESOLVED, that further dialogue be undertaken with the aforementioned parties in the Legislature's Economic Development Committee to discuss methods to improve accessible job opportunities for children after school in order to foster the responsibility and maturity that comes with employment, and be it further

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

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Fisher, Olma, DeBenedetti, Dusza, Marinelli, Chase, Greenan, Larson, Marshall, Pauly, and Ranzhenhofer be added as co-sponsors.

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

CARRIED.

Legislator Weinstein in the negative.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65 Re: Support for Service Delivery in Local Communities (Int. 5-13)

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 \$26,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Kids Alive Inc.	n/a	\$ 5,000
Depew Justice Court	830/0923	\$ 8,000
Lancaster/Depew Little League Football	n/a	\$ 1,000
Depew-Cheektowaga Taxpayers Assn.	n/a	\$ 1,000
Wm. St. Citizens & Taxpayers Prot. Assn.	n/a	\$ 1,000
Depew-Lancaster Boys & Girls Club	830/0553	\$10,000
TOTAL		\$26,000

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 920, Department 300 Agency Payments & Grants - Cultural, (DAC: 110920300830), for paying the following agency:

<u>AGENCY</u>	<u>BUDGETED AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Lancaster Opera House	\$ 9,500	\$ 2,000	\$ 11,500
TOTAL			\$ 2,000

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 820, Project 973, Department 420 - Buffalo & Erie County Public Library - for transfer to the town of Cheektowaga libraries for use at the Julia Boyer Reinstein Branch library, as follows:

<u>OBJECT</u>	<u>DAC</u>	<u>AMOUNT</u>
931 - Buildings & Grounds Equipment	820973420931	\$ 8,000
938 - Library Materials	820973420938	\$ 2,000
TOTAL		\$ 10,000

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$4,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 939, Department 630 Department of Senior Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Town of Lancaster Senior Citizens Center	830/0799	\$ 4,000
TOTAL		\$ 4,000

and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, the Commissioner of Senior Services, and the Director of the Buffalo and Erie County Library be and hereby are 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, Buffalo & Erie County Public Library Director Daniel Walters, and Senior Services Commissioner Paul Fitzpatrick, and be it further

RESOLVED, that certified copies of this resolution be sent to Beth Mazza, Executive Director, Kids Alive Inc, 163 Werkley Road, Tonawanda, NY 14150; Gordon N. Willis, Village Justice, Depew Justice Court, Municipal Building, 85 Manitou Street, Depew, NY 14043; Andy Pella, Lancaster Little League Football, 327 Argus Ave., Depew, NY 14043; Jane Wiercioch, President, Depew-Cheektowaga Taxpayers' Association, 1059 Borden Road, Depew, NY 14043; Joseph Przemielewski, President, William Street Citizens and Taxpayers Protective Association, 49 Raymond Ave., Cheektowaga, NY 14227; David A. Hoch, Executive Director, Depew-Lancaster Boys & Girls Club, 5440 Broadway, Lancaster, NY 14086, and be it further

RESOLVED, that certified copies of this resolution be sent to Thomas Kazmierczak, Lancaster Opera House, 21 Central Ave., Lancaster, NY 14086; Elaine C. Mahaney, Director, Cheektowaga Public Library - Julia Boyer Reinstein Branch, 1030 Losson Road, Cheektowaga, NY 14227; and to the Town of Lancaster Senior Citizens Center, c/o Robert Giza, Supervisor, Town of Lancaster, Lancaster Town Hall, 21 Central Ave., Lancaster, NY 14086.

Fiscal Impact: Appropriation of 1998-budgeted funds.

RAYMOND K. DUSZA

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

CARRIED.

Legislator Larson abstained.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66 Re: Redirection of Funds in 1998
Budget (Int. 5-14)

WHEREAS, the Erie County Legislature makes specific funding appropriations within the annual budget to individual agencies for the performance of particular services, and

WHEREAS, those services may include youth, educational, recreational, and other services, and

WHEREAS, through a budget amendment, the Legislature made an appropriation of \$22,000 to the YMCA/William Emslie Agency Consortium (County Executive's Tentative Budget, page 151, line 830/0752), and

WHEREAS, the Legislature has determined that in the interest of ensuring faithful completion of the services required by this appropriation, that the funds allocated in the budget be transferred to another agency, and

WHEREAS, in order to effectuate this transfer of funds, the Legislature must approve a resolution such as this,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$22,000 within Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefits Services, (DAC: 110921301830), as follows:

<u>AGENCY</u>	<u>LINE</u>	<u>BUDGETED AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
YMCA/William Emslie Agency Consortium	830/0752	\$22,000	(\$22,000)	-0-
Town Boys & Girls Club	830/0271	-0-	\$22,000	\$22,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the Town Boys & Girls Club, Inc., in the manner described in the first RESOLVE clause, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman; to John Murray, President, YMCA of Western New York, 300 Cayuga Road, Cheektowaga, NY 14225, William Gallagher, Executive Director, Town Boys and Girls Club, Inc., 54 Riverdale Ave., Tonawanda, NY 14207.

Fiscal Impact: None.

CHARLES M. SWANICK CRYSTAL D. PEOPLES

Ms. PEOPLES offered an amendment as follows:

DELETE all RESOLVE clauses in their entirety and replace with the following:

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$96,537 within Fund 110, Project 921, Department 301 Agency Payments & Grants-Public Benefit Services, (DAC: 10921301830), as follows:

<u>AGENCY</u>	<u>LINE</u>	<u>BUDGETED AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
YMCA/William Emslie Agency Consortium	830/0752	\$96,537	(\$96,537)	-0-
Town Boys & Girls Club	830/0271	-0-	\$22,000	\$22,000
Buffalo Urban League	n/a	-0-	\$74,537	\$74,537

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the Town Boys & Girls Club, Inc., and the Buffalo Urban League in the manner described in the first RESOLVE clause, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive Dennis T. Gorski, County Comptroller Nancy Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman; to John Murray, President, YMCA of Western New York, 300 Cayuga Road, Cheektowaga, NY 14225, William Gallagher, Executive Director, Town Boys and Girls Club, Inc., 54 Riverdale Avenue, Tonawanda, NY 14207, and to Leroy Coles, Executive Director, Buffalo Urban League, 15 Genesee St., Buffalo, New York 14203.

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

CARRIED UNANIMOUSLY.

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

CARRIED.

Legislator Holt abstained.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67 Re: Unfair Labor Practices
(Int. 5-15)

WHEREAS, the Erie County Legislature has a long standing tradition of supporting the working families of this communities, and

WHEREAS, This Body supports the National Association of Broadcasting Employees and Technicians - CWA and its Local 25 in requesting that the Gannett Association, owner of WGRZ-TV Channel 2, negotiate in earnest to arrive at a new contract for its members working at the station, and

WHEREAS, Gannet Broadcasting has proposed new conditions employment that do not meet area standards, and

WHEREAS, The proposed conditions include:

The elimination of job jurisdiction protection (by seeking to have people not in the collective bargaining unit perform the work of the Union members) replacing production assistants with automated equipment without opportunity for retraining and job preservation;

Restricting staff members from outside employment;

Eliminating Union security and dues deduction provisions;

Eliminating wage scales;

Reduction of vacation benefits;

Elimination seniority provisions that cover job assignment, shift selection, and leave scheduling; and

WHEREAS, National Association of Broadcasting Employees and Technicians-CWA has filed unfair labor practice charges with the National Labor Relations Board against Gannett Broadcasting because of its coercion, harassment, and discrimination against Union bargaining committee members, and

WHEREAS, Gannett Broadcasting has turned its back on the community by: Reneging on its promise to fund a housing rehabilitation project in South Buffalo, which would have effectively eliminated the project but for the aid of several labor unions; Eliminating much of its religious programming; Eliminating local coverage of the Jerry Lewis telethon; and

WHEREAS, Greater Buffalo AFL-CIO Council has asked area families to boycott WGRZ-TV Channel 2, and

WHEREAS, Gannett Broadcasting, which owns 91 daily newspapers, including the nationally distributed *USA Today*, 20 television stations and 13 radio stations, has taken a "hard stance" on labor reporting, and

WHEREAS, Gannett Broadcasting, based in Virginia (a state that does not recognize union security), has a long history of hostility in its relationship with the labor movement, including the bitter lockout of thousands of employees at one of its 91 daily newspapers, the *Detroit Free Press*, and

WHEREAS, the National Association of Broadcasting Employees and Technicians and Local 25 has had a cooperative relationship with local management of WGRZ-TV Channel 2 prior to Gannett Broadcasting's buy-out of that station, and

WHEREAS, In the February 6, 1998, edition of the Buffalo Alternative Press, Robert Mancuso, Chief Steward of Local 25 said, "If Gannett, which has a track record of being anti-worker, was truly serious about negotiating a fair and equitable contract we would be sitting down right now to get it done."

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature stands with the community in support of the National Association of Broadcasting Employees and Technicians and Local 25 in its boycott of WGRZ-TV Channel 2, and be it further

RESOLVED, that this Body goes on record in support of their struggle to achieve justice in the work place, and be it further

RESOLVED, that certified copies of this resolution be forwarded to NABET-CWA Local 25, WGRZ-TV Channel 2, the AFL-CIO Buffalo Council, and The Gannett Corporation.

Piscal Impact: None for resolution.

AL DEBENEDETTI LYNN M. MARINELLI

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

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

CARRIED.

Legislators Marshall and Weinstein in the negative.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68 Re: Funding for Public Safety and
Recreational Initiatives
(Int. 5-16)

WHEREAS, the Town of Grand Island School District is in need of cautionary traffic signalization in front of school buildings throughout the town, and

WHEREAS, the Town of Grand Island will administer the changes planned by school district and other local officials with regard to signalization, and

WHEREAS, Canal Fest of the Tonawandas has for many years provided recreational entertainment to residents in the northern portion of Erie County, and

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 \$16,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Town of Grand Island	n/a	\$ 10,000
Canal Fest of the Tonawandas	830/0640	\$ 6,000
TOTAL		\$ 16,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the agencies 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, Peter McMahon, Supervisor, Town of Grand Island, c/o Town Hall, 2255 Baseline Rd., Grand Island, NY 14072, and to Mike Addy, Canal Fest of the Tonawandas, PO Box 1243, North Tonawanda, NY 14120.

Fiscal Impact: Appropriation of 1998-budgeted funds.

CHARLES M. SWANICK

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69 Re: Process for Designation of Como Park Boulevard as a Scenic/Historical Highway (Int. 5-17)

WHEREAS, Como Park Boulevard, located in the towns of Cheektowaga and Lancaster, is owned and maintained by the County of Erie, and

WHEREAS, local civic and neighborhood groups have approached county officials regarding a declaration of Como Park Boulevard as a "Scenic/Historical Highway," and

WHEREAS, this designation is requested because of Como Park Boulevard's place in the history of the development of Buffalo and its eastern suburbs, and

WHEREAS, specific references to Como Park Boulevard's place in history include:

St. John Newman often traversed the area from Lancaster to Bellevue to minister to residents in that community;

Como Park Boulevard and Indian Road once had located in its area an amusement park, a grist mill, and areas that served as stations along the "Underground" Railroad;

The area is a significant evidence that the banks of Cayuga Creek were settled by the Seneca Indians, attested to by the discovery of arrowheads and other artifacts in this area;

Como Park Boulevard was the principal streetcar line to the Town of Lancaster;

The largest railroad yard east of Chicago, IL was located along Como Park Boulevard, where trolley lines were moved from Bellevue Boulevard to accommodate the yard;

Located just east of Como Park Boulevard were the Lehigh Railroad coal trestles;

A bandstand was once located at the corner of Como Park Boulevard and Hawthorne Avenue; and

WHEREAS, the designation of Como Park Boulevard as a "Scenic/Historical Highway" will adequately reflect the significant place that this highway holds in the history of Buffalo, Cheektowaga, Lancaster, and Western New York, and

WHEREAS, it is important that the Legislature determine the process for making such designation, and what, if any, ramifications exist should the county take such action,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support, in principle, the designation of Como Park Boulevard in the towns of Cheektowaga and Lancaster as a Scenic/Historic Highway, and be it further

RESOLVED, that this Honorable Body does hereby request that Erie County Deputy Commissioner of Public Works - Highways, David Comerford, report to the Legislature as to the process for making such designation and comment on any potential ramifications - positive or negative - to the county for making such a designation, and be it further

RESOLVED, that Commissioner Comerford is hereby requested to file his report with the Clerk of the Legislature within thirty (30) days of passage of this resolution, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis T. Gorski, Public Works Deputy Commissioner - Highways David Comerford, and to the Town Clerks of the Towns of Cheektowaga and Lancaster.

Fiscal Impact: To Be Determined.

RAYMOND K. DUSZA

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

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

CARRIED UNANIMOUSLY.

ITEM 34 - Mr. KUWIK presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70 Re: Urging Senator Moynihan to Include Poland in NATO (Int. 5-18)

WHEREAS, Poland has applied for inclusion as an ally in North Atlantic Treaty Organization (NATO), and

WHEREAS, After years of battling occupation and struggling for independence, Poland is now attempting to secure its hard-fought freedom by allying itself with like-minded countries in NATO, and

WHEREAS, A protocol to enlarge NATO to include Poland, Hungary and the Czech Republic has been signed by the United States and now awaits ratification in the United States Senate, and

WHEREAS, New York's own Senator Daniel Patrick Moynihan holds an influential position in the Senate, and could help effectuate the ratification of this agreement if he spoke out in favor of it, and

WHEREAS, Senator Moynihan has in the past been an advocate for Poland's freedom, urging then President Ronald Reagan in 1981 to cut off food shipments to the Soviet Union after Russian-built tanks were used to enforce the imposition of martial law in Poland and leaders of the Solidarity movement such as Lech Walesa were jailed for their efforts to free Poland, and

WHEREAS, Despite his past reputation as a friend to Poland, Senator Moynihan is now reluctant to push for Poland's inclusion in NATO because of the cost of expanding the organization, despite the fact that Poland has indicated it is willing to financially contribute \$44 million per year for ten years for its membership in NATO,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby go on record in favor of the inclusion of Poland, Hungary and the Czech Republic in the North Atlantic Treaty Organization, and be it further

RESOLVED, That this Honorable Body does hereby strongly urge U.S. Senator Daniel Patrick Moynihan to renew his advocacy for Poland by actively seeking ratification of the agreement to include the aforementioned countries in NATO, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the United States Senate to ratify the aforementioned agreement for the preservation and strengthening of democracy throughout the world, and be it further

RESOLVED, That certified copies of this resolution be forwarded to U.S. Senator Daniel Patrick Moynihan, the entire local delegation to the U.S. Congress, President William Clinton, and local Polish American Congress Division President Joseph Macielag.

Fiscal Impact: None for resolution.

RAYMOND K. DUSZA

EDWARD J. KUWIK

GREGORY B. OLMA

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

Mr. KUWIK moved the adoption of the resolution as amended. Mr. OLMA seconded.

CARRIED UNANIMOUSLY.

ITEM 35 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mr. KUWIK seconded.

Int.5-19 From: Leg. SWANICK Re: Support for Raising Maximum Age of Children Covered Under PINS to Eighteen

Chairman SWANICK directed that Et Al be added to sponsorship.

Chairman SWANICK directed that Int. 5-19 be referred to the PUBLIC SAFETY COMMITTEE.

ITEM 36 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71 Re: Support for Improved Passenger Rail Services (Int. 5-20)

WHEREAS, A recently commissioned survey by the Empire State Passenger Association (ESPA) concluded that an overwhelming number of state voters support improved passenger rail services, and

WHEREAS, the Empire Corridor Rail Task Force is a bipartisan committee consisting of County Legislative Chairs from across New York State working ^{to} preserve and improve the rail transportation system, including freight and passenger, on the New York- Albany- Syracuse-Rochester-Buffalo main line through New York State, and

WHEREAS, An improved system of passenger rail services will serve to promote state economic development and tourism, as well as enhancing citizen access and mobility, and

WHEREAS, New York State should invest in preserving and promoting an efficient, ~~NOW, THEREFORE, BE IT~~ *safe and clean system of passenger rail services,*

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby extend its appreciation to, and support for, the Empire Corridor Rail Task Force and its work to improve the passenger rail system in New York State, and be it further

RESOLVED, that this Honorable Body ^{do} hereby memorialize the New York State Legislature to support the task force initiatives, including developing a comprehensive rail plan for New York State and plans ^{for} high speed rails and improved passenger service along the Empire Corridor and be it further

RESOLVED, that certified copies of this resolution be forwarded New York State Governor George E. Pataki, Empire State Chairman William E. Sanford, State Assemblyman Sam Hoyt, State Assembly Speaker Sheldon Silver, State Senate President Joseph Bruno and the members of the Western New York State Legislature,

Fiscal Impact: TO BE DETERMINED

CHARLES M. SWANICK

CRYSTAL D. PEOPLES

JUDITH P. FISHER

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

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

CARRIED UNANIMOUSLY.

ITEM 37 - Mr. MARSHALL presented the following resolution and requested it be referred to the HEALTH COMMITTEE.

GRANTED.

Int. 5-21. From: Legs. Marshall, Ranzenhofer & Larson. Re: Fiscal Crisis at ECMC.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

ITEM 38 - Mr. HOLT moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 27E-21. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72 Re: Department of Social Services Optical Imaging Project Amendments

WHEREAS, the Department of Social Services is currently implementing a document imaging system to replace an obsolete updatable microfiche system, and

WHEREAS, the Department has been awarded a grant by New York State in the amount of \$100,000 to expend the optical imaging project to the managed care office, and

WHEREAS, the grant will be used to provide funding for additional computer hardware and software needs, for the purchase of needed furniture and supplies and for the expansion of contracts with Personnel Resources, Inc. and AOP Solutions, Inc., local firms under current contract for implementation of this major project, and

WHEREAS, budget amendments transferring funds from the 1997 operating budget to the Optical Imaging Capital Project are also required to enable the purchase of items needed for the optical imaging project, including the purchase of additional quality control computer hardware, software and maintenance support for this project which must be supplied by AOP Solutions, Inc., and

WHEREAS, funds are available in the 1997 budget which have been designated for this purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or Commissioner of Social Services are hereby authorized to accept grant funds in the amount of \$100,000 for the addition of managed care functions to the Department of Social Services imaging system, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the existing Medicaid Managed Care grant, Fund 280, Project #733:

ACCOUNT	ACCOUNT TITLE	INCREASE/ (DECREASE)
821	Dues and Fees	\$ 25,000
880-2108	Interfund-Capital	25,000
825	Other Expenses	10,000
933	Lab & Technical Equipment	<u>40,000</u>
	Total Appropriations	<u>\$100,000</u>
551	State Aid	\$ 50,000
540	Federal Aid	<u>50,000</u>
	Total Revenue	<u>\$100,000</u>

and be it further

RESOLVED, that the following "pay as you go" budget, amendments are hereby authorized in the capital budget, Fund 410, Project #821:

ACCOUNT	ACCOUNT TITLE	INCREASE/ (DECREASE)
821	Dues and Fees	<u>\$ 65,000</u>
	Total Appropriations	<u>\$ 65,000</u>
685-2000	Interfund-Social Services	\$ 40,000
685-2009	Interfund-DSS Grants	<u>25,000</u>
	Total Revenues	<u>\$ 65,000</u>

and be it further

RESOLVED, that the following budget amendments are hereby authorized in the operating department budget:

ACCOUNT	ACCOUNT TITLE	INCREASE/ (DECREASE)
826	Other Expenses	\$(40,000)
880-2108	Interfund-Capital	<u>40,000</u>
	Total Appropriation Change	<u>-0-</u>

and be it further

RESOLVED, that the County Executive and/or Commissioner of Social Services are hereby authorized to increase the existing project consulting contracts with Personnel Resources, Inc. on the amount of \$25,000 and ACP Solutions, Inc. in the amount of \$65,000, as required for the addition of managed care functions to the optical imaging system, 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.

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

CARRIED UNANIMOUSLY.

ITEM 39 - Mr. FITZPATRICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Int. 3-19. Ms. PEOPLES seconded.

CARRIED.

Legislators Chase, Greenan, Larson and Marshall in the negative.

RESOLUTION NO. 73 Re: Requesting State Authorization for a Pilot Program For Casino Gambling in Downtown Buffalo (Int. 3-19)

WHEREAS, casino gambling has experienced a rebirth in many states and major United States cities as a means for economically distressed areas to enhance tourism and economic development in their respective areas, as well as to enhance revenue growth for local, county and state governments, and

WHEREAS, Casino Niagara, the temporary casino located in Niagara Falls, Ontario, has reaped considerable financial rewards as a result of its status as the region's sole casino operation, attracting local residents as well as tourists through its doors, and

WHEREAS, Casino Niagara's first year of operation yielded more than \$350 million (Canadian), becoming the most successful first year casino operation in the history of the province of Ontario, and

WHEREAS, the full impact of Casino Niagara on Erie County and Western New York's respective economies is not specifically known, and should be measured to determine the how severe a loss in revenue has been experienced as a result of the casino's operation, and

WHEREAS, it has been suggested that establishment of casino gambling operations within the County of Erie, specifically within the downtown section of the City of Buffalo - would be a positive step toward enhancing tourism and economic development, and

WHEREAS, the Legislature may wish to consider a unique proposal for municipal-owned government ownership of casino operations in downtown Buffalo, with shared revenue between the state and the county, with distribution of revenues to the cities, towns, villages, and school districts within Erie County, and

WHEREAS, in this proposal, Erie County and the City of Buffalo would hold joint ownership of a casino located in downtown Buffalo (roughly defined as south of W. Tupper Street and west of Michigan Avenue), with revenues sharing agreements between the state, the county, and Erie County's municipalities, and

WHEREAS, this proposal would effectively serve as a pilot program for Western New York, allowing local officials to determine the effectiveness of casino gambling as an attraction for tourists, conventioners and other visitors to Buffalo and Western New York, and would allow officials in other areas of New York State, such as the Catskills, to measure the effectiveness of casino operations as stimuli for tourism and economic development in their areas as well, and

WHEREAS, questions exist relative to the legality of such a proposal, and the possible need for an amendment to the New York State Constitution to authorize development of this pilot project, and

WHEREAS, it is important that members of the Legislature engage in dialogue with state and local officials to determine what steps must be taken in order to move forward with such a pilot program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby conceptually support the establishment of a pilot program for casino gambling in the City of Buffalo and the County of Erie, to locate a ~~municipally-owned~~ casino in downtown Buffalo for the purposes of enhancing economic development and tourism in our region, and enhancing revenue for the Erie County, its local governments, and state, and be it further

RESOLVED, that this Honorable Body does hereby request that the Gorski administration take steps to clearly ascertain the economic impact of Casino Niagara on the city of Buffalo, the County of Erie, and the Western New York region, working collectively with other agencies and business entities to determine approximately what level of positive economic impact has been lost by our region as a result of the Casino's operation, and be it further

RESOLVED, that this Honorable Body does hereby call upon officials of the City of Buffalo, County of Erie, and State of New York to appear at a future meeting of the Legislature's Economic Development Committee to discuss this matter in greater detail, discussing the legal steps that must be taken to effectuate this proposal, toward initiating productive negotiations among the three principals and establishing the aforementioned pilot casino gambling program in Western New York, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, County Executive Dennis Gorski, and Buffalo Mayor Anthony Masiello.

Fiscal Impact: Impact of Casino Gambling is Positive for Erie County.

MICHAEL A. FITZPATRICK

BARRY A. WEINSTEIN

Mr. FITZPATRICK offered the following amendment:

DELETE the resolution in its entirety and replace with the following:

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS FITZPATRICK, SWANICK & PEOPLES

RE: DETERMINING THE ECONOMIC & SOCIAL IMPACT OF CASINO NIAGARA

WHEREAS, casino gambling has experienced a rebirth in many states and major United States cities as a means for economically distressed areas to enhance tourism and economic development in their respective areas, as well as to enhance revenue growth for local, county and state governments, and

WHEREAS, Casino Niagara, the temporary casino located in Niagara Falls, Ontario, has reaped considerable financial rewards as a result of its status as the region's sole casino operation, attracting local residents as well as tourists through its doors, and

WHEREAS, Casino Niagara's first year of operation yielded more than \$350 million (Canadian), becoming the most successful first year casino operation in history of the province of Ontario, and

WHEREAS, it is clear that Casino Niagara's appeal, in addition to being marketed as an added attraction to those visiting Niagara Falls from other parts of the world, has been focused on those residing in New York State, and particularly those in Erie County and Western New York, and

WHEREAS, the full impact of Casino Niagara on Erie County and Western New York's respective economies is not specifically known, and should be measured to determine the how severe a loss in revenue has been experienced as a result of the casino's operation, and

WHEREAS, it is in the best interests of local officials to attempt to ascertain the specific economic impact upon Western New York of the existence of Casino Niagara since its opening more than one year ago, and

WHEREAS, in addition to ascertaining the economic impact of the casino, the social impact of a casino operation must also be measured, and

WHEREAS, it would be in the interest of the Legislature for the social impact of the current casino on Western New York; second, measuring the potential social impact of a casino located in Buffalo on Western New York, and

WHEREAS, in measuring the above information, information should be obtained regarding Casino Windsor, and the resultant impact that casino has had on the metropolitan Detroit, MI area,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its concern with respect to the enormous financial profits reaped by the Casino Niagara since it opened more than one year ago, and be it further

RESOLVED, that this Honorable Body does hereby express its commitment to working collective with other governmental and private-sector agencies and business entities to determine approximately what level of Western New York's economic strength has been siphoned-off as a result of the Casino's operation, and what steps may be taken to offset said effects of Casino Niagara on our local economy, and be it further

RESOLVED, that in a similar capacity, the Legislature does hereby express its concern with respect to the social impact to Western New York of a casino operation located in the city of Buffalo, and does hereby express a similar commitment to work with other governmental and private-sector agencies and business entities to determine the respective social impact of Canadian and, potentially, American casino operations may have on Western New York, in a manner described in the eighth and ninth WHEREAS clauses, and be it further

RESOLVED, that local officials having expertise with respect to issues of economic development, public safety, and social services including, but not limited to, the Erie County Department of Environment and Planning, the Erie County Department of Social Services, and the Offices of the Sheriff of Erie County, the District Attorney of Erie County, and Empire State Development be and hereby are invited to a future meeting of the Legislature's Committee on Economic Development to discuss the respective economic and social impact of casino gambling on Erie County and Western New York, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive Dennis T. Gorski, Erie County Sheriff Patrick M. Gallivan, Erie County District Attorney Frank J. Clark, Erie County Commissioner of Social Services Deborah A. Merrifield, and to Luke Rich, Executive Director, Empire State Development.

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

CARRIED.

Legislators Marshall, Larson, Ranzenhofer, Chase and Greenan in the negative.

Mr. LARSON offered an amendment as follows:

✓ In the last RESOLVE clause add the name of Richard Geiger of the Convention and Visitors Bureau.

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

CARRIED UNANIMOUSLY.

✓ Chairman SWANICK directed that name^s of Legislator Pauly be added as co-sponsor. *+ Weinstein*

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Larson, Pauly, Weinstein, DeBenedetti, Dusza, Fitzpatrick, Holt, Kuwik, Marinelli, Olma, Peoples, Swanick - 12.
Noes - Chase, Greenan, Marshall, Ranzenhofer, Fisher - 5.

CARRIED.

SUSPENSION OF THE RULES

ITEM 40 - Mr. KUWIK moved for a suspension of the rules to include and item not on the agenda. Ms. PEOPLES seconded.

GRANTED.

Int. 5-22 From: Legs. PEOPLES, HOLT, FISHER & MARINELLI Re: Addressing Equity and Safety Issues in the Violent and Repeat Juvenile Offender Act.

Chairman SWANICK directed that Int. 5-22 be referred to the PUBLIC SAFETY COMMITTEE.

ITEM 41 - Mr. KUWIK moved for a suspension of the rules to include an item not on the agenda. Ms. PEOPLES seconded.

GRANTED.

Int. 5-23 From: Leg. ~~Ms.~~ PEOPLES Re: Tracing Firearms Recovered in Juvenile Crime

Chairman SWANICK directed that Int. 5-23 be referred to the PUBLIC SAFETY COMMITTEE.

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

GRANTED.

Comm. SE-15 From: County Executive Re: Proposed Resolution, Cover Letter and Accompanying Memorandum to the Legislature; Contract of Sale between the County of Erie and the Town of Evans; Sturgeon Point

Chairman SWANICK directed that Comm. 5E-15 be referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

GRANTED.

Comm. 5D-19 From: Buffalo & Erie County Public Library Re: Letter to Leg. Marinelli Re: Buffalo & Erie County Public Library Governance

Chairman SWANICK directed that Comm. 5D-19 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

ITEM 44 - Ms. PEOPLES moved for a suspension of the rules to include and item not on the agenda.

GRANTED.

Int. 5-24 From: Legs. CHASE, MARINELLI, PEOPLES, SWANICK, DEBENEDETTI, DUSZA, FITZPATRICK, HOLT, KUWIK, OLMA, GREENAN, MARSHALL, LARSON, RANZENHOPER, PAULY & WEINSTEIN Re: In Support of State Funding for American Red Cross Emergency Shelter Facility Grant.

Chairman SWANICK directed that Int. 5-24 be referred to the HEALTH COMMITTEE.

ITEM 45 - Mr. PAULY moved for a suspension of the rules to include and item not on the agenda.

GRANTED.

Int. 5-25 From: Leg. PAULY Re: Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Chairman SWANICK directed that Int. 5-25 be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR DUSZA

ITEM 46 - (Comm. 5E-1) Copies of Letters Re: Update on Erie County's Item Pricing/Scanner Accuracy Law.

Received & referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR FISHER

ITEM 47 - (Comm. 5E-2) Copy of Newspaper Article Re: Optimism About Aids is Premature.

Received & referred to the HEALTH COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 48 - (Comm. 5E-3) Position Change Report.

Received & referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR CHASE

ITEM 49 - (Comm. 5E-4) Copy of Letter to Chairman SWANICK Re: Requesting Appointment to the Board of Directors of the Cornell Cooperative Extension.

RECEIVED & FILED.

FROM LEGISLATORS SWANICK & PEOPLES

ITEM 50 - (Comm. 5E-5) Copy of Letter to Commissioner Tobe Re: Lease/Lease Back Proposal for Funding the New Buffalo Bills Lease.

ITEM 51 - (Comm. 5E-6) Copy of Letter to Comptroller Re: Requesting Written Lease/Lease Back Proposal for Funding the New Buffalo Bills Lease.

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

FROM THE COUNTY EXECUTIVE

ITEM 52 - (Comm. 5E-7) First Amendatory Agreement to the 6/20/97 Housing Loan Portfolio Analysis Contract With Jones Amato & Company, P.C.

ITEM 53 - (Comm. 5E-8) ECSD No. 1 Felber Lane Pumping Station Elimination - Contract 15 Bid Opening.

ITEM 54 - (Comm. 5E-9) ECSD No. 6 Fee Taking - SBL No. 142.69-2-2 - City of Lackawanna.

ITEM 55 - (Comm. 5E-10) ECSD No. 1 Pratt & Huth Associates Change Order No. 4.

ITEM 56 - (Comm. 5E-11) Mercury/Clean Sweep ^x Extension Grant. _^

ITEM 57 - (Comm. 5E-12) ECSD No. 5 Roll Road Sewer Extension - Contract 8 Klarberg, Inc. Contract Close-Out.

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

ITEM 58 - (Comm. 5E-13) Veterans' Services - Vietnam Veterans' Moving Wall.

Received & referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 59- (Comm. 5E-14) Senior Services - Authorization to Amend Grants & Enter Into Subcontract.

Received & referred to the SOCIAL SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE ERIE COUNTY MORGUE

ITEM 60 - (Comm. 5D-1) Monies & Other Properties Found on Deceased Persons.

Received and referred to the HEALTH COMMITTEE.

FROM DEP

ITEM 61 - (Comm. 5D-2) Copy of Letter to Comptroller Re Lease/Lease Back Proposal.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE HEALTH DEPARTMENT

ITEM 62 - (Comm. 5D-3) Minutes of Meeting Held 10/21/97 & Notice to Change Meeting From 2/17/98 to 2/24/98.

Received and referred to the HEALTH COMMITTEE.

FROM THE LAW

ITEM 63 - (Comm. 5D-4) Notices of Claim.

Received & referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BUDGET, FINANCE & MANAGEMENT

ITEM 64 - (Comm. 5D-5) Budget Monitoring Report for the Period Ending 11/30/97.

Received & referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE LAW

ITEM 65 - (Comm. 5D-6) Notice of County Executive's Public Hearing Resolutions Reference No. Int. 3-12, 3-13, 3-18, Int. 3-20 & Int. 3-21.

RECEIVE FILE & PRINT.

Int. Int.

Dear Ms. Manzella,

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Resolutions Reference Int. No. 3-12, Int. 3-13, Int. 3-18, Int. 3-20 and Int. 3-21., which was adopted by the Erie County Legislature on February 5, 1998.

Please post for the information of anyone who may be interested in attending this hearing.

Very truly yours,
KENNETH A. SCHOETZ
Erie County Attorney
by: ALAN GERTSMAN
1st Assistant County Attorney

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Erie County Executive, Dennis T. Gorski, will hold a public hearing on Wednesday, February 18 at 10:00 a.m., concerning appropriations from the County contingency fund for the following purpose:

LEGISLATURE PERSONAL SERVICES	\$17,370.00
PREVENTION COALITION OF ERIE COUNTY	\$ 3,000.00
CENTRAL TERMINAL RESORTATION CORP.	\$ 5,000.00
SLOAN ACTIVE HOSE COMPANY	\$ 1,500.00
VILLAGE OF SLOAN YOUTH & ST. PROGRAMS	\$ 5,000.00
FRIENDS OF THE WOODS LTD.	\$ 1,000.00
NEIGHBORHOOD INFORMATION CENTER	\$ 8,000.00
PULASKI DAY PARADE	\$ 4,000.00
POLISH COMMUNITY CENTER	\$50,000.00
WOODLAWN COMM. REVON CORP.	\$ 5,800.00
VILLAGE OF BLASDELL CENTENNIAL PARADE	\$ 3,000.00
VILLAGE OF BLASDELL NATIONAL NIGHT OUT	\$ 1,300.00
LACKAWANNA BOYS ASSOCIATION	\$ 5,000.00

The hearing will be held in the Erie County Executive's Library Room on the 16th floor of the Rath Building, 95 Franklin Street, in the City of Buffalo.

On February 5, 1998 the Erie County Legislature adopted Resolution Reference Int. 3-12, Int. 3-13, Int. 3-18, Int. 3-20 and Int. 3-21. Copies of the 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 & PRINTED.

FROM ERIE COUNTY MEDICAL CENTER

ITEM 66 - (Comm. 5D-7) Minutes of Meeting Held 1.22.98 & Notice of Meeting Held 2/12/98.

Received and referred to the HEALTH COMMITTEE.

FROM THE LAW

ITEM 67 - (Comm. 5D-8) Copy of Letter to Legislator Greenan Re: Project Labor Agreement.

Received & referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM DPW

ITEM 68 - (Comm. 5D-9) SEQR - Rich Stadium Improvements.

Received & referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM INFORMATION & SUPPORT

ITEM 69 - (Comm. 5D-10) Copy of Letter to Legislator Marinelli Re: Easy Access Directory.

Received & referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 70 - (Comm. 5D-11) Budget Transfers for Year ended 12/31/97.

Received & referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM LAW

ITEM 71 - (Comm. 5D-15) Notice of Approval by County Executive of Int. 1-9.

RECEIVE, FILE & PRINT.

Dear Ms. Manzella:

Enclosed herein are copies of the above Resolution for your files.

Please post for the information of anyone who may be interested in these Resolutions.

Very truly yours,
KENNETH A. SCHOETZ
Erie County Attorney
by: ALAN GERSTMAN
1st Assistant County Attorney

A Public Hearing was held on the foregoing Erie County Resolution Reference Int. 1-9, on January 27, 1998 due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, Dennis T. Gorski, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 22nd day of January, 1998.

DENNIS T. GORSKI

RECEIVED, FILED & PRINTED.

ITEM 72 - (Comm. 5D-13) Notice of Approval by County Executive of Int. 2-7 & 2-9.

RECEIVE, FILE & PRINT.

Dear Ms. Manzella:

Enclosed herein are copies of the above Resolution for your files.

Please post for the information of anyone who may be interested in these Resolutions.

Very truly yours,
KENNETH A. SCHOETZ
Erie County Attorney
by: ALAN GERSTMAN
1st Assistant County Attorney

A Public Hearing was held on the foregoing Erie County Resolution Reference Int. 2-7, on February 4, 1998 due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, Dennis T. Gorski, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 5th day of February, 1998.

DENNIS T. GORSKI

A Public Hearing was held on the foregoing Erie County Resolution Reference Int. 2-9, on February 4, 1998 due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, Dennis T. Gorski, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 5th day of February, 1998.

DENNIS T. GORSKI

RECEIVED, FILED & PRINTED.

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 73 - (Comm. 5D-14) Copy of Letter to Comptroller Re: Lease/Lease Back Proposal.

Received & referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

ITEM 74 - (Comm. 5D-15) Minutes of Meeting Held 1/15/98 & Notice of Meeting Held 2/19/98

RECEIVED & FILED.

FROM SOCIAL SERVICES DEPARTMENT

ITEM 75 - (Comm. 5D-16) Copy of Final Report From Deloitte & Touch Concerning the Department of Social Services' Implementation of Welfare Reform.

Received & referred to the SOCIAL SERVICES COMMITTEE.

FROM DPW

ITEM 76 -- (Comm. 5D-17) Multi Model Program (MMP) Funding Approval Request.

Received & referred to the FINANCE & MANAGEMENT COMMITTEE.

ITEM 77 -- (Comm. 5D-18) ECMD Masonry Restoration, F Building & Roof Replacement - Carpentry Shop

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE LEGAL AID BUREAU, INC.

ITEM 78 -- (Comm. 5M-1) Unaudited Financial Statements for the Nine Months Ending 9/30/97

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM NYS SENATOR BRUNO

ITEM 79 -- (Comm. 5M-2) Acknowledgement of Receipt of Resolutions.

RECEIVED & FILED.

FROM NEW YORK STATE ATTORNEY GENERAL

ITEM 80 -- (Comm. 5M-3) Copy of Letter to Chairman Swanick Re: the Elimination of Coupons in Upstate New York.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM NYS ASSEMBLYMAN REYNOLDS

ITEM 81 -- (Comm. 5M-4) Acknowledgement of Receipt of Resolutions.

RECEIVED & FILED.

FROM ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

ITEM 82 - (Comm. 5M-5) Minutes of Meeting Held 1/20/98 & Notice of Meeting Held 2/17/98.

FROM NYS FISH AND WILDLIFE MANAGEMENT BOARD

ITEM 83 - (Comm. 5M-6) Notice of Meeting held 12/4/97.

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

FROM NFTA

ITEM 84 - (Comm. 5M-7) Copies of the 17A Report & the Capital Expenditure Reports for the 3rd Quarter of Fiscal Year Ending 1/31/98.

Received & referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ERIE COUNTY MENTAL HYGIENE COMMUNITY

ITEM 85 - (Comm. 5M-8) Notice of Meeting to be Held 2/19/98

Received and referred to the HEALTH COMMITTEE.

FROM US CONGRESSMAN QUINN

ITEM 86 - (Comm. 5M-9) Acknowledgement of Receipt of Resolution
RECEIVED & FILED.

FROM MELINDA HOLLAND, CLEAR SITES

ITEM 87 - (Comm. 5M-10) Summary of Meeting Held 2/4/98 & Notice of Meeting Held 2/17/98.

Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

ADJOURNMENT:

ITEM 88 - 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, March 5, 1998. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 5, 1998 at 2:00 P.M., Eastern Standard Time.

LAURIE A. MANZELLA
Clerk