

ERIE COUNTY LEGISLATURE
MEETING NO. 8
APRIL 29, 1999

The Legislature was called to order by Chairman Swanick.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Debenedetti.

MS. PEOPLES moved to approve the minutes of Session 7 1999. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 1 – MR. GREENAN presented a resolution Honoring Assistant Chief Eric Conley, Lt. Larry Fallon & Patrolman Ed Baker for Their Acts of Heroism. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 2 – MR. WEINSTEIN presented a resolution Honoring Marilyn Sanders as student employee of the year. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 3 – MS. CHASE presented a resolution Honoring Eagle Scout Lawrence P. Rozborski. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 4 – MS. CHASE presented a resolution Recognizing 4/28/99 as National Guide Dog Day. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. SWANICK presented a resolution Recognizing 4-H Erie County Government Day. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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Item 6 – MR. MARSHALL presented a resolution Honoring F.E. Brown Sons Funeral Home Inc. as the Orchard Park Chamber of Commerce's 1999 Business of the Year. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. RANZENHOFER presented a resolution Congratulating Clarence Central School District for its Second Consecutive #1 Ranking in Business First. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. MARSHALL presented a resolution Honoring Samuel M. McCune as Orchard Park Chamber of Commerce's Citizen of the Year for 1999. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 9 – MS. PEOPLES presented a resolution Congratulating Leroy Coles, President & CEO of Buffalo Urban League on his Retirement. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. PEOPLES presented a resolution Congratulating Professor Celes Tisdale on his Retirement. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. DUSZA presented a resolution Recognizing Workers Memorial Day. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. DUSZA presented a resolution Honoring Depew Middle School Students who Won Awards in 27th Annual Sertoma Poster & Essay Contest. MR. OLMA seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. OLMA presented a resolution Honoring Joan M. Stempkowski for her Dedication to Improving her Community. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

Item 14 – MS. MARINELLI presented a resolution Honoring Individuals Leaving Erie County Commission on the Status of Women. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 15 – MR. DUSZA presented a resolution Honoring Couples Celebrating Their 50th Wedding Anniversary. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 16 - CHAIRMAN SWANICK directed that Local Law Intro No. 1 (Print #1) 1998 remain on the table and in the HEALTH COMMITTEE.

Item 17 - CHAIRMAN SWANICK directed that Local Law Intro. No. 3 (Print#1) 1999 remain on the table and in the PUBLIC SAFETY COMMITTEE.

COMMITTEE REPORTS

Item 18 - MR. KUWIK presented the following and moved for immediate consideration. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

April 20, 1999

PUBLIC SAFETY
COMMITTEE
REPORT NO. 4

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

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

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|------|--|-------|-------------|
| Item | Page | -1998 | (Int. 2 -6) |
| a. | CHASE, GREENAN, LARSON, RANZENHOFER & MARSHALL: | | |
| | Counter-Measures for Terrorism in Erie County | | |
| | (5-0). | | |

2.

Item	Page	- 1999	(Comm. 6E-13)
	COUNTY EXECUTIVE		

WHEREAS, The Erie County Sheriff's Office currently has a K9 Unit within the Police Services Division with two canines, one assigned to Arson and the other for Drug Prevention and Detection, and

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WHEREAS, citizens are willing to make contributions to insure the continuation of the K9 Unit and to expand this Unit's involvement in the community.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to accept donations from individual citizens to assist in the funding of the K9 Unit, and be it further

RESOLVED, that said funds shall be recorded as revenue within the Sheriffs Division to be appropriated for the K9 unit when significant balances become available, and be it further

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

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

3. Item Page - 1999 (Comm. 7E-29)

COUNTY EXECUTIVE

RESOLVED, that authorization is hereby provided for the modification of a legislative resolution which established the budget for the Hazardous Materials Response Team Grant in the Department of Emergency Services:

Department of Emergency Services -
Hazardous Materials Response Team Grant V
Modification - SFG Grant #637

Appropriations	Present Balance	Modification	Remaining Balance
SFG Acct. #826 -Other Expenses or Charges-Misc.	\$ 56	+\$2,002	\$2,058
SFG Acct. #933-Laboratory and Technical Equipment	\$2,002	-\$2,002	0
TOTAL	\$2,058	0	\$2,058

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 and the Department of Emergency Services.

(5-0)

**CHAIRMAN
EDWARD J. KUWIK**

MR. KUWIK moved the adoption. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. OLMA presented the following and moved for immediate consideration. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

April 20, 1999

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT. Chairman Swanick present at Ex-Officio Member.

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

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|----|---|------|-------|---------------|
| | Item | Page | -1999 | (Comm. 6M-23) |
| a. | TIOGA COUNTY LEGISLATURE: Certified copy of Resolution Re:
Memorialization of Support for State Funding of Soil & Water Conservation Districts
(6-0) Chairman Swanick Present as Ex-Officio Member | | | |
| | Item | Page | -1999 | (Comm. 7D-4) |
| b. | DEP: SEQR Solicitation for Lead Agency Status Unlisted Action Cheektowaga ORF
Land Purchase & Subsequent Lease
(6-0) Chairman Swanick Present as Ex-Officio Member | | | |
| | Item | Page | -1999 | (Comm. 7D-6) |
| c. | DEP: SEQR Solicitation for Lead Agency Status Unlisted Action Ontario Street Boat
Launch
(6-0) Chairman Swanick Present as Ex-Officio Member | | | |
| | Item | Page | -1999 | (Comm. 7D-7) |
| d. | DEP: SEQR Solicitation for Lead Agency Status Unlisted Action Broderick Park
(6-0) Chairman Swanick Present as Ex-Officio Member | | | |
| | Item | Page | -1999 | (Comm. 7D-14) |
| e. | DEP: SEQR Notice of Completion of Draft EIS & Notice of SEQR Hearing EC
Courts Master Plan Implementation Project
(6-0) Chairman Swanick Present as Ex-Officio Member | | | |
| | Item | Page | -1999 | (Comm. 7E-22) |
| f. | COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Agency Waste Paper
Pulp & Polymer Feed Facilities & Modification Electrical - Contract "D" CIR
Electrical Const Corp | | | |

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(4-0) Chairman Swanick Present as Ex-Officio Member. Legs. Pauly & Greenan absent for vote.

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|----|---|------|-------|--------------|
| | Item | Page | -1999 | (Comm. 7M-4) |
| g. | NEW YORK STATE FISH & WILDLIFE MANAGEMENT BOARD: Minutes of Meeting Held 3/11/99 | | | |
| | (4-0) Chairman Swanick Present as Ex-Officio Member. Legs Pauly & Greenan absent for vote. | | | |

- | | | | | |
|----|---|------|-------|---------------|
| | Item | Page | -1999 | (Comm. 7M-15) |
| h. | MELINDA HOLLAND: Summary of Citizens Task Force Meeting Held 3/17/99 & Notice of Meeting Held 4/7/99 | | | |
| | (4-0) Chairman Swanick Present as Ex-Officio Member. Legs Pauly & Greenan absent for vote. | | | |

AS AMENDED

- | | | | | |
|----|---|------|--------|---------------|
| 2. | Item | Page | - 1999 | (Comm. 2E-20) |
| | COUNTY EXECUTIVE | | | |
| | WHEREAS, the Erie County Legislature had awarded Contract No. EC-6D to CIR Electrical Construction Company; 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 Contract No. EC-6D in the amount of \$517,189.63 which includes Change Order No. 5 (final), an increase in the amount of \$964.44, and approving final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. EC-6D between the County of Erie and CIR Electrical Construction Company, 2750 Kenmore Avenue, Tonawanda, New York 14150, be accepted in the amount of \$517,189.63, which includes Change Order No. 5 (final), an increase in the amount of \$964.44; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. EC-6D between the County of Erie and CIR Electrical Construction Company in the amount of \$517,189.63 and make final payment from Sewer Capital Account SD No. 4, Fund No. 430, Project No. 535; 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., Department of Environment and Planning, and one certified copy to the Erie County Comptroller's office and Stephen Gawlik, Assistant County Attorney.

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

3. Item Page
- 1999
COUNTY EXECUTIVE

AS AMENDED
(Comm. 6E-16)

RESOLVED, that the County Executive is hereby authorized to enter into contract(s) with those municipalities noted on Attachment B, and for an amount not to exceed those figures noted in the "revised amount" column of Attachment B, and be it further

RESOLVED, that the request for proposal provisions of Section 19.08 of the Erie County Administrative Code were complied with and said results are reflected in Attachments A and B of this resolution, and be it further

RESOLVED, that the sum of \$750,000 is hereby transferred in the 1999 Operating Fund budget from the designated Consolidation/Regional Program to the Local Planning Initiative (DAC 110 9456208301050) in the budget of the Department of Environment and Planning, 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, the Comptroller, and the County Attorney.

ATTACHMENT A									
LOCAL PLAN INITIATIVE RANKING									
MUNICIPALITY	T. Darling DEP	L. Dann DCB	B. Muscchio V. Gowanda	V. Rosenhoch APA	K. Young Regionalism Comm	G. Otis LEG	F. Marshall LEG	C. Jendryak DEP	Total
Amherst/Clarence- Transit Road	24	21	22	21	24	12	23	21	188
Brant/Farmham	19	20	22	20	19	20	22	20	182
Blasdel/Hamburg(V)	18	19	22	18	16	16	19	18	143
Newstead/Akron	21	18	16	17	17	13	20	18	140
Town (C)	18.5	19.5	17.5	17.5	16.5	14	17.5	17.5	138.5
Sardinia	14	16	16	16	14	21	16	16	132
Orchard Park(T/V)/School Dist	19	16	18	17	16	13	19	16	131
Buffalo	19	18	14	14	17	8	16	16	121
Clarence/Amherst- Transit Road	18	13	14	16	14	12	16	16	117
Eden	17	16	9	13	11	17	16	14	111
West Seneca/WB School District	18	14	11	13	11	20	13	12	108
Cheektowaga	13	12	11	14	11	18	12	13	104
Grand Island	13	11	10	13	11	20	12	9	99
Sloan	13	13	13	10	13	7	12	13	94
Alden (V)	10	13	10	14	11	10	11	13	82
Boston	11	13	11	11	9	12	11	11	80
Wales	9	11	9	7	10	10	10	10	78
SUM									

In my opinion, the Department of Environment and Planning (DEP) has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code. Scoring sheets and other material related to the matter are available for review at the DEP offices during regular business hours.

