

ERIE COUNTY LEGISLATURE
MEETING NO. 24
December 2, 1999

The Legislature was called to order by Chairman Swanick.

Legislator DeBenedetti absent.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Greenan.

MS. PEOPLES moved the approval of the minutes of Meetings 19 & 20 of 1999. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 1 – MS. MARINELLI presented a resolution Honoring Regina Purvis on Her 80th Birthday. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 2 – MR. DUSZA presented a resolution Honoring Outgoing Buffalo Common Councilman David Franczyk for His Many Years of Service & Dedication to the Fillmore District. MR. OLMA seconded.

CARRIED UNANIMOUSLY.

Item 3 – MR. KUWIK presented a resolution Honoring the 1999 Lackawanna High School Steelers Football Team for Their Outstanding Season. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. DUSZA presented a resolution Honoring Florence Geraci on Her 80th Birthday. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 5 - CHAIRMAN SWANICK directed that Local Law Intro No. 4 (Print #2) 1999 remain on the table.

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

Item 6 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 396

Re: Support for State Mandate Relief
(H.R.3257). (Intro. 24-1)

WHEREAS, mandates imposed by the Federal government onto state governments often times are not accompanied with financial assistance necessary to pay for the prescribed program, rule or regulation, and

WHEREAS, the cost of federal mandates on state governments is enormous and many times the cost of new programs, rules or regulations are passed down to local governments, such as Erie County, which acts as the direct service provider or regulatory agent, and

WHEREAS, the provision of services or the monitoring of rules and regulations costs Erie County millions of dollars annually, and

WHEREAS, this Honorable Body has gone on record in support for the elimination of unfunded mandates and for flexibility in dealing with federal and state mandates, and

WHEREAS, Congressman Thomas Reynolds has introduced legislation (H.R. 3257), the State Flexibility Clarification Act, which would make adjustments to federal law to require the determination of whether new federal legislation imposes a spending mandate on states or local governments, and

WHEREAS, specifically, Congress in 1995 passed the Unfunded Mandates Reform Act (UMRA) which attempted to restrict the Federal government from imposing burdensome, unnecessary and unfunded mandates. The Congressional Budget Office (CBO), however, exempted two-thirds of all mandated programs from coverage under UMRA, and

WHEREAS, H.R. 3257 seeks to correct the CBO interpretation by: (1) it clarifying the intent of UMRA by stating that any cut or cap in federal aid to a federally-mandated program constitutes a mandate, (2) requiring that Congressional committees include and explanation in their reports on how a state or local government may implement a funding reduction, and (3) it requiring the CBO to note how states can implement the reductions under existing law, and

WHEREAS, this legislation has been approved by the United States Senate and the House of Representatives

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body supports H.R. 3257 to help protect local taxpayers from further unfunded federal mandates, and be it further

RESOLVED, that this Honorable Body does hereby call upon President William Clinton to sign H.R. 3257 into law, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to President William Clinton, to United States Senators Daniel Moynihan and Charles Schumer, and the members of the Western New York Congressional Delegation.

Fiscal Impact: to be determined.

MS. PEOPLES moved to amend the resolution. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

WHEREAS, mandates imposed by the Federal government onto state governments often times are not accompanied with financial assistance necessary to pay for the prescribed program, rule or regulation, and

WHEREAS, the cost of federal mandates on state governments is enormous and many times the cost of new programs, rules or regulations are passed down to local governments, such as Erie County, which acts as the direct service provider or regulatory agent, and

WHEREAS, the provision of services or the monitoring of rules and regulations costs Erie County millions of dollars annually, and

WHEREAS, this Honorable Body has gone on record in support for the elimination of unfunded mandates and for flexibility in dealing with federal and state mandates, and

WHEREAS, Congressman Thomas Reynolds has introduced legislation (H.R. 3257), the State Flexibility Clarification Act, which would make adjustments to federal law to require the determination of whether new federal legislation imposes a spending mandate on states or local governments, and

WHEREAS, specifically, Congress in 1995 passed the Unfunded Mandates Reform Act (UMRA) which attempted to restrict the Federal government from imposing burdensome, unnecessary and unfunded mandates. The Congressional Budget Office (CBO), however, exempted two-thirds of all mandated programs from coverage under UMRA, and

WHEREAS, H.R. 3257 seeks to correct the CBO interpretation by: (1) it clarifying the intent of UMRA by stating that any cut or cap in federal aid to a federally-mandated program constitutes a mandate, (2) requiring that Congressional committees include and explanation in their

reports on how a state or local government may implement a funding reduction, and (3) it requiring the CBO to note how states can implement the reductions under existing law, and

WHEREAS, this legislation has been approved by the United States Senate and the House of Representatives

WHEREAS, The New York State Business Council and the New York State Association of Counties recently released a study indicating that New York's local taxes could be reduced by \$5 billion if unfunded mandates the state passes on to local governments were eliminated, and

WHEREAS, A constitutional amendment has been introduced in the New York State Legislature (A.360 / S.1290) to make compliance with unfunded state mandates voluntary, while another piece of state legislation (A.2719 / S. 1264) would restrict the state's ability to impose unfunded mandates on localities,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body supports H.R. 3257 to help protect local taxpayers from further unfunded federal mandates, and be it further

RESOLVED, that this Honorable Body does hereby call upon President William Clinton to sign H.R. 3257 into law, and be it further

RESOLVED, That this Honorable Body does memorialize the New York State Legislature to pass and New York State Governor George Pataki to sign into law A.360 / S.1290 and A.2719 / S. 1264 in order to free counties and municipalities from costly state-imposed unfunded mandates, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to President William Clinton, to United States Senators Daniel Moynihan and Charles Schumer, the members of the Western New York Congressional Delegation, New York State Governor George Pataki and the Western New York delegation to the New York State Legislature.

Fiscal Impact: to be determined.

MS. PEOPLES moved the approval of the resolution as amended. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. PAULY presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 397

Re: Transfer of Budgeted Funds.
(Intro. 24-2)

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$ 15,000 within 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>OLD</u> <u>AMOUNT</u>	<u>+/-</u>	<u>NEW</u> <u>AMOUNT</u>
Clean Communities Of WNY	830/0538	\$20,000	(\$15,000)	\$5,000
Alleyway Theatre	830/0402	-0-	\$15,000	\$15,000
TOTAL		-0-		

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, Jim Cotter – Administrative Assistant Department of Budget, Management and Finance, Jennifer Anger – Administrative Assistant Erie County Legislature, and three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) copy each to Linda Hardie, Administrative Assistant to Legislator Pauly, (3131 Sheridan Drive, Amherst, NY 14226), and Neal Radice, Executive Director, (Alleyway Theatre, 1 Curtain Up Alley, Buffalo, NY 14202-1911.)

Fiscal Impact: Appropriation of 1999-budgeted funds.

MR. PAULY moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 398

Re: Funding for Community
Organizations. (Intro. 24-3)

WHEREAS, the Legislature set aside funds in the 1999 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 \$8,712 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>
Lackawanna Food Pantry	830/1042	\$4,712
Lackawanna Community Development Corporation	N/A	\$4,000

TOTAL

\$8,712

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, Jim Cotter – Administrative Assistant Department of Budget, Management and Finance, Jennifer Anger – Administrative Assistant Erie County Legislature, and three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) each copy to Sister Dorothy DeMaria, Executive Director, (Lackawanna Food Pantry, 697 Ridge Road, Lackawanna, NY 14218,) and Nick Manafo, Executive Director, (Lackawanna Community Development Corporation, 697 Ridge Road, Lackawanna, NY 14218.)

Fiscal Impact: Appropriation of 1999-budgeted funds.

MK. KUWIK moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. HOLT presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 399

Re: Donation of Surplus Furniture.
(Intro. 24-4)

WHEREAS, Families Helping Families/Foster Parent Network (FHF/FPN) is a non-profit human service agency operating within Erie County, and

WHEREAS, FHF/FPN is a certified 501-c(3) organization which services children and families, single parent households and other at-risk families, and

WHEREAS, FHF/FPN has no paid staff, and is administered only by foster parents and church volunteers, and

WHEREAS, FHF/FPN operates strictly on the basis of donations, and

WHEREAS, FHF/FPN is in need of office equipment such as desks, chairs, file cabinets, typewriters and computers, and

WHEREAS, in that Erie County government from time to time replaces older office equipment, placing said older equipment in storage, it would be in the interests of this Honorable Body to, on a limited basis, make any available office equipment available to FHF/FPN,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby direct the Division of Information and Support Services, Division of Purchase, to ascertain the county's level of surplus office equipment, including tables, chairs, desks, file cabinets, typewriters and computers, and report the same in writing to the Clerk of the Legislature no later than December 10, 1999, and be it further

RESOLVED, that this Honorable Body does hereby reserve the authority to, via legislative resolution, donate certain specified items of surplus office equipment to FHF/FPN, upon determination of the county's ability to donate said items, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Information and Support Services Director Les Hoffman and Division of Purchase Director John Doyle.

Fiscal Impact: To be Determined.

MR. HOLT moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 10 - CHAIRMAN SWANICK directed that the following resolution be referred to the HEALTH COMMITTEE.

GRANTED.

Intro. 24-5 From LEGISLATORS CHASE, WEINSTEIN, RANZENHOFER, MARSHALL & LARSON Re: Support for the Anti-Stalking Act of 1999.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 11 - MR. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 21E-4. MS. PEOPLES seconded.

RESOLUTION NO. 400

Re: Criminal Justice Departments -
Transfer of Funds.

RESOLVED, that authorization is hereby provided to transfer available balances in the 1999 Operating Budget, in order to adequately fund accounts where spending is expected to be

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greater than anticipated and to also purchase required equipment for various criminal justice departments as follows:

<u>Appropriation</u>	<u>Decrease</u>
Department 140 - District Attorney's Office	
Acct. 821 - Dues and Fees	\$32,700
Department 150 - Sheriff's Division	
Acct. 813 - Auto Supplies	18,000
Acct. 814 - Medical Supplies	1,000
Acct. 821 - Dues and Fees	5,000
Acct. 822 - Rental Charges	2,000
Acct. 823 - Repairs & Maintenance	8,000
Department 151 - Sheriff's Holding Center	
Acct. 811 - Clothing Supplies	10,000
Acct. 812 - Food Supplies	40,000
Acct. 814 - Medical Supplies	10,000
Acct. 821 - Dues and Fees	10,000
Acct. 822 - Rental Charges	8,000
Acct. 823 - Repairs & Maintenance	4,000
Department 660 - Correctional Facility	
Acct. 811 - Clothing Supplies	7,000
Acct. 812 - Food Supplies	30,300
Acct. 823 - Repairs & Maintenance	<u>6,700</u>
Total Appropriation Decrease	\$192,700
<u>Appropriation</u>	<u>Increase</u>
Department 140 - District Attorney's Office	
Acct. 933 - Lab and Technical Equipment	\$24,000
Department 650 - Central Police Services	
Acct. 933 - Lab and Technical Equipment	8,700
Department 660 - Correctional Facility	
Acct. 814 - Medical Supplies	125,000
Department 260 - Probation	
Acct. 821 - Dues and Fees	7,000
Acct. 933 - Lab and Technical Equipment	<u>28,000</u>
Total Appropriation Increase	\$192,700

Net Appropriations

\$0

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Comptroller, the Sheriff's Office, the Correctional Facility, the Department of Central Police Services and the Probation Department.

MR. KUWIK moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. HOLT moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 18E-8. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 401

Re: Youth Detention –Transfer of Funds.

RESOLVED, that authorization is hereby provided to transfer funds in order to provide for psychiatric services in the Department of Youth Services' Division of Detention as follows:

Department 251
Youth Services Division of Detention

<u>Appropriation</u>	<u>Decrease</u>
Acct. 821 - Dues and Fees	9,000
	<u>Increase</u>
Acct. 882-2410 - Interdept. Forensic Mental Health	<u>9,000</u>
Total Appropriations	<u>\$0</u>

Department 241
Mental Health Division of Forensic Mental Health

<u>Appropriation</u>	<u>Increase</u>
Acct. 821 - Dues and Fees	9,000
	<u>Decrease</u>
Acct. 883-2510 - Interdept. Youth Detention	<u>9,000</u>
Total Appropriations	<u>\$0</u>

and be it further

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

MR. HOLT moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 13 – MR. LARSON moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

RESOLUTION NO. 402

Re: Lease Agreement for Legislative Office Space. (Comm. 24E-27)

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between John Besch, 5580 Broadway, Lancaster, New York 14086 and Erie County for Legislative Office Space for Erie County Legislator Dale W. Larson at a cost of \$593.00 per month.

MR. MARSHALL moved the approval of the resolution. MS. PEOPLES seconded. Mr. Larson abstained.

CARRIED UNANIMOUSLY.

Item 14 - MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

RESOLUTION NO. 403

Re: Lease Agreement for Legislative Office Space. (Comm. 24E-28)

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between Thomas Eoannou, 42 Tillinghast Pl., Buffalo, New York 14216 and Erie County for Legislative Office Space for Erie County Legislator Lynn M. Marinelli at a cost of \$450.00 per month.

MS. PEOPLES moved the approval of the resolution. MR. FITZPATRICK seconded. Ms. Marinelli abstained.

CARRIED UNANIMOUSLY.

Item 15 – MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Intro. 24-6 From LEGISLATOR PEOPLES Re: Enactment of Family Health Plus.

CHAIRMAN SWANICK directed that Intro. 24-6 be referred to the HEALTH COMMITTEE.

Item 16 – MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 24E-26 From COUNTY EXECUTIVE GORSKI Re: Proposed PILOT Agreement Between and Among the Town of Buffalo, the County of Erie and the French Road Commons, L.P.: 891-893 French Road, Town of Cheektowaga, New York.

CHAIRMAN SWANICK directed that Comm. 24E-26 be referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 17 - MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 24M-8 From CITY OF LACKAWANNA Re: Lackawanna Senior Housing Project.

CHAIRMAN SWANICK directed that Comm. 24M-8 be referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATORS MARSHALL, GREENAN, CHASE,
WEINSTEIN, RANZENHOFER & LARSON

Item 18 – (Comm. 24E-1) Republican Budget Amendments to the Erie County Executive's 2000 Tentative Budget (20E-5).

Received and filed.

FROM THE COMPTROLLER

Item 19 – (Comm. 24E-2) Democratic Proposed Amendments to the 2000 Tentative Budget.

Received and filed.

FROM LEGISLATOR MARSHALL

Item 20 – MR. LARSON presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

RESOLUTION NO. 404

Re: Lease Agreement for Legislative Office Space. (Comm. 24E-3)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Russell D. Schmidt, 25 Ernst Place, East Aurora, New York 14052 and Erie County for Legislative Office Space for Erie County Legislator Frederick J. Marshall at a cost of \$550.00 per month.

MR. LARSON moved the approval of the resolution. MS. PEOPLES seconded. Mr. Marshall abstained.

CARRIED UNANIMOUSLY.

FROM LEGISLATOR KUWIK

Item 21 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

RESOLUTION NO. 405

Re: Lease Agreement for Legislative Office Space. (Comm. 24E-4)

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between Peter Vinolus, 609 Ridge Road, Lackawanna, New York 14218 and Erie

County for Legislative Office Space for Erie County Legislator Edward J. Kuwik at a cost of \$590.00 per month.

MS. PEOPLES moved the approval of the resolution. MR. DUSZA seconded. Mr. Kuwik abstained.

CARRIED UNANIMOUSLY.

FROM LEGISLATOR PAULY

Item 22 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MRS. FISHER seconded.

RESOLUTION NO. 406

Re: Lease Agreement for Legislative Office Space. (Comm. 24E-5)

RESOLVED, that the County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between Northtown, Inc., 3097 Sheridan Dr., Amherst, New York 14226 and Erie County for Legislative Office Space for Erie County Legislator William A. Pauly at a cost of \$510.00 per month.

MS. PEOPLES moved the approval of the resolution. MRS. FISHER seconded. Mr. Pauly abstained.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 23 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 407

Re: Downtown Pedestrian/Transit Mall Special District – Adoption of Mall District Service Charge Roll for 2000. (Comm. 24E-6)

WHEREAS, on October 21, 1999, after a public hearing, the Erie County Legislature determined that the total amount to be raised by mall district service charges for 2000 for the downtown pedestrian/transit mall special district shall be the sum of \$ 1,176,983.00, and

WHEREAS, the 2000 Mall District Budget requires that the amount to be raised by Mall District payments in lieu for 2000 for the downtown pedestrian/transit mall special district shall be the sum of \$ 18,000.00, and

WHEREAS, the Director of Budget and Management has established the 2000 mall district service charge and payment in lieu roll apportioning the amount to be raised and has transmitted such roll to the Erie County Legislature for adoption.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the mall district service charge and payment in lieu roll established by the Director of Budget and Management for the purpose of assessing 2000 service charges for the downtown pedestrian/transit mall special district, and be it further

RESOLVED, that 2000 mall district service charges and payment in lieu shall be assessed, due and a lien on benefited properties within the downtown pedestrian/transit mall special district on and as of January 2, 2000 and shall be payable to the Director of Budget and Management as provided in Erie County Local Law No. 8-1984, and be it further

RESOLVED, that late fees shall be collected on payments made after the dates provided in Erie County Local Law No. 8-1984, and an interest budget line of \$ 10,000.00 shall be added to the Mall Budget for collection of these late fees, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make adjustments and modifications as he deems appropriate, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Director of Budget and Management, Erie County Finance Department, County Attorney and the County Comptroller.

MS. PEOPLES moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 24 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 408

Re: Youth Services – Authorization to Contract. (Comm. 24E-7)

WHEREAS, Chapter 231 of the New York State Laws of 1993 now allows the County to bill third party insurance carriers for various services provided to infants and toddlers with developmental delays and their families who have insurance coverage, and

WHEREAS, many technical issues and obstacles related to this recent change in law currently make it extremely difficult to successfully bill and collect from third party insurance carriers, and

WHEREAS, the Department has neither the expertise, staff, nor the necessary contacts or experience to successfully overcome these barriers without the assistance of a qualified administrative consultant, and

WHEREAS, pursuant to provisions of Section 19.08 of the Administrative Code which requires a request for proposals (RFP) for professional, technical or other consultant services, the Department of Youth Services has solicited proposals to establish and maintain a management system which will be effective in billing and collecting third party insurance payments, thereby maximizing revenues, and

WHEREAS, as required by the County's RFP procedures, an appointed three (3) member committee from other county departments has reviewed the response to the RFP, and has recommended Calhoun Insurance Agency be awarded the contract, and

WHEREAS, the Calhoun Insurance Agency has a proven track record as the leader in New York State in the area of third-party billing and claims processing for Early Intervention Services, and

WHEREAS, the Department of Youth Services has made significant strides in maximizing opportunities for third-party reimbursement revenues, pursuant to Chapter 231 of the Laws of 1993, and

WHEREAS, net revenue to the County from successful third party insurance claims in the amount of \$198,750 is estimated in the first year as a result of this performance contract.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a three-year performance contract with a fixed administrative fee with the Calhoun Insurance Agency to establish and maintain a management system for the billing and collecting of third-party insurance revenue, and be it further

RESOLVED, that the proposed contract is approved pursuant to the request for proposal (RFP) provisions of Section 19.08 of the County Administrative Code, and be it further

RESOLVED, that the term of this contract is for the three-year period 12/02/99 - 12/01/2002 with the option for two (2) renewals upon the approval of the Erie County Legislature, and be it further

RESOLVED, that the contractor will receive payment for said services based on 25% of the amount of third party insurance collected, and a fixed annual management fee of \$30,000 as specified in the contractor's response to the RFP, and be it further

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

MS. PEOPLES moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 25 - (Comm. 24E-8) DISS – Records Management Improvement Grant.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 26 – (Comm. 24E-9) Health – Erie Niagara Tobacco Free Coalition.

Item 27 – (Comm. 24E-10) Health – Public Health Laboratory Division – Transfer of Funds.

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

Item 28 – (Comm. 24E-11) Social Services – Transfer of Funds to Capital.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 29 – (Comm. 24E-12) ECC – Early Retirement Incentive 1999.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 30 – (Comm. 24E-13) Emergency Services – Fire Safety Division – Expenditure of Legislative Grant Fund to Execute a Multi-Media Recruitment Campaign.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 31 – (Comm. 24E-14) Proposed PILOT & Settlement Agreement Between & Among Erie County, Town of Cheektowaga, Maryvale Central & NFTA.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 32 – (Comm. 24E-15) Health – Targeted HIV/Aids Program.

Received and referred to the HEALTH COMMITTEE.

Item 33 – (Comm. 24E-16) Sheriff's Office – Sale of Surplus Inventory.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 34 – (Comm. 24E-17) Buffalo Place, Inc. - Street Lighting Program.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 35 – (Comm. 24E-18) Recycling Investment Program Grant – EC Construction & Demolition Debris Recycling Project.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 36 – (Comm. 24E-19) Emergency Services – Hazard Mitigation Grant Awards for DPW, Highway Division – Acceptance & Transfer of Funds.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 37 – (Comm. 24E-20) ECSD Nos. 1-6 User Charges 2000.

Item 38 – (Comm. 24E-21) ECSD Nos. 1-6 User Charge Rates.

Item 39 – (Comm. 24E-22) ECSD No. 1 Eminent Domain Proceedings Hyland Avenue Pumping Station Approval of Resolution.

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

Item 40 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 409

Re: Appointments &
Reappointments to the EC
Environmental Management
Council. (Comm. 24E-23)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of the following individuals as members of the Erie County Environmental Management Council:

MUNICIPAL CONSERVATION ADVISORY APPOINTMENTS

<u>Appointee</u>	<u>Representing</u>	<u>Term Expires</u>
Frank A. Schiralli 1530 Meadow Drive Alden, New York 14004 937-7702 (r) 681-4423 (fax)	Town of Alden	5/31/01

Mr. Peter W. Warn (Chair) 225 Lehn Springs Drive Williamsville, NY 14221 631-5214 (r) e-mail: PeteWarn@aol.com	Town of Amherst	5/31/01
Ms. Mary Alice Tock 8053 Back Creek Road Hamburg, NY 14075 941-5591 (r)	Town of Boston	5/31/01
Mr. James Smith 902 City Hall Buffalo, New York 14202 851-5608 (b)	City of Buffalo	5/31/01
Mr. John Marriott 2497 Genesee Street Cheektowaga, New York 14225 895-2183 (r) 674-2300 (b) 674-2309 (fax) e-mail: john740@local.net	Town of Cheektowaga	5/31/01
Mr. David Bartholomy 4495 Hedgewood Drive Williamsville, NY 14221 632-4677 (r)	Town of Clarence	5/31/01
Mr. Ken Heiler 8815 State Road. Colden, New York 14033 941-3522 (r) 941-5012 (b) Colden Town Hall	Town of Colden	5/31/01
Mr. Lamont Beers 2880 Wood Spirit Eden, New York 14057 992-2727 (r) 857-6782 (b)	Town of Eden	5/31/01
Mr. Thomas R. Gilmore 3467 Baseline Road Grand Island, NY 14072 773-4424 (r) Fax: same	Town of Grand Island	5/31/01

Ms. Leona Rockwood 5043 Mt. Vernon Blvd. Hamburg, NY 14075 627-5940 (r)	Town of Hamburg	5/31/01
Mr. Kevin B. Hogan 116 S. Lake Street Hamburg, NY 14075 648-5875 (r)	Village of Hamburg	5/31/01
Annette Motak 66 Grant Boulevard Lackawanna, New York 14218 822-8792 (r)	City of Lackawanna	5/31/01
Mr. Leonard Janiga 11121 Jamison Road East Aurora, New York 14152 652-8419 (r) (Fax) same	Town of Marilla	5/31/01
Mr. Kenneth Koehler 5771 Barnum Road Akron, NY 14001 542-4004 (r) e-mail: KKOEHLER@AOL.COM	Town of Newstead	5/31/01
Mr. Frank E. Newton 6463 Bunting Road Orchard Park, NY 14127 649-2548 (r)	Town of Orchard Park	5/31/01
Ms. Linda Kaiser 185 Joseph Drive Tonawanda, NY 14150 694-4807 (r)	Town of Tonawanda	5/31/01
Mr. John Fisher 11867 Big Tree Road Wales, NY 14052 631-6799 (b) 652-8549 (r) 631-6722 (fax)	Town of Wales	5/31/01

Walter Simpson
4 Meadowstream Court
Amherst, New York 14226
829-2515 (b) 826-2704 - (fax)
839-0062 (r)
e-mail: enconser@acsu.buffalo.edu

5/31/01

Nancy Smith
210 Sycamore Street
East Aurora, New York 14052
652-6232 (r)
e-mail: nancysr.aol.com

5/31/01

Christopher Walbrecht
560 Delaware Avenue - Suite 303
Buffalo, New York 14202
886-1233 (b) 886-1329 - (fax)
852-6819 (r)
e-mail: ccebuff@ix.netcom.com

5/31/01

Elinor Weiss
20 Moorfield Court
E. Amherst, NY 14051
688-6686 (r)
e-mail: ellie46@aol.com

5/31/01

Ex-Officio Appointments

Mr. Richard M. Tobe
Commissioner, Environment & Planning
95 Franklin Street, Room 1053
Buffalo, New York 14202

Dr. Arnold Lubin
Commissioner, Health Department
95 Franklin Street, Room 931
Buffalo, New York 14202

MS. PEOPLES moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 41 – (Comm. 24E-24) Infrastructure Improvements & PILOT Agreement Re: Senior Housing – City of Lackawanna.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 42 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. PEOPLES moved to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 410

Re: County Clerk – Transfer
of Funds. (Comm. 24E-25)

WHEREAS, the Erie County Clerk's Office has made commitments to provide access to public documents through a secure intranet service provider, and

WHEREAS, the current service provider, ATT Global Network Services has advised that certain technological upgrades are necessary to meet these commitments, and

WHEREAS, these technological upgrades include a new T1 managed frame circuit with a port of 512k and committed information rate of 128k. This is necessary because of the current overutilization of the current 56k managed A,T & T Global circuit. After reviewing the County's current bandwidth needs, to accommodate 8 and above concurrent users, a determination has been made that the 512k port speed is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the following transfer of funds within the accounts of the Erie County Clerk's Office budget lines and the expenditures in order to obtain the required new T1 managed frame circuit.

<u>SOURCE OF FUNDING</u>		<u>AMOUNT</u>
Repairs and Maintenance	110 915130823	\$10,000
Other Expenses	110 915130826	<u>23,000</u>
TOTAL		\$33,000
<u>TRANSFER TO</u>		
Contractual Services	110 915130830	\$33,000

NET BUDGETARY IMPACT

\$ 0

and be it further

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

MS. PEOPLES moved the approval of the resolution as amended. MS. DUSZA seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 43 – (Comm. 24D-1) Agenda for Board of Trustees Meeting Held 11/18/99.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 44 – (Comm. 24D-2) Notices of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 45 – (Comm. 24D-3) Agenda for Board of Trustees Meeting Held 11/17/99.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 46 – (Comm. 24D-4) Budget Monitoring Report for the Period Ending 10/31/99.

Received and referred to the FINANCE & MANGEMENT COMMITTEE.

FROM ECC

Item 47 – (Comm. 24D-5) Minutes of Board of Trustees Meeting Held 10/27/99.

Item 48 – (Comm. 24D-6) Notice of Board of Trustees Committee Meetings to be Held 12/7, 12/8, 12/13/99.

Item 49 – (Comm. 24D-7) Notice of Board of Trustees Meeting to be Held 12/15/99.

The above three items were received and filed.

FROM DEP

Item 50 – (Comm. 24D-8) Erie County PILOT Policy.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 51 – (Comm. 24D-9) SEQOR Negative Declaration Notice of Determination of Non-Significance Adoption of “Guiding Principles for County-Wide Land Use Planning”.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMMISSION ON THE STATUS OF WOMEN

Item 52 – (Comm. 24D-10) Minutes of Meeting Held 11/10/99.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 53 – (Comm. 24D-11) Notice of County Executive’s Public Hearing Comms. 19D-12 & 21E-18 & Intros. 21-3 & 21-4.

Received, filed and printed.

November 22, 1999

Ms. Laurie Manzella
Clerk Of The Legislature
25 Delaware Avenue
7th Floor
Buffalo, New York 14202

**RE: Notice of Public Hearing
Resolution Reference Comm. 19D-12, Comm. 21E-18
Intro. 21-3 and Intro. 21-4**

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Resolutions Reference Comm. 19D-12, Comm. 21 E-18, Intro. 21-3 and Intro. 21-4 which were adopted by the Erie County Legislature on November 18, 1999.

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 P. Gerstman
1st Assistant County Attorney

APG/sl Encl.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Erie County Executive Dennis T. Gorski, will hold a public hearing on Wednesday, December 8, 1999 at 10:00 a.m., concerning appropriations from the County contingency fund and from unanticipated revenue for the following:

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS CONSTRUCTION OF A COMMUNITY HEALTH CENTER AT "K" ANNEX BUILDING	\$152,000.00
ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING (ELLICOTT CREEK CLEAN-UP-PROJECT)	\$ 19,556.60
ERIE COUNTY DEPARTMENT OF PUBLIC WORKS (TO MAINTAIN ALL HIGH STADIUM)	\$ 25,000.00
AMHERST CHAMBER OF COMMERCE	\$ 1,000.00
AMHERST DOMESTIC VIOLENCE TASK FORCE	\$ 500.00
CITY OF TONAWANDA – EAP	\$ 3,000.00
MICHIGAN STREET PRESERVATION CORPORATION	\$ 13,500.00

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

On November 18, 1999 the Erie County Legislature adopted Resolutions Reference Comm. 19D- 12, Comm. 21E-18, Intro. 21-3 and Intro. 21-4 authorizing these actions. Copies of the proposed resolutions 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

FROM ECMC

Item 54 – (Comm. 24D-12) Board of Managers Finance Committee 12/3/99 & Financial Statements for 10/99.

Received and referred to the HEALTH COMMITTEE.

FROM DPW

Item 55 – (Comm. 24D-13) Erie County Family Court Building – Bid Packages 9 Thru 14.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF CONCORD

Item 56 – (Comm. 24M-1) Certified Copy of Resolution Re: Opposition to ECMC's Closure of Southern Erie Clinical Services Located in Hamburg.

Received and filed.

FROM THE NFTA

Item 57 – (Comm. 24M-2) Minutes of Board of Directors Meeting Held 10/18/99.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF EVANS

Item 58 – (Comm. 24M-3) Certified Copy of Resolution Re: Opposition to ECMC's Closure of Southern Erie Clinical Services.

Received and filed.

FROM THE TOWN OF ELMA

Item 59 – (Comm. 24M-4) Certified Copy of Resolution Re: Opposition to ECMC's Closure of Southern Erie Clinical Services.

Received and filed.

FROM GOVERNOR PATAKI

Item 60 – (Comm. 24M-5) Acknowledgement of Receipt of Resolution.

Received and filed.

FROM THE TOWN OF ELMA

Item 61 – (Comm. 24M-6) Duplicate of 24M-4.

Received and filed.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 62– (Comm. 24M-7) 2000 Adopted Operating & Maintenance Budget & Capital Budget.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 63 - Legislator Marinelli requested that when this legislature adjourns, it do so in memory of Joseph Kihl and Milt Baitman.

Item 64 - Legislator Dusza requested that when this legislature adjourns, it do so in memory of Mrs. Richard Lane.

Item 65 – Legislator Weinstein requested that when this legislature adjourns, it do so in memory of Lenore Godin and Ralph Buth.

ADJOURNMENT

Item 66 – 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, December 16, 1999. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, December 16, 1999 at 2 p.m. Eastern Standard Time.

LAURIE MANZELLA
CLERK