Richard M. Ylka
Richard M. Ylka
Commissioner

ATTACHMENT B, as amended

LOCAL PLAN INITIATIVE RANKINGS

MUNICIPALITY	SCORE	REQUESTED AMOUNT	CUMULATIVE AMOUNT	REVISED AMOUNT
Amherst (including \$10,000 for joint planning with T. Clarence re: Transit Rd.)	108	\$ 190,000.00	\$ 190,000.00	\$ 78,836.00
Orangetown	142	25,000.00	215,000.00	25,000.00
Blasdell/Hamburg(V)	143	30,000.00	245,000.00	30,000.00
Newstead/Alden	146	30,000.00	283,000.00	30,000.00
Town (C)	138.5	30,000.00	313,000.00	30,000.00
Sardis	132	40,000.00	353,000.00	42,750.00
Orchard Park(T/V)/School Dist	131	80,000.00	433,000.00	78,000.00
Buffalo	121	200,000.00	633,000.00	78,840.00
Clarence (including \$10,000 for joint planning with T. Amherst re: Transit Rd.)	117	80,000.00	713,000.00	78,000.00
Eden	111	25,000.00	738,000.00	23,750.00
West Seneca/WB School District	108	80,000.00	818,000.00	80,334.00
Cheektowaga	104	13,000.00	831,000.00	13,000.00
Grand Island	89	80,000.00	911,000.00	47,500.00
Ston	94	40,000.00	951,000.00	40,000.00
Alden (V)	82	31,500.00	982,500.00	28,828.00
Boston	80	23,750.00	1,006,250.00	22,942.00
Wales	78	30,000.00	1,036,250.00	28,500.00
SUM		\$ 1,031,250.00		\$ 780,000.00

NOTE: The City of Buffalo and Towns of Amherst, West Seneca, and Orchard Park are recommended for funding reductions due to their high initial request from the Local Planning Initiative Fund. The funds for the City of Buffalo and Town of Amherst would be targeted toward border issues.

The Towns of Boston, Wales, Eden, Sardis, and the Village of Alden are recommended for small reductions due to the lack of formal intermunicipal involvement. Erie County would insure that such involvement occurs however.

The Town of Grand Island is recommended for a small reduction in funding due to the proposal's desire to use funds for work, other than a community wide master plan.

In my opinion in recommending the above funding breakdown the Department of Environment and Planning(DEP) has complied with all applicable sections of section 19.06 of the Erie County Administrative Code. Budget sheets and other material related to this matter are available for review at the DEP office during normal business hours.

[Signature]
Richard M. Tobey, Commissioner-DEP

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

4. Item Page - 1999 (Comm. 6E-21)
COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District No. 5 desires to retain the services of Fox and Company - Buffalo to provide accounting/auditing services for the analysis of their 1997 and 1998 sewage treatment bills from the Town of Amherst; and

WHEREAS, Fox and Company - Buffalo was awarded a contract in 1997 to audit Erie County Sewer District No. 5's 1996 bills from the Town of Amherst which showed significant overcharges; and

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WHEREAS, Erie County Sewer District No. 5 wants to be assured that said overcharges are not continued for 1997 and 1998.

NOW, THEREFORE, BE IT

RESOLVED, that the existing agreement with the firm of Fox and Company - Buffalo be amended at a cost not to exceed \$9,000; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amended agreement with the firm of Fox and Company - Buffalo, 810 Sheridan Drive, Tonawanda, NY, to provide the needed accounting/auditing services subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate \$9,000 from Erie County Sewer District No. 5 Fund Balance (220851299) to Use of Fund Balance Fund 220 Project 851 Dept. 813 Account 698-105 and Fund 220 Project 851 Dept. 810 Account 830; and be it further

RESOLVED, that the Clerk of the Legislature send a certified copy of the resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy A. Naples, Comptroller, and Stephen F. Gawlik, Assistant County Attorney.

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

**GREGORY OLMA
CHAIRMAN**

MR. OLMA moved the adoption. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 20 - MR. DUSZA presented the following and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

April 20, 1999

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 5

APRIL 29, 1999ERIE COUNTY LEGISLATURE

ALL MEMBERS PRESENT.

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

- | | Item | Page | -1998 | (Int. 2-14) |
|----|---|------|-------|-------------|
| a. | DEBENEDETTI: Legislative Fairness and Equity
(4-0) Legislator Marinelli absent. | | | |
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- | | Item | Page | -1998 | (Comm. 10M-12) |
|----|---|------|-------|----------------|
| b. | THE NIAGARA FRONTIER RADIO READING SERVICE, INC: Copy of Letter to Legislator Dusza Re: Niagara Frontier Radio Reading Service
(3-0) Legislators Marinelli & Marshall absent. | | | |
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- | | Item | Page | -1999 | (Comm. 1D-14) |
|----|--|------|-------|---------------|
| c. | DPW: Union Occupational Health Center Lease Agreement
(4-0) Legislator Marinelli absent. | | | |
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- | | Item | Page | -1999 | (Comm. 5D-6) |
|----|---|------|-------|--------------|
| d. | COUNTY ATTORNEY: Notices of Claim
(5-0) | | | |
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- | | Item | Page | -1999 | (Comm. 5E-7) |
|----|---|------|-------|--------------|
| e. | COUNTY EXECUTIVE: Position Change Report PP#5
(5-0) | | | |
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- | | Item | Page | -1999 | (Comm. 5E-36) |
|----|---|------|-------|---------------|
| f. | COUNTY EXECUTIVE: Annual Report of Erie County Administrative Agencies for 1998
(5-0) | | | |
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- | | Item | Page | -1999 | (Comm. 5M-9) |
|----|---|------|-------|--------------|
| g. | CHARLES P. EVINGHAM: Request for County Funds for Vets Monument
(5-0) | | | |
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- | | Item | Page | -1999 | (Comm. 6E-3) |
|----|---|------|-------|--------------|
| h. | COUNTY EXECUTIVE: Position Change Report PP#6
(5-0) | | | |
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- | | Item | Page | -1999 | (Comm. 6E-10) |
|----|--|------|-------|---------------|
| i. | COUNTY CLERK: Erie County Clerk's 1998 Year End Report
(5-0) | | | |
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- | | Item | Page | -1999 | (Comm. 6E-19) |
|----|---|------|-------|---------------|
| j. | COUNTY EXECUTIVE: Filling Vacant Positions 2/99
(5-0) | | | |

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- | | Item | Page | -1999 | (Comm. 6E-20) |
|----|---|------|-------|---------------|
| k. | COUNTY EXECUTIVE: Filling Vacant Positions 1/99
(5-0) | | | |
| | Item | Page | -1999 | (Comm. 6M-15) |
| l. | OTB: Minutes of Board of Directors Meeting Held 1/28/99
(5-0) | | | |
| | Item | Page | -1999 | (Comm. 7D-2) |
| m. | COUNTY ATTORNEY: Notices of Claim
(5-0) | | | |
| | Item | Page | -1999 | (Comm. 7D-25) |
| n. | DISS: Response to the Review of the Placement & Use of Vending Machines on
County Property Issued 3/99 by Comptroller.
(5-0) | | | |
| | Item | Page | -1999 | (Comm. 7E-1) |
| o. | COUNTY EXECUTIVE: Position Change Report PP#7
(5-0) | | | |
| | Item | Page | -1999 | (Comm. 7E-8) |
| p. | COUNTY EXECUTIVE: Position Change Report PP#8
(5-0) | | | |
| | Item | Page | -1999 | (Comm. 7E-26) |
| q. | COUNTY EXECUTIVE: Filling Vacant Positions 3/99
(5-0) | | | |
| | Item | Page | -1999 | (Comm. 7M-5) |
| r. | ASSEMBLYMAN EVE: Response to Chairman Swanick Re: Effect of Executive's
1999-2000 State Budget Proposal to Centralize Auto Bureau Process in Albany.
(5-0) | | | |
| | Item | Page | -1999 | (Comm. 7M-17) |
| s. | OTB: Minutes of Board Meeting Held 2/25/99.
(5-0) | | | |

RAYMOND K. DUSZA
CHAIRMAN

MR. MARSHALL moved to separate item 1B. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

MR. MARSHALL moved to amend item 1B and correct the attendance error to show that he and Ms. Marinelli were present for the vote. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved the adoption as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

April 20, 1999

SOCIAL SERVICES
COMMITTEE
REPORT NO. 3

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

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

Item Page -1999 (Comm. 5M-15)
a. **CORTLAND COUNTY LEGISLATURE:** Certified Resolution Re: EISEP & CSE.
(6-0) Swanick Present as Ex-Officio Member

Item Page -1999 (Comm. 6M-22)
b. **TIOGA COUNTY LEGISLATURE:** Certified Copy of Resolution Re: Supporting Increases in NYS Funding for Expanded In-Home Services for Elderly & Community Services Prog.
(6-0) Swanick Present as Ex-Officio Member.

2. Item Page - 1999 (Comm. 5E-24)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Expanded In-Home Services for the Elderly (EISEP) program for the period April 1, 1999 through March 31, 2000 and the Home Delivered Nutrition (III-C-2) program for the period January 1, 1999 through December 31, 1999, and

WHEREAS, the Department of Senior Services desires to transition heavy cleaning services occasionally ordered from the EISEP home care vendors to various cleaning vendors to achieve results in a more efficient manner, and

WHEREAS, the Department of Senior Services desires to revise the above grants' budgets to reflect the actual needs of the grants which service those elderly most at risk, and

WHEREAS, no additional County funds are needed,

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ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the EISEP grant, project 159, for the period April 1, 1999 through March 31, 2000 be amended as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
<u>Account</u>	<u>Description</u>			
826	Other Expenses \$	-0-	\$ + 5,000	\$ 5,000
830/391	Other Home Care	1,085,305	- 5,000	1,080,305
TOTAL CHANGE TO APPROPRIATIONS			<u>\$ -0-</u>	

and be it further

RESOLVED, that the budget for the III-C-2 grant, project 151, for the period January 1, 1999 through December 31, 1999 be amended as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
<u>Account</u>	<u>Description</u>			
800	Personal Services \$32,187		\$ -1,200	\$30,987
824	Travel & Mileage -0-		+1,200	1,200
TOTAL CHANGE TO 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 and the Department of Senior Services. (6-0) Swanick Present as Ex-Officio Member.

3. Item Page - 1999 (Comm. 6E-17)

COUNTY EXECUTIVE

RESOLVED, that the County Executive is hereby authorized to execute contracts with the YMCA of Greater Buffalo, Humboldt Family YMCA, and the Boys & Girls Clubs of Erie County Inc., Babcock & Masten Branches to provide a recreation program including tutoring, supervision, recreation and group and individual counseling for youth remanded to the custody of Erie County Detention Division; the source of said funds being \$20,000 available in Account 821, Dues and Fees, in the Detention Division's budget, and be it further

RESOLVED, that said authorization be approved on the condition that the State of New York provide revenues of at least \$8,000, based on a reimbursement schedule of 50% for local youth, and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the standard RFP procedure, and hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code, since these special services must be provided immediately, and be it further

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

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

4. Item Page - 1999 (Comm. 6E-18)

COUNTY EXECUTIVE

WHEREAS, the New York State Office of Children and Family Services has \$14,000 in state aid eligibility that requires no county matching funds, and

WHEREAS, the Department of Youth Services has received approval from the Erie County Legislature in the 1999 Grant Budget to provide \$14,000 in state aid from the New York State Office of Children & Family Services to fund the Father Vincent Belle Center - Youth & Teen Prevention Program, and

WHEREAS, the Father Belle Center Corporation has been dissolved, and the Erie Regional Housing Development Corporation has taken over operations at the Father Belle Community Center, and the Department now needs your authorization to contract with the Erie Regional Housing Development Corporation for the Youth & Teen Prevention Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into and execute any applications, contracts included therein, and amendments with the State of New York and the Erie Regional Housing Development Corporation for the aforementioned program, and be it further

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

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

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

5. Item Page - 1999 (Comm. 7E-18)

COUNTY EXECUTIVE

WHEREAS, St. Augustine's Center, Inc. has been approved by the New York State Department of Health to furnish early intervention services for infants and toddlers, ages birth through two, with development delays and their families.

NOW, THEREFORE, BE IT

RESOLVED, that in order to provide for these services, the County Executive is hereby authorized to enter into contract with St. Augustine's Center, Inc., and be it further

RESOLVED, that the necessary funds to cover the cost of this contract have been appropriated in the 1999 budget of the Department of Youth Services, Services to Handicapped Children Division in SFG, account #831 Services to Handicapped to Children, and be it further

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

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

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

6. Item Page - 1999 (Comm. 7E-24)

COUNTY EXECUTIVE

WHEREAS, the New York State Division of Criminal Justice Services has awarded Erie County a grant in the amount of \$67,481 to fund the Prime Time Safe Places Program in three (3) areas of the City of Buffalo, and

WHEREAS, the Erie County Youth Services Board has solicited Requests for Proposals and has selected the following agencies to implement the grant: Friends of the Elderly and Youth, Refuge Temple and the Olivencia Center, and

WHEREAS, the Department of Youth Services will be the administrator of this grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Prime Time Safe Places grant project currently in the Department of Youth Service's 1999 Budget, is adjusted to equal State funding levels as follows:

Juvenile Justice Delinquency Prevention Grant - Fund 281
Project 181

Revenue	Original Budget	Amt. Change	Adjusted Budget
Acct. 620-0106 State Aid Program	\$53,567	\$13,914	\$67,481
Acct. 620-0107 State Aid Admin.	2,298	0	2,298
	\$55,865	\$13,914	\$69,779

Appropriation

Acct. 825	Out of Area Travel	\$ 441	\$ 0	\$ 441
Acct. 830	Contractual	53,567	13,914	67,481
Acct. 880-2500	Interfund Youth Svcs.	1,857	0	1,857
		\$55,865	\$13,914	\$69,779

and be it further

APRIL 29, 1999ERIE COUNTY LEGISLATURE

RESOLVED, that the County Executive is authorized to enter into contract with the New York State Division of Criminal Justice Services for receipt of this grant and to enter into subcontracts with the following agencies for the implementation of the grant, the requirements of Section 19.08 of the Administrative Code requiring requests for proposal having been followed, the documents related to the requests for proposal are available for inspection during regular business hours:

Friends of the Elderly	\$22,493
Refuge Temple	\$22,494
Olivencia Center	\$22,494
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 and the Department of Youth Services.

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

7. Item Page - 1999 (Comm. 7E-27)

COUNTY EXECUTIVE

RESOLVED, that the County Executive is hereby authorized to execute a contract with the House of Karnak Multi-Cultural Expression Through Video Production and the Arts Inc, to provide "The Believers Make Achievers" workshops, for youth remanded to the custody of Erie County Detention Division; the source of said funds being \$5,000 available in Account 821, Dues and Fees in the same administrative unit, and be further

RESOLVED, that said authorization be approved on the condition that the State of New York provide revenues of at least \$2,000 based on a reimbursement schedule of 50% for a local youth and 100% for an out-of-state youth receiving secure detention services, and be it further

RESOLVED, that the provisions of Section 19.08 of the Administrative Code requiring requests for proposal do not apply to the award of this contract which is for an aggregate amount of less than \$10,000, and be it further

RESOLVED, that authorization is hereby provided to transfer funds in Grant Project 180, Special Delinquency Prevention Program (SDPP), in the amount of \$12,000 from account 830 Contractual Expenses, to account 880-4000 Interfund Expenses-ECMC, for the proper budgeting of ECMC Outpatient Clinic payments, 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, and the Erie County Department of Youth Services.

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

8. Item Page - 1999 (Comm. 7E-28)

COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services has previously subcontracted with HCA-Home Care Services, Inc. d.b.a. Norrell Health Care, and

APRIL 29, 1999ERIE COUNTY LEGISLATURE

WHEREAS, this agency has provided satisfactory home care services to the frail elderly of Erie County, and

WHEREAS, the Department of Senior Services has been notified by Clarkson Center, Inc. that they will terminate their Adult Day Care facility, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contract with HCA-Home Care Services, Inc. d.b.a. Norrell Health Care for the period April 1, 1999 to March 31, 2000 to provide home care service to the frail elderly residents of Erie County, and be it further

RESOLVED, that the HCA-Home Care Services, Inc. d.b.a. Norrell Health Care be added to the list of twelve (12) other home care agencies whose aggregate reimbursement shall not exceed \$1,085,305, and be it further

RESOLVED, that the County Executive be authorized to enter into contract with People, Inc. for the period December 1, 1998 to March 31, 1999 and April 1, 1999 to March 31, 2000 to provide adult day care service for frail elderly residents of Erie County under the EISEP/Respite Program, and be it further

RESOLVED, that People, Inc. be added to the Department of Senior Services list of adult day care providers along with eight (8) other agencies whose aggregate reimbursement shall not exceed \$30,000 for the 1998-99 and 1999-00 contract periods, and be it further

RESOLVED, that the County Executive be authorized to enter into contract with People, Inc. Under Title III-D of the Older Americans Act to provide adult day care services for the period January 1, 1999 to December 31, 1999, and be it further

RESOLVED, that People, Inc. be added to the Department of Senior Services list of adult day care providers along with eight (8) other agencies whose aggregate reimbursement shall not exceed \$42, 928 for the period January 1, 1999 to December 31, 1999, and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management & Finance, the County Attorney's Office, the Comptroller's Office, and the Department of Senior Services.

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

9. Item Page - 1999 (Comm. 7E-30)

COUNTY EXECUTIVE

WHEREAS, Americans owe a significant debt of gratitude to all men and women who have served in our Nation's Armed Forces, and

WHEREAS, the Defenders of Freedom Memorial Committee, Inc., has been working with representatives of historical Forest Lawn Cemetery to create a patriotic site to honor all veterans of all wars, and

WHEREAS, efforts have been underway to include items such as assurance of a not-for-profit status, architectural renderings, ground borings and testing; and

WHEREAS, funds in the amount of \$20,000 are requested for this project; and

APRIL 29, 1999ERIE COUNTY LEGISLATURE

WHEREAS, additional funds in the amount of \$500 are being requested to assist in providing services to honor the Destroyer-Escort Sailors who served throughout the Atlantic and Pacific Oceans.

NOW, THEREFORE, BE IT

RESOLVED, that funds of in the amount of \$20,000 are hereby appropriated for the Defenders of Freedom Memorial, Inc., and additional funds of \$500.00 are hereby allocated for the Destroyer-Escort Sailors Association, and be it further

RESOLVED, the amount of \$20,500 is hereby transferred to the budget of the Department of Veterans' Services, Account 110-938530830 - Contractual Services, said funds to be made available from Account 110-923310893 - County Contingency; and be it further

RESOLVED, the County Executive is hereby authorized to enter into a contract with the Defenders of Freedom Memorial, Inc., in the amount of \$20,000 and an additional contract with the Destroyers-Escort Sailors Association for \$500, and be it further

RESOLVED, the certified copies of this resolution be forward to the Division of Budget, Management and Finance, the Office of the Comptroller, Alan P. Gerstman, First Assistant County Attorney and the Department of Veterans' Services.

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

GEORGE A. HOLT, JR.
CHAIR

MR. HOLT moved the adoption. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 22 – MS. MARINELLI presented the following and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

April 22, 1999

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 5

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

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

APRIL 29, 1999ERIE COUNTY LEGISLATURE

- a. **MARINELLI:** Copy of Letter to Buffalo & Erie County Historical Society Re: 2001 Expo
(4-0) Legislator Pauly absent.

Item	Page	-1999	(Comm. 2M-11)
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- b. **BUFFALO & ERIE COUNTY HISTORICAL SOCIETY:** Letter to Chairman Swanick Re:
Update on Historical Activities
(4-0) Legislator Pauly absent.

Item	Page	-1999	(Comm. 2M-18)
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- c. **BUFFALO & ERIE COUNTY HISTORICAL SOCIETY:** Letter to Legislator Marinelli Re:
Update on Historical Activities
(4-0) Legislator Pauly absent.

Item	Page	-1999	(Comm. 2M-19)
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- d. **B & EC HISTORICAL SOCIETY:** Copy of Letter to Legislator Fisher
(4-0) Legislator Pauly absent.

Item	Page	-1999	(Comm. 5E-10)
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- e. **MARINELLI:** ECC Workforce Development Report
(4-0) Legislator Pauly absent.

Item	Page	-1999	(Comm. 5M-8)
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- f. **NEW YORK CHARTER SCHOOL RESOURCE CENTER:** Letter to Chairman Swanick Re:
NYS Charter School Law
(4-0) Legislator Pauly absent.

Item	Page	-1999	(Comm. 6M-27)
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- g. **GREATER BUFFALO CONVENTION & VISITORS BUREAU:** Letter to Chairman Swanick
Re: Update on Can-Am Police-Fire Games 2002 Bid Effort
(4-0) Legislator Pauly absent.

Item	Page	-1999	(Comm. 7D-17)
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- h. **COMMISSION ON THE STATUS OF WOMEN:** Minutes of Meeting Held 3/17/99
(4-0) Legislator Pauly absent.

**LYNN MARINELLI
CHAIRPERSON**

MR. MARINELLI moved the adoption. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

APRIL 29, 1999

April 22, 1999

ERIE COUNTY LEGISLATURE

FINANCE & MANAGEMENT

COMMITTEE

REPORT NO. 4

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

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

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| | Item | Page | -1998 | (Int. 6-11) |
| a. | Weinstein: El Nino Savings to Property Taxpayers. | | | |
| | (6-0) Chairman Swanick Present as Ex-Officio Member | | | |
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| | Item | Page | -1998 | (Comm. 17E-72) |
| b. | Village of Hamburg: Letter to Chairman Swanick Re: Sales Tax Exemption on Clothing. | | | |
| | (6-0) Chairman Swanick Present as Ex-Officio Member | | | |
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| | Item | Page | -1998 | (Comm. 24E-9) |
| c. | Comptroller: EC Correctional Facility Commissary Balance Sheet & Statement of Income & Changes in Fund Balance for the Years Ended 12/31/97 & 12/31/96. | | | |
| | (6-0) Chairman Swanick Present as Ex-Officio Member | | | |
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| | Item | Page | -1998 | (Comm. 24M-9) |
| d. | Iroquois Central School District: Certified Copy of Resolution Re: In Opposition of Eliminating the Sales Tax on Clothing & Footwear. | | | |
| | (6-0) Chairman Swanick Present as Ex-Officio Member | | | |
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| | Item | Page | -1998 | (Comm. 24M-10) |
| e. | Elma Town Board: Copy of Resolution Re: Opposing the Elimination of Sales Tax on Clothing & Footwear. | | | |
| | (6-0) Chairman Swanick Present as Ex-Officio Member | | | |
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| | Item | Page | -1998 | (Comm. 27M-4) |
| f. | Frontier Central School District: Letter to Chairman Swanick Re: Opposing Permanent Elimination of Erie County Sales Tax on Clothing & Footwear. | | | |
| | (6-0) Chairman Swanick Present as Ex-Officio Member | | | |
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| | Item | Page | -1998 | (Comm. 29E-25) |
| g. | Sheriff: Sheriff – Holding Center Commissary Audit Response. | | | |
| | (6-0) Chairman Swanick Present as Ex-Officio Member | | | |
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| | Item | Page | -1998 | (Comm. 29M-5) |
| h. | Town of Marilla: Certified Resolution Re: Opposed to Elimination of Sales Tax on Clothing & Footwear. | | | |
| | (6-0) Chairman Swanick Present as Ex-Officio Member | | | |

	Item	Page	-1998	(Comm. 29M-6)
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APRIL 29, 1999ERIE COUNTY LEGISLATURE

- i. **East Aurora Union Free School District:** Copy of Resolution Re: Opposed to Elimination of Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member
- Item Page -1999 (Comm. 1E-1)
- j. **Comptroller:** ECMC Cash management Practices & Vendor Check Disbursements 4/1/98 – 6/30/98.
(6-0) Chairman Swanick Present as Ex-Officio Member
- Item Page -1999 (Comm. 1M-4)
- k. **Village of Williamsville:** Resolution Re: Opposing the Elimination of Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member
- Item Page -1999 (Comm. 1M-5)
- l. **Kenmore Town of Tonawanda Union Free School District:** Letter Opposing the Elimination of Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member
- Item Page -1999 (Comm. 1M-7)
- m. **West Seneca Central School District:** Resolution Opposing the Elimination of Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member
- Item Page -1999 (Comm. 2M-1)
- n. **Village of Hamburg:** Copy of Resolution Re: Opposing the Elimination of Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member
- Item Page -1999 (Comm. 2M-2)
- o. **Town of Newstead:** Certified Resolution Re: Opposing the Elimination of Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member
- Item Page -1999 (Comm. 2M-8)
- p. **Association of Erie County Governments:** Certified Resolution Re: Opposing the Elimination of Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member
- Item Page -1999 (Comm. 2M-13)
- q. **Cheektowaga Sloan Union Free School District:** Certified Resolution Re: Opposing the Elimination of Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member
- Item Page -1999 (Comm. 2M-15)

APRIL 29, 1999ERIE COUNTY LEGISLATURE

- r. **Town of Colden:** Certified Resolution Re: Opposing the Elimination of Sales Tax on Clothing & Footwear.

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

Item Page -1999 (Comm. 3E-1)

- s. **County Executive:** Copy of letter to Empire State Development Corp. Re: \$6,500,000 Loan Made to Erie County for Rich Stadium Improvements & Renovation.

(5-0) Chairman Swanick Present as Ex-Officio Member. Legislator Fitzpatrick absent for vote.

Item Page -1999 (Comm. 3M-1)

- t. **Town of Colden:** Certified Copy of Resolution Re: Opposing Permanent Elimination of Sales Tax on Clothing & Footwear.

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

Item Page -1999 (Comm. 3M-7)

- u. **Holland Central School:** Copy of Resolution Re: Opposing Elimination of Sales Tax on Clothing & Footwear.

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

Item Page -1999 (Comm. 3M-9)

- v. **Buffalo Place:** Interim Report – 1998 Downtown Employee Survey & Additional Downtown Business & Employment Information.

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

Item Page -1999 (Comm. 3M-10)

- w. **Lake Shore Central Schools:** Certified Resolution Re: Opposing the Elimination of Sales Tax on Clothing & Footwear.

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

Item Page -1999 (Comm. 3M-17)

- x. **Cleveland Hill Union Free School District:** Certified Resolution Re: Opposing the Elimination of Sales Tax on Clothing & Footwear.

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

Item Page -1999 (Comm. 3M-18)

- y. **Town of Aurora:** Certified Resolution Re: Opposed to the Elimination of Sales Tax on Clothing & Footwear.

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

Item Page -1999 (Comm. 3M-19)

- z. **Town of Holland:** Certified Resolution Re: Opposed to the Elimination of Sales Tax on Clothing & Footwear.

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

Item Page -1999 (Comm. 3M-20)

APRIL 29, 1999ERIE COUNTY LEGISLATURE

aa. **City of Lackawanna Mayor:** Opposing Permanent Elimination of Sales Tax on Clothing & Footwear.

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

Item	Page	-1999	(Comm. 3M-21)
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bb. **Town of Clarence:** Opposing Permanent Elimination of Sales Tax on Clothing & Footwear.

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

Item	Page	-1999	(Comm. 3M-22)
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cc. **North Collins Central School:** Opposing Permanent Elimination of Sales Tax on Clothing & Footwear.

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

Item	Page	-1999	(Comm. 3M-23)
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dd. **Kevin P. Gaughan:** Copy of Letter to Legislator Peoples Re: Changing of County Name from Erie County to Buffalo County.

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

Item	Page	-1999	(Comm. 4M-3)
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ee. **Town of Wales:** Certified Copy of Resolution Re: Opposing All Proposals to Eliminate Sales Tax on Clothing & Footwear.

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

Item	Page	-1999	(Comm. 4M-4)
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ff. **Village of East Aurora:** Certified Copy of Resolution Re: Opposing the Permanent Exemption of Sales Tax on Clothing & Footwear.

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

Item	Page	-1999	(Comm. 4M-5)
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gg. **Town of Boston:** Certified Resolution Re: Opposing the Permanent Exemption of Sales Tax on Clothing & Footwear.

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

Item	Page	-1999	(Comm. 4M-7)
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hh. **Town of Grand Island:** Certified Copy of Letter Re: Opposing Proposal for Permanent County Sales Tax Exemption on Clothing & Footwear.

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

Item	Page	-1999	(Comm. 4M-12)
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ii. **Town of Collins:** Letter in Favor of Reducing Taxes on Sale of Clothing & Footwear.

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

Item	Page	-1999	(Comm. 4M-13)
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jj. **Frontier Central School District:** Opposing Permanent Elimination of Sales Tax on Clothing & Footwear.

APRIL 29, 1999ERIE COUNTY LEGISLATURE

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

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| Item | Page | -1999 | (Comm. 4M-20) |
|------|------|-------|---------------|
- kk. **Springville-Griffith Institute Central School District:** Opposing Permanent Exemption of Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member

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| Item | Page | -1999 | (Comm. 4M-21) |
|------|------|-------|---------------|
- ll. **Clarence Central School District:** Opposing Permanent Exemption Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member

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| Item | Page | -1999 | (Comm. 4M-22) |
|------|------|-------|---------------|
- mm. **Town of Concord:** In Favor of Permanently Exempting Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member

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| Item | Page | -1999 | (Comm. 5D-4) |
|------|------|-------|--------------|
- nn. **Real Property Division:** Memo to Legislator Peoples Re: Proposal to Move Taxable Status Date in Erie County.
(6-0) Chairman Swanick Present as Ex-Officio Member

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| Item | Page | -1999 | (Comm. 5M-3) |
|------|------|-------|--------------|
- oo. **Town of Grand Island:** Certified Resolution in Opposition the Elimination of Sales Tax Exemptions on certain items of clothing.
(6-0) Chairman Swanick Present as Ex-Officio Member

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| Item | Page | -1999 | (Comm. 5M-4) |
|------|------|-------|--------------|
- pp. **Sweethome Central School District:** Letter to Chairman Swanick Indicating that School Board has not Reached a Consensus Decision Re: Permanent Sales Tax Exemption.
(6-0) Chairman Swanick Present as Ex-Officio Member

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| Item | Page | -1999 | (Comm. 5M-6) |
|------|------|-------|--------------|
- qq. **Village of Alden:** Certified Resolution in Opposition to a Permanent Sales Tax Exemption on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member

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| Item | Page | -1999 | (Comm. 5M-7) |
|------|------|-------|--------------|
- rr. **Williamsville Central School Board of Education:** Letter Stating Opposition to any Reduction in the amount of revenue Received from Erie County Sales Tax Receipts
(6-0) Chairman Swanick Present as Ex-Officio Member

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| Item | Page | -1999 | (Comm. 5M-11) |
|------|------|-------|---------------|
- ss. **Town of Alden:** Letter in Opposition to Year Round Sales Tax Exemption.
(6-0) Chairman Swanick Present as Ex-Officio Member

APRIL 29, 1999ERIE COUNTY LEGISLATURE

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| | Item | Page | -1999 | (Comm. 5M-12) |
|--|------|------|-------|---------------|
- tt. **Village of North Collins:** Letter in Opposition to the Permanent Sales Tax Exemption.
(6-0) Chairman Swanick Present as Ex-Officio Member
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| | Item | Page | -1999 | (Comm. 5M-13) |
|--|------|------|-------|---------------|
- uu. **Tonawanda City School District:** Letter in Opposition to the Permanent Sales Tax Exemption.
(6-0) Chairman Swanick Present as Ex-Officio Member
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| | Item | Page | -1999 | (Comm. 5M-18) |
|--|------|------|-------|---------------|
- vv. **Town of Colden:** Certified Resolution Re: Opposing Permanent Elimination of sales & Use Tax & Supporting Option for Counties to Designate Tax-Free Period.
(6-0) Chairman Swanick Present as Ex-Officio Member
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| | Item | Page | -1999 | (Comm. 6M-1) |
|--|------|------|-------|--------------|
- ww. **Amherst Central School District:** Letter Opposing Proposed Permanent Sales Tax Exemption on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member
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| | Item | Page | -1999 | (Comm. 6M-2) |
|--|------|------|-------|--------------|
- xx. **Lackawanna City School District:** Resolution Opposing Permanent Sales Tax Exemption on Clothing.
(6-0) Chairman Swanick Present as Ex-Officio Member
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|--|------|------|-------|--------------|
| | Item | Page | -1999 | (Comm. 6M-5) |
|--|------|------|-------|--------------|
- yy. **Town of Colden:** Certified Copy of Resolution Re: Support for Continuation of One Week Exemptions of Sales Tax on Purchases of Clothing in Erie County
(6-0) Chairman Swanick Present as Ex-Officio Member
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| | Item | Page | -1999 | (Comm. 6M-12) |
|--|------|------|-------|---------------|
- zz. **Town of Amherst:** Opposing the Elimination Sales Tax on Clothing & Footwear
(6-0) Chairman Swanick Present as Ex-Officio Member
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| | Item | Page | -1999 | (Comm. 6M-13) |
|--|------|------|-------|---------------|
- aaa. **Amherst Town Board:** Opposed to Eliminating Sales Tax On Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member
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|--|------|------|-------|---------------|
| | Item | Page | -1999 | (Comm. 6M-14) |
|--|------|------|-------|---------------|
- bbb. **Village of Angola:** Opposed Exemption of Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member
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- | | | | | |
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| | Item | Page | -1999 | (Comm. 6M-16) |
|--|------|------|-------|---------------|
- ccc. **City of Tonawanda:** Opposed Permanent Exemption of Sales Tax on Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1999 (Comm. 3M-24)
ddd. **Town of Sardinia:** Resolution Opposing Permanent Exemption of Sales Tax on
Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1999 (Comm. 7D-15)
eee. **ECC:** ECC/Annual Audit Fiscal Year Ending 8/31/98
(6-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1999 (Comm. 7M-7)
fff. **Town of Eden:** Supporting Association of Erie County Governments Resolution Re:
Permanent Sales Tax Exemption of Clothing.
(6-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1999 (Comm. 7M-10)
ggg. **Town of Amherst:** Certified Copy of Resolution Supporting Sales Tax Exemption on
Clothing & Footwear.
(6-0) Chairman Swanick Present as Ex-Officio Member

Item Page -1999 (Comm. 7M-16)
hhh. **NFTA:** 17A Report & Capital Expenditure Reports for 3rd Quarter of Fiscal Year
Ending 3/31/99.
(6-0) Chairman Swanick Present as Ex-Officio Member

2. Item Page - 1999 (Comm. 7E-7)
COMPTROLLER: ECC Student Government Associations North, South and City
Campus 9/1/97 to 5/31/98. Received, filed and referred to the Community Enrichment
Committee.

3. Item Page - 1999 (Comm. 5E-33)
COUNTY EXECUTIVE

WHEREAS, the County, State of New York, Buffalo Bills and Erie County Stadium Corporation (ECSC) a wholly owned subsidiary of the New York State Urban Development Corporation d/b/a the Empire State Development Corporation, recently finalized the lease of the Ralph Wilson Stadium, and

WHEREAS, the stadium lease provides for a rental payment to the County in the amount of the present value of all debt service payments due from 1998 forward on bonds issued in February, 1994, to fund improvements to the Stadium End Zone Restrooms and the construction and installation of Stadium Suites and the Video Scoreboard, and

WHEREAS, the ECSC has forwarded to the County the rental payment of \$9,862,900 as per the Master Lease between the County and ECSC, this amount representing the negotiated settlement of the balance due on the February, 1994 bonds, and

WHEREAS, the amount received from the ECSC should be used exclusively to pay the debt service on the bonds issued in February, 1994 so as to ensure the tax exempt status of all other stadium related bonds issued by the County, and

APRIL 29, 1999**ERIE COUNTY LEGISLATURE**

WHEREAS, the amount received should be separately identifiable in the County's accounting records to demonstrate that such monies are used for the intended purpose, and

WHEREAS, as part of the negotiations the State has forgiven the loan to the County to build the Ralph C. Wilson Jr. Fieldhouse, and

WHEREAS, the County in the 1998 Debt Service Fund budget included appropriations to pay the State payments due on the Ralph C. Wilson, Jr. Fieldhouse totaling \$812,500 that were not made, and

WHEREAS, the 1998 Debt Service Fund included State Aid revenue totaling \$1,723,024 to pay the debt service of the Bonds, and

WHEREAS, the 1999 Debt Service Fund included State Aid revenue totaling \$1,714,825 to pay the debt service of the Bonds, and

WHEREAS, the debt service on the Bonds will continue to February 15, 2004, and

WHEREAS, Section 6-H of the New York State General Municipal Law authorizes the governing board of any County to establish a reserve fund for the payment of its bonded indebtedness, and

WHEREAS, such fund may be established for the payment of one or several issues of bonds of the municipality, and

WHEREAS, there may be paid into such fund such an amount as is provided by budgetary appropriation and/or such revenues not otherwise appropriated or required by law to be paid into any other fund or account, and

WHEREAS, a reserve fund cannot be used to pay principal and interest on bonds where provision has been made in the current budget to pay such amounts from other funds, and

WHEREAS, only \$6,489,181 of the \$9,862,900 rental payment may be paid into a reserve fund because the 1998 and 1999 Debt Service Fund budgets provided for the debt service payments due in 1998 and 1999 on the bonds issued in February 1994, and

WHEREAS, some local source monies must be used to supplement the net rental payment received from the ECSC because those funds alone, as determined by the County Comptroller, will not be sufficient to pay all remaining debt service on the bonds issued in February 1994, and

WHEREAS, Account 821, Dues & Fees, in the County's 1998 Debt Service Fund budget contains unneeded appropriations of \$812,500, due to the fact that as part of the lease negotiations, the State has forgiven the loan to the County to build the Ralph C. Wilson Jr. Fieldhouse, and

WHEREAS, the County of Erie wishes to provide for its obligations to debt service which must be paid by contract.

NOW, THEREFORE, BE IT

RESOLVED, that \$1,723,023.50 of the sum received from the ECSC shall be deposited in the Debt Service Fund to reimburse 1998 debt service expenditures for the Rich Stadium End Zone Restrooms project in the amount of \$193,987. 10 and the Rich Stadium Suites & Video Scoreboard project in the amount of \$1,529,036.40, and be it further

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RESOLVED, that \$1,714,824.50 of the sum received from the ECSC shall be deposited in the Debt Service Fund for 1999 debt service expenditures for the Rich Stadium End Zone Restrooms and the Rich Stadium Suites & Video Scoreboard projects in the amounts of \$186,148.70 and \$1,528,675.80, respectively, and be it further

RESOLVED, that a Suites & Video Scoreboard and an End Zone Restrooms reserve shall be established in the 1998 accounting records, and be it further

RESOLVED, that the initial funding of the Suites & Video Scoreboard and End Zone Restroom reserves is to come from the \$812,500, or so much of that amount actually required, being provided by the General Fund to the Debt Service Fund as part of the 1998 subsidy that will not be needed to fund amounts charged against the Dues and Fees, Account 821, appropriation, this initial funding being necessary to ensure that sufficient monies are available to pay all future years debt service on the Bonds when such amount is combined and invested with the 1999 funds credited to the reserves from the ECSC, and be it further

RESOLVED, that the \$6,425,052 received from the ECSC in 1999, plus interest earned through the temporary investment of such monies, not needed for any other purpose specified in this resolution shall also be apportioned and added to the Suites & Video Scoreboard and End Zone Rest Room reserves, and be it further

RESOLVED, that the funds making up the Suites & Video Scoreboard. and the End Zone Rest Room reserves shall be invested by the Erie County Comptroller in accordance with Section 11 of the New York State General Municipal Law and the interest earned shall accrue to and become part thereof, and be it further

RESOLVED, that the Comptroller shall disburse from the Debt Service-Video Scoreboard and End Zone Restroom Reserve account the following debt service payments in accordance with the fiscal agreement with the paying agent:

Title	Original Bond Amount	Principal Due Date	Interest Due Date
Rich Stadium Suites & Video Scoreboard	\$11,429,000	February 15, 2000	February 15, 2000
Rich Stadium Suites & Video Scoreboard	\$11,429,000		August 15, 2000
Rich Stadium Suites & Video Scoreboard.	\$11,429,000	February 15, 2001	February 15, 2001
Rich Stadium Suites & Video Scoreboard.	\$11,429,000		August 15, 2001
Rich Stadium Suites & Video Scoreboard	\$11,429,000	February 15, 2002	February 15, 2002
Rich Stadium Suites & Video Scoreboard.	\$11,429,000		August 15, 2002
Rich Stadium Suites & Video Scoreboard	\$11,429,000	February 15, 2003	February 15, 2003
Rich Stadium	\$11,429,000		August 15, 2003

APRIL 29, 1999ERIE COUNTY LEGISLATURESuites & Video Scoreboard

Rich Stadium Suites & Video Scoreboard	\$11,429,000	February 15, 2004	February 15,2004
End Zone Rest Rooms	\$1,386,000	February 15, 2000	February 15,2000
End Zone Rest Rooms	\$1,386,000		August 15,2000
End Zone Rest Rooms	\$1,386,000	February 15, 2001	February 15,2001
End Zone Rest Rooms	\$1,386,000		August 15,2001
End Zone Rest Rooms	\$1,386,000	February 15, 2002	February 15,2002
End Zone Rest Rooms	\$1,386,000		August 15,2002
End Zone Rest Rooms	\$1,386,000	February 15, 2003	February 15,2003
End Zone Rest Rooms	\$1,386,000		August 15,2003
End Zone Rest Rooms	\$1,386,000	February 15, 2004	February 15,2004

and be it further

RESOLVED, that the Director of Budget & Management is authorized to make all required budgetary adjustments to the 1998 and 1999 budgets to effectuate the use of these funds, and be it further

RESOLVED, that certified copies of this resolution should be forwarded to the Director of Budget & Management, the Commissioner of Environment & Planning and the County Comptroller.

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

4. Item Page - 1999 (Comm. 6E-11)

COUNTY CLERK

WHEREAS, the Erie County Clerk's Office is interested in making the pilot program of utilizing a merchant credit card services system for payment of fees and related charges permanent, and

WHEREAS, the pilot program to test a Merchant Credit Card Services Program has identified that the use of credit cards and debit cards as a payment vehicle has resulted in the following:

1. a reduction in the cost of the Erie County Clerk's Office operations,
2. a favorable benefit/cost ratio when compared to the cost of accepting payment by check or in cash,
3. a reduction in the number of bad checks received,
4. an improvement and streamlining of the Erie County Clerk's Office procedures and,

5. improved convenience, enhanced record keeping or other benefits for the Erie County Clerk's Office customers, and

WHEREAS, the Erie County Clerk's Office has issued a Request for Proposals, evaluated the responses and determined that M & T Bank had submitted the best overall proposal and the performance of M & T Bank over the six month test period has been satisfactory, now therefore;

BE IT HEREBY RESOLVED, that the Erie County Legislature believes that it is in the County of Erie's best interest to continue the merchant credit card services program in the Office of the Erie County Clerk on an indefinite basis and that the Erie County Clerk is hereby authorized to continue its current contract with M & T Bank to provide to the Erie County Clerk's Office, Merchant Credit Card Services.

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

5. Item Page - 1999 (Comm. 6E-22)

COUNTY EXECUTIVE

WHEREAS, the following grant programs are included in Book B of the 1999 Adopted Budget, and

WHEREAS, the 1999 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 1999.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget and Management with respect to the availability of State and/or Federal funds, for the following grant programs which commence on April 1, 1999:

<u>Department</u>	<u>Grant Program</u>	<u>1999 Budget Book B Page No.</u>
222 - Weights & Measures	NYS Petroleum Product Quality Testing Program	25
140 - District Attorney	Aid to Prosecution	29
140 - District Attorney	Multijurisdictional Program	29
140 - District Attorney	Comprehensive Assault, Abuse and Rape Unit (CAAR)*	30
140 - District	Witness Protection Program	31

APRIL 29, 1999ERIE COUNTY LEGISLATURE

Attorney

*Begins 6/1/99

<u>Department</u>	<u>Grant Program</u>	<u>1999 Budget Book B Page No.</u>
650 - CPS	Aid to Crime Labs Program	65
650 - CPS	Aid to Law Enforcement Program	65
650 - CPS	Aid to Localities - Laboratory Funding	66
150 - Sheriff	Unified Court Security	81
260 - Probation	Aid to Localities - Indigent Defense	110
270 - Health	HIV/STD Support Services	136
270 - Health	Public Health Campaign	137
200 - Social Svcs.	WORK NOW	206
200 - Social Svcs.	Domestic Violence Assessment	206
200 - Social Svcs.	Legal Assistance to the Disabled	207
200 - Social Svcs.	Child Assistance Program	207
620 - Env. & Plg.	Home Rehabilitation Program	365
620 - Env. & Plg.	Community Development - 25 th Year	365

and be it further,

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by decreases in Federal or State aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: Central Police Services, District Attorney, Sheriff, Probation, Health, Social Services, the

APRIL 29, 1999ERIE COUNTY LEGISLATURE

Department of Law, Environment and Planning, the Bureau of Weights and Measures, the office of the Comptroller and the Division of Budget, Management and Finance.

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

6. Item Page - 1999 (Comm. 7D-26)
DPW

WHEREAS, Pursuant to New York State Highway Law, Section 118A, the Deputy Commissioner of Public Works, Division of Highways, recommends to abandon to the adjacent property owner a portion of existing right-of-way on Maple Street, CR 241, in the Town of Elma that is no longer needed for highway purposes, and

NOW, THEREFORE BE IT

RESOLVED, that upon the recommendation of the Deputy Commissioner of Public Works, Division of Highways, a portion of the existing right-of-way as shown by Parcel No. 412 on Map SK 139-412-C be conveyed to the adjacent land owner, Gary L. and Christine M. Anger for consideration of \$100.00 as determined by the Division of Budget, Management and Finance, payable to the County of Erie. The area of the conveyance being 0.143 acres, more or less, and be it further

RESOLVED, that the County Executive be authorized to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed of the aforementioned land so to be conveyed, and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward five (5) certified copies of this resolution to the Deputy Commissioner - Highways and one copy to the County Comptroller.

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

7. Item Page - 1999 (Comm. 7D-27)
DPW

RESOLVED, that for County purposes of construction and reconstruction of roads, the County Executive is hereby authorized and directed to acquire the following interest in the parcels of land herein described for and in consideration of sums described herein, as listed on the attached, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, Department of Public Works and one copy to the County Comptroller.

SWEET HOME ROAD CR 301

AMHERST, NEW YORK

APRIL 29, 1999ERIE COUNTY LEGISLATURE

PARCEL	OWNER (S)	AREA	FEE
16	Marrano/Marc Equity Corp.	0.065 acres	\$2,839.00
17	The Randall Benderson 1993-1 Trust	0.100 acres	\$3,264.00

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

8. Item Page - 1999 (Comm. 7D-28)
DPW

WHEREAS, Pursuant to New York State Highway Law, Section 118A, the Deputy Commissioner of Public Works, Division of Highways, recommends to abandon to the adjacent property owner a portion of existing right-of-way on Abbott Road, CR 4, in the Towns of Hamburg and Orchard Park that is no longer needed for highway purposes, and

NOW, THEREFORE BE IT

RESOLVED, that upon the recommendation of the Deputy Commissioner of Public Works, Division of Highways, a portion of the existing right-of-way as shown on the attached map be conveyed to the adjacent land owner known to be the Newton-Abbott Fire Company, Inc. for consideration of \$3,000.00 as determined by the Division of Budget, Management and Finance, payable to the County of Erie. The area of the conveyance being 2.14 acres, more or less, and be it further

RESOLVED, that the County Executive be authorized to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed of the aforementioned land so to be conveyed, and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward five (5) certified copies of this resolution to the Deputy Commissioner - Highways and one copy to the County Comptroller

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

9. Item Page - 1999 (Comm. 7D-30)
DPW

WHEREAS, Pursuant to New York State Highway Law, Section 65, the Deputy Commissioner of Public Works, Division of Highways, recommends to abandon to the adjacent property owner a permanent easement on Walden Avenue, S.H. 9411 (formerly C.R. 318), in the Village of Depew, Town of Cheektowaga, that is no longer needed for highway purposes, and

NOW, THEREFORE BE IT

RESOLVED, that upon the recommendation of the Deputy Commissioner of Public Works, Division of Highways, Parcel No. 15 as shown on Map No. 11-C be conveyed to the adjacent land owner known to be George A. Tilley for consideration of \$1,200.00 as determined by the Division of Budget, Management and Finance, payable to the County of Erie. The area of the conveyance being 0.018 acres, more or less, and be it further

RESOLVED, that the County Executive be authorized to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed of the aforementioned land so to be conveyed, and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward five (5) certified copies of this resolution to the Deputy Commissioner - Highways and one copy to the County Comptroller.

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

10. Item Page - 1999 (Comm. 7D-34)
 DPW

WHEREAS, the County of Erie is eligible, through the New York State Multi Modal Program (MMP), for reimbursement from New York State for reconstruction/resurfacing of Cleveland Drive, CR 141, Town of Cheektowaga, in the amount of \$50,000.00, and

WHEREAS, the reimbursement is contingent upon payments actually made for said construction, and

WHEREAS, Cleveland Drive, CR 141, is in need of resurfacing and is eligible for partial reimbursement under the Multi-Modal Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller be authorized to accept funds from the Multi Modal Program as reimbursement for expenditures for improvements to Cleveland Drive, CR 141; and be it further

RESOLVED, that the Clerk of the County Legislature of the County of Erie is hereby directed to transmit one (1) certified copy of the foregoing resolution to the Deputy Commissioner of Highways; Commissioner of Finance; Comptroller; and the Director of Budget.

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

11. Item Page - 1999 (Comm. 7D-39)
 DPW

WHEREAS, Pursuant to New York State Highway Law, Section 118A, the Deputy Commissioner of Public Works, Division of Highways, recommends to abandon to the adjacent property owner a portion of existing right-of-way on Maple Street, CR 241, in the Town of Elma that is no longer needed for highway purposes, and

NOW, THEREFORE BE IT

RESOLVED, that upon the recommendation of the Deputy Commissioner of Public Works, Division of Highways, a portion of the existing right-of-way as shown by Parcel No. 413 on Map SK 139-413-C be conveyed to the adjacent land owner, George E. and Carole F. Nicoloff for consideration of \$100.00 as determined by the Division of Budget, Management and Finance, payable to the County of Erie. The area of the conveyance being 0.23 acre, more or less, and be it further

APRIL 29, 1999ERIE COUNTY LEGISLATURE

RESOLVED, that the County Executive be authorized to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed of the aforementioned land so to be conveyed, and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward five (5) certified copies of this resolution to the Deputy Commissioner - Highways and one copy to the County Comptroller.

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

12. Item Page - 1999 (Comm. 7E-20)

COUNTY EXECUTIVE

WHEREAS the Comptroller is the chief fiscal, accounting, reporting and auditing officer of the County, and

WHEREAS included in the Comptroller's Office responsibilities is the maintenance of detailed records on all of the County's outstanding bonds and notes, and

WHEREAS the Comptroller's Office invests the proceeds of all County debt until such time as the funds are needed for disbursement, and

WHEREAS the Comptroller's Office makes all the principal and interest payments on outstanding debt as it becomes due, and

WHEREAS the Comptroller's Office prepares entries into the computerized accounting system for all of the transactions involving County debt, and

WHEREAS the volume of debt issuance's related to Sewer District Capital Projects has increased substantially in recent years, and

WHEREAS this increasing volume of work is jeopardizing our ability to timely complete all of the work associated with bond and note issuances, and

WHEREAS in order to avoid jeopardizing the completeness and accuracy of this work it is necessary to assign additional staff to the debt service accounting functions, and

WHEREAS the Comptroller's Office has already shifted work responsibilities of existing staff as much as is possible to increase efficiency and to streamline the work associated with outstanding bonds and notes, and

WHEREAS it is necessary to create an additional position in the Comptroller's Office, and

WHEREAS due to the difficulty and complexity of debt service accounting activities it is appropriate to create a position of Systems Accountant, Job Group 11, and

WHEREAS the 1999 salary and fringe benefit costs for a Systems Accountant, Job Group 11, beginning May 1, 1999 are \$32,929 and \$4,939 respectively, and

WHEREAS the source of funds to be used by the Comptroller's Office for said salary and fringe benefit costs is available appropriations in Dues and Fees within the 1999 Budget of the Comptroller's Office, and

NOW, THEREFORE, BE IT

RESOLVED, that one position of Systems Accountant, Job Group 11 is created in the Comptroller's Office effective May 1, 1999, and be it further

RESOLVED, that the appropriations within the 1999 budget of the Comptroller's Office are amended as follows:

<u>Increase</u> <u>Account</u>	<u>Description</u>	<u>Amount</u>
800	Personal Services	\$32,929
805	Fringe Benefits	\$ 4,939
<u>Decrease</u> 821	Dues and Fees	\$37,868

and be it further

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

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

**CRYSTAL D. PEOPLES
CHAIRPERSON**

MS. PEOPLES moved the adoption. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 24 – MRS. FISHER presented the following and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

April 22, 1999

HEALTH/MENTAL HEALTH
COMMITTEE
REPORT NO. 5

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

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

APRIL 29, 1999ERIE COUNTY LEGISLATURE

- | | Item | Page | -1999 | (Comm. 2M-17) |
|----|--|------|-------|---------------|
| a. | ROSWELL PARK CANCER INSTITUTE: Journal of Public Health Management & Practice
(5-0) | | | |
| b. | Item | Page | -1999 | (Comm. 5D-2) |
| | MENTAL HEALTH: HUD Grants
(5-0) | | | |
| c. | Item | Page | -1999 | (Comm. 6D-1) |
| | EC MORGUE: Monies & Other Property Found on Deceased Persons
(5-0) | | | |
| d. | Item | Page | -1999 | (Comm. 6D-8) |
| | ECMC: Board of Managers Finance Committee 3/10/99 Financial Statements for the 12 Months Ended 12/31/98
(5-0) | | | |
| e. | Item | Page | -1999 | (Comm. 6D-9) |
| | ECMC: Notice of Board of Managers Meeting Held 3/11/99 & Minutes of Meeting Held 2/11/99
(5-0) | | | |
| f. | Item | Page | -1999 | (Comm. 6M-3) |
| | GREATER BUFFALO COMMUNITY WELLNESS COUNCIL: Community Wellness Calendar 3/99
(5-0) | | | |
| g. | Item | Page | -1999 | (Comm. 6M-10) |
| | MENTAL HYGIENE COMMUNITY SERVICES BOARD: HUD Grant Information Requested at the Health Mental Health Committee Meeting
(5-0) | | | |
| h. | Item | Page | -1999 | (Comm. 6M-17) |
| | MENTAL HYGIENE COMMUNITY SERVICES BOARD: Notice of Board of meeting to be Held 3/18/99
(5-0) | | | |
| i. | Item | Page | -1999 | (Comm. 7D-1) |
| | ECMC: Notice to Reschedule Board of Manager's Meeting from 4/8/99 to 4/15/99
(5-0) | | | |
| j. | Item | Page | -1999 | (Comm. 7D-20) |
| | EC MORGUE: Monies & Other Property Found on Deceased Persons
(5-0) | | | |
| | Item | Page | -1999 | (Comm. 7D-21) |

APRIL 29, 1999ERIE COUNTY LEGISLATURE

- k. **ECMC:** Notice of Board of Managers Finance Committee Held 4/13/99 & Financial Statements for 1/31/99 & 2/28/99
(5-0)

- | | | | | |
|--|------|------|-------|--------------|
| | Item | Page | -1999 | (Comm. 7M-9) |
|--|------|------|-------|--------------|
- l. **GREATER BUFFALO COMMUNITY WELLNESS COUNCIL:** April, 1999
Community Wellness Calendar
(5-0)

- | | | | | |
|--|------|------|-------|---------------|
| | Item | Page | -1999 | (Comm. 7M-20) |
|--|------|------|-------|---------------|
- m. **MENTAL HYGIENE COMMUNITY SERVICES BOARD:** Notice of Board Meeting to be Held 4/15/99
(5-0)

- | | | | | |
|--|------|------|-------|---------------|
| | Item | Page | -1999 | (Comm. 7M-22) |
|--|------|------|-------|---------------|
- n. **COMMUNITY HEALTH CENTER OF BUFFALO:** Update on Funding for Community Health Center of Buffalo
(5-0)

- | | | | | |
|----|------|------|--------|-------------------|
| | | | | AS AMENDED |
| 2. | Item | Page | - 1999 | (Comm. 7E-17) |
- COUNTY EXECUTIVE
WHEREAS, there is a high teen pregnancy rate in Erie County, and

WHEREAS, the Department of Health currently provides home visiting services to high risk mothers and infants, and

WHEREAS, there is a need to expand this service beyond the current five city zip code area, and

WHEREAS, there are sufficient funds in the Department of Health's 1999 personal services appropriations.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Supervising Public Health Nurse, J.G. 11, position number 136205, is deleted, and be it further

RESOLVED, that the following positions are added:

1 Public Health Nurse, J.G. 9, in Function 4435, Women's Health Svcs.

1 Registered Nurse, J.G. 8, in Function 4401, Home Visiting Program

1 Registered Nurse, J. G. 8, in Function 4401, Home Visiting Program

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Health, the Comptroller, the Commissioner of Personnel and the Director of Budget and Management.

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

3. Item Page - 1999 (Comm. 7E-19)
COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department operates a Public Health Campaign Program, and

WHEREAS, the Erie County Health Department has received a revised grant from the New York State Health Department in the amount of \$453,815 for the Public Health Campaign from 4/1/98 -3/31/99 which authorizes budgetary adjustments, and

WHEREAS, the revised grant includes funding for the Model Tuberculosis Control Clinic and sexually transmitted disease prevention program by increasing the local travel budget and the other expenses account to reflect actual year to date expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves revisions to be budgeted as follows:

PUBLIC HEALTH CAMPAIGN 4/1/98 - 3/31/99 PROJECT # 787				
SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	STATE AID	\$ 453,815	\$ 0	\$ 453,815
300	D.O.T. MEDICAID	26,035	0	26,035
	TOTAL	\$ 480,850	\$ 0	\$ 480,850
EXPENSES				
800	PERS. SERVICES	\$ 382,000	\$-8,000	\$ 383,000
806	FRINGES	98,167	-1,983	97,174
821	DUES & FEES	1,800	200	1,200
823	REPAIRS & MAINT.	200	100	300
824	TRAVEL - LOCAL	16,522	5,478	18,000
825	TRAVEL - CONF.	250	500	750
828	OTHER EXPENSES	2,786	4,215	7,000
880-8100	DEPR	900	900	1,000
880	CONTR. RESERVES	12,428	0	12,428
	TOTAL	\$ 480,850	\$ 0	\$ 480,850

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, the Office of the Comptroller and the Department of Law.

(5-0)

4. Item Page - 1999 (Comm. 7E-25)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services was awarded a grant in 1998 to fund a Child Fatality Review Team, and

WHEREAS, one of the purposes of this Team is to provide field investigations to help the Team determine the causes of child fatalities, and

WHEREAS, the Erie County Department of Health - Medical Examiner's Office Division has been selected as the responsible agency to conduct these field investigations.

WHEREAS, the Erie County Commissioners of Health and Social Services will enter into a Memorandum of Understanding which will outline the program requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contracts with various individuals to conduct field investigations, and be it further

RESOLVED, that inasmuch as it is impractical to follow the Request for Proposal procedures in the case of field investigators, the Erie County Legislature hereby waives this procedure as provided for by Local Law No. 6, Section 19.08 of the Administrative Code, and be it further

RESOLVED, that rates paid under this contract shall be \$15.00 per hour, and be it further

RESOLVED, that the following grant budget is hereby authorized:

Child Fatality Review Team
9/1/98 - 2/28/00

SFG	REVENUE	AMOUNT
685-2000	Dept. of Social Services	\$12,110
	TOTAL	<u>\$12,110</u>
	EXPENSES	
821	Dues & Fees	\$12,110
	TOTAL	<u>\$12,110</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Department of Social Services, the Division of Budget, Management & Finance, the Erie County Comptroller and the Department of Law.
(5-0)

JUDITH P. FISHER
CHAIR

MRS. FISHER moved the adoption. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 25 – MR. FITPATRICK presented the following and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

April 22, 1999

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 4

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

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

- | | | | | |
|----|---|------|-------|---------------|
| | Item | Page | -1998 | (Comm. 5D-8) |
| a. | COUNTY ATTORNEY: Copy of Letter to Legislator Greenan Re: Project Labor Agreement
(6-0) Chairman Swanick present as ex-officio member | | | |
| | Item | Page | -1999 | (Comm. 5D-18) |
| b. | DPW: Buffalo & Erie County Main Library Roof Replacement
(6-0) Chairman Swanick present as ex-officio member | | | |
| | Item | Page | -1999 | (Comm. 5M-14) |
| c. | ROBERT F. BINISZKIEWICZ: Peace Bridge
(6-0) Chairman Swanick present as ex-officio member | | | |
| | Item | Page | -1999 | (Comm. 5M-19) |
| d. | TOWN OF COLDEN: Certified Resolution Re: Increasing CHIPS Funding in the 1999-2000 NYS Budget
(6-0) Chairman Swanick present as ex-officio member | | | |
| | Item | Page | -1999 | (Comm. 6E-2) |
| e. | COUNTY EXECUTIVE: Copy of Letter to NFTA Re: Easement for sidewalks Along Galleria Drive in Cheektowaga
(6-0) Chairman Swanick present as ex-officio member | | | |
| | Item | Page | -1999 | (Comm. 6M-4) |
| f. | NFTA: Minutes of Board Meeting Held 1/25/99
(6-0) Chairman Swanick present as ex-officio member | | | |
| | Item | Page | -1999 | (Comm. 6M-6) |
| g. | TOWN OF COLDEN: Certified Copy of Resolution Re: Requesting NYS Senate & Assembly to Restore & Increase CHIPS Appropriation in the 1999-2000 State Budget
(6-0) Chairman Swanick present as ex-officio member | | | |
| | Item | Page | -1999 | (Comm. 6M-21) |

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- h. **MARTIN J. WALTERS:** Proposal to Create a Buffalo Region & Western New York Film Office
(6-0) Chairman Swanick present as ex-officio member
- Item Page -1999 (Comm. 6M-25)
- i. **ASSEMBLYMAN SMITH:** Copy of Letter to Assembly Speaker Silver Re: Seeking Increase Funding for CHIPS in the Executive Budget
(6-0) Chairman Swanick present as ex-officio member
- Item Page -1999 (Comm. 7D-5)
- j. **DPW:** Sweet Home Road CR301 Project No. RWP301-97, Town of Amherst
(6-0) Chairman Swanick present as ex-officio member
- Item Page -1999 (Comm. 7D-24)
- k. **DPW:** EC Home - Air Conditioning Improvements - Phase III, Contingency Fund Reimbursement
(6-0) Chairman Swanick present as ex-officio member
- Item Page -1999 (Comm. 7D-36)
- l. **DPW:** Supplemental Agreement to General A/E Contract, Demolition - E.J. Meyer Site Buildings
(6-0) Chairman Swanick present as ex-officio member
- Item Page -1999 (Comm. 7M-13)
- m. **NFTA:** Easement for Sidewalks Along Galleria Drive
(6-0) Chairman Swanick present as ex-officio member
- Item Page -1999 (Comm. 17M-14)
- n. **NFTA:** Minutes from meeting held 2/22/99.
(6-0) Chairman Swanick present as ex-officio member

2. Item Page - 1999 (Comm. 5D-13)
DPW:

WHEREAS, Niagara International Transportation Technology Coalition (NITTEC) is an organization of agencies in the Niagara Frontier of New York and the Niagara Region of Ontario; and

WHEREAS, NITTEC is a multi-agency consortium created to provide support for a successful partnership of regional transportation and governmental agencies, and a means of establishing a regional cooperative approach to transportation management; and

WHEREAS, these agencies agree to assist NITTEC in any way they can;

NOW, THEREFORE BE IT,

APRIL 29, 1999ERIE COUNTY LEGISLATURE

RESOLVED, that the County Executive be re-authorized and is hereby directed to execute the NITTEC Memorandum of Understanding on behalf of Erie County and the Department of Public Works shall participate in NITTEC committees as required.

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

3. Item Page - 1999 (Comm. 5D-17)

DPW:

WHEREAS, bids were taken for the Signal Improvements at Borden Road and French Road, Borden Road and Losson Road, and Borden Road and Como Park Boulevard, in the Town of Cheektowaga, August 27, 1998, the low bidder being Omer Construction Company, Incorporated, of 625 Aero Drive, Cheektowaga, New York at a low bid amount of \$195,515.00.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for the Signal Improvements at Borden Road and French Road, Borden Road and Losson Road, and Borden Road and Como Park Boulevard, in the Town of Cheektowaga, Project Number CMAQ-98A, between the County of Erie and the low bidder Omer Construction Company, Incorporated, of Cheektowaga, New York at its low bid of \$195,515.00; and be it further

RESOLVED, that an amount of \$195,515.00, will be allocated as follows: \$156,412.00 (80%) Federal Share by Erie County through the 1996 Federal Aid Projects Program and \$39,103.00 (20%) non-Federal share by the Town of Cheektowaga; and be it further

RESOLVED, that an additional amount of \$20,000 be allocated for a construction contingency fund, 80% being funded by Erie County through the 1996 Federal Aid Projects Program and 20% by the Town of Cheektowaga, with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed this amount; and be it further

RESOLVED, that reimbursement for all funding will be 100% (\$156,412) of the County portion by the Federal Government and 75% (\$29,327.25) of the non-federal local share through Marchiselli of which 50% (\$19,551.50) will be returned to the Town of Cheektowaga and 25%; (\$9,775.75) will be retained by the County of Erie for administration costs; and be it further

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

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

4. Item Page - 1999 (Comm. 5D-20)

APRIL 29, 1999ERIE COUNTY LEGISLATURE**DPW**

WHEREAS, a project for the Reconstruction of Sweet Home Road, CR 301, Town of Amherst, has been approved by the Erie County Legislature in Meeting Number 22, held on November 5, 1998, Communication Number 18D-10; and

WHEREAS, it was necessary to relocate a portion of Sweet Home Road in order to improve safety and alignment; and

WHEREAS, within the new roadway alignment there exists underground telephone communication lines and a transfer box owned by Bell Atlantic that must be relocated outside the pavement area; and

WHEREAS, these telecommunication lines are presently located on private land and the County is obligated to pay for the relocation costs.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to review and approve a plan for relocating said telecommunication lines and transfer box owned by Bell Atlantic; and be it further

RESOLVED that the Commissioner be authorized to reimburse Bell Atlantic an amount not to exceed \$35,000 for this work; and be it further

RESOLVED, that the \$35,000 required be appropriated from the 1997 Sweet Home Road Reconstruction Program, SFG Project 785; 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.
(6-0) Chairman Swanick present as ex-officio member.

5. Item Page - 1999 (Comm. 6D-16)

DPW

WHEREAS, a project for the replacement of the CR 215, Seneca Street, Bridge over Conrail, BIN 3-36208-0, in the Town of West Seneca, Erie County, P.I.N. 5755.25 (the "Project") is eligible for funding under Title 23, U.S Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.25.

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

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

RESOLVED that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of

APRIL 29, 1999ERIE COUNTY LEGISLATURE

the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the project or portions thereof; and be it further

RESOLVED, that the sum of \$66,000.00 is hereby appropriated from the 1999 Federal Aid Projects Program 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 amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds the amount appropriated above \$66,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds \$330,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

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

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, and one certified copy shall be forwarded to the Erie County Comptroller.

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

6. Item Page - 1999 (Comm. 6D-17)
 DPW:

WHEREAS, a project for the replacement of the Glen Avenue Bridges over Ellicott Creek (BR 702 and BR 704), BIN 3-32886-0 and BIN 3-32885-0, including the Pedestrian Bridge over Ellicott Creek, BIN 2-26391-0, in the Village of Williamsville, Erie County, P.I.N. 5755.26 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.26.

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

APRIL 29, 1999ERIE COUNTY LEGISLATURE

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

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

RESOLVED, that the sum of \$71,800.00 is hereby appropriated from the 1999 Federal Aid Projects Program 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 amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds the amount appropriated above \$71,800.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds \$359,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

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

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, and one certified copy shall be forwarded to the Erie County Comptroller.

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

7. Item Page - 1999 (Comm. 6D-18)
 DPW

WHEREAS, a project for the replacement of the CR 47, Mill Road, Bridge over the East Branch of Cazenovia Creek, BIN 3-32794-0, in the Village of East Aurora, Erie County, P.I.N. 5754.54 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5754.54.

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

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

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

RESOLVED, that the sum of \$57,200.00 is hereby appropriated from the 1999 Federal Aid Projects Program 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 amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds the amount appropriated above \$57,200.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds \$286,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

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

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, and one certified copy shall be forwarded to the Erie County Comptroller.

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

8. Item Page - 1999 (Comm. 6D-19)
 DPW

WHEREAS, a project for the replacement of the CR 341, Cemetery Road, Bridge over Erie Road and Conrail, BIN 3-36250-0, in the Town of Lancaster, Erie County, P.I.N. 5755.27 (the "Project") is eligible for funding under Title

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23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.27.

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

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

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

RESOLVED, that the sum of \$84,400.00 is hereby appropriated from the 1999 Federal Aid Projects Program 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 amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-way Incidentals Phases exceeds the amount appropriated above \$84,400.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds \$422,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of

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federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, and one certified copy shall be forwarded to the Erie County Comptroller.

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

9. Item Page - 1999 (Comm. 6D-21)

DPW

WHEREAS, the Department of Public Works has received a request from NYSE&G for an electric service easement, and

WHEREAS, the Department of Public Works is recommending the electric service easement, at no cost to the County of Erie, and

WHEREAS, the Erie County Advisory Review Committee has recommended the utility easement,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to execute an easement with NYSE&G for the electric service at the Camper Lot Bath House, and be it further,

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

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

AS AMENDED

10. Item Page - 1999 (Comm. 6D-22)

DPW

WHEREAS, the Department of Public Works received bids on March 22, 1999 for the Erie Community College-City Campus, Fuel Tank Replacement, and

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

NOW, THEREFORE, BE IT,

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RESOLVED, that the County Executive be authorized to enter into the following contract for the Erie Community College-City Campus,

Fuel Tank Replacement:

MECHANICAL WORK

Roy's Plumbing, Inc.

Base Bid	\$14,800.00
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and be it further,

RESOLVED, that the sum of \$5,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

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

RESOLVED, that the sum of \$4,000.00 be allocated for Project Engineer and Department of Public Works' salary expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the project from the 1993 City Campus Fuel Tank Replacement, Project 612, Fund 480, in the total amount of \$25,800.00, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to Erie Community College; one copy to the Division of Budget, Management & Finance; and one copy to the Office of the Comptroller.

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

11.	Item	Page	- 1999	(Comm. 6D-25)
	DPW			

WHEREAS, a project for the replacement of the CR 488, East Church Road, Bridge over the South Branch of Eighteen Mile Creek, BIN 3-32781-0, in the Town of Eden, Erie County, P.I.N. 5754.59 (the "Project") is eligible for funding under

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Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5754.59.

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

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

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

RESOLVED, that the sum of \$65,400.00 is hereby appropriated from the 1999 Federal Aid Projects Program 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 amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds the amount appropriated above \$65,400.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds \$327,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of

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federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, and one certified copy shall be forwarded to the Erie County Comptroller.

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

12. Item Page - 1999 (Comm. 6D-26)

DPW

WHEREAS, a project for the reconstruction of CR 192, Maple Road, from NY Route 263, Millersport Highway to CR 87, Hopkins Road, in the Town of Amherst, Erie County, P.I.N. 5755.33 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) phase of the Project, PIN 5755.33.

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

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

RESOLVED that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) phase of the project or portions thereof; and be it further

RESOLVED, that the sum of \$428,000.00 is hereby appropriated from the 1999 Federal Aid Projects Program and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) phase exceeds the amount appropriated above \$428,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) phase exceeds \$2,140,000.00, the County of Erie shall convene its

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Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

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

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, and One certified copy shall be forwarded to the Erie County Comptroller.

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

13. Item Page - 1999 (Comm. 6E-14)

COUNTY EXECUTIVE

WHEREAS, The County of Erie, desires to participate in the retention of Trico Products Corporation in Buffalo; and

WHEREAS, The existing facilities of Trico have been determined by the company to be obsolete and inadequate; and

WHEREAS, Trico has leased an industrial site in the New Buffalo Industrial Park, which will be renovated and equipped to meet Trico's needs; and

WHEREAS, The facility includes a parking lot which exceeds Trico's immediate needs, but can be made available for general parking to other tenants of the industrial park; and

WHEREAS, The Erie County Industrial Development Agency is an economic development agency with expertise in the area of project management; and

WHEREAS, The Erie County Industrial Development Agency has agreed to coordinate and manage the project.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency in amounts not to exceed \$250,000, for the purpose of funding a public use agreement for a parking lot at 50 Thielman Drive; and be it further

RESOLVED, That the source of these funds shall be \$250,000 available in the Business Relocation Fund in Agency Payments, Public Benefit Agencies, monitored by the Department of Environment and Planning (DAC 1109223028301031) which funds in the amount of \$250,000 are hereby transferred to the Erie County Industrial Development Agency in Agency Payments, monitored by the Department of Environment and Planning (DAC 110922302830139), and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Budget Director, the Commissioner of Environment and Planning, the Comptroller, and the County Attorney.

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

14. Item Page - 1999 (Comm. 7D-23)
DPW

WHEREAS, the Erie County Legislature has passed a resolution setting a goal for reducing the utility costs in county facilities by twenty (20) percent; and

WHEREAS, the Erie County Legislature has passed a resolution authorizing the County to enter into a contract with an energy conservation engineering firm for the purpose of reducing the utility costs in county facilities; and

WHEREAS, the Erie County Legislature has passed legislation directing the Commissioner of Public Works to take advantage of state and federal technical and financial assistance programs ; and

WHEREAS, the Department of Public Works has applied for sixty thousand seven hundred nineteen dollars and twenty cents (\$60,719.20) and has been granted the same from the New York State Energy Research and Development Authority. This grant money will be used to match county funds for the following energy conservation measures as apportioned below:

	County's Funds	NYSERDA Matching Funds
1. Comprehensive Energy Management Services	\$13,367.16	\$13,367.16
2. Rate Analysis and Aggregation Technical Services	\$ 7,181.04	\$ 7,181.04
3. Flextech Assistance Service, Rath Building	\$21,916.00	\$21,916.00
4. Flextech Assistance Service, Erie County Library	\$18,255.00	\$18,255.00

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into the following agreements with C.J. Brown Engineering and The New York State Energy Research and Development Authority

	County's Funds	NYSERDA Matching Funds
1. Comprehensive Energy Management Services	\$13,367.16	\$13,367.16
2. Rate Analysis and Aggregation Technical Services	\$ 7,181.04	\$ 7,181.04
3. Flextech Assistance Service, Rath Building	\$21,916.00	\$21,916.00
4. Flextech Assistance Service, Erie County Library	\$18,255.00	\$18,255.00

AND BE IT FURTHER

RESOLVED; that the matching funds for Erie County will be taken from the 1998 Energy Conservation Bond Fund #410 Project #833; and be it further

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RESOLVED, that one copy of this resolution be sent to the Department of Public Works, Division of Buildings and Grounds; one copy to the Division of Budget Management and Finance; and one copy to the Office of the Comptroller.

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

AS AMENDED

15. Item Page - 1999 (Comm. 7D-29)
DPW

WHEREAS, General Municipal Law Article 5-G authorizes municipalities and districts to make joint purchases of goods; and

WHEREAS, recent deregulation of public utility energy markets has made possible open market purchase of natural gas at substantial savings over purchases made from regulated public utilities; and

WHEREAS, aggregation of gas purchases permits the purchase of large amounts of natural gas at low prices; and

WHEREAS, the County of Erie purchases natural gas in the open market for county purposes; and

WHEREAS, the County of Erie is willing to purchase natural gas on behalf of other municipal corporations and districts in order to increase savings to all joint purchasers; and

WHEREAS, various municipal governments believe that it is in their best interest to enter a joint purchasing agreement with the County of Erie;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into contracts with Towns and Villages within Erie County, with Niagara County and with the City of Niagara Falls as defined under Article 5-G of the General Municipal Law for the purpose of joint purchase of natural gas and fuel oil on the open market; and be it further

RESOLVED; that such contract shall require that all such natural gas or fuel oil purchases shall be competitively bid; and be it further

RESOLVED, that any consultant services necessary to effectuate such purchases shall be contracted by the County of Erie pursuant to requests for proposals and in accordance with section 19.08 of the Erie County Administrative Code, and that the costs of such services payable by natural gas purchasers shall not exceed eight cents (\$.08) per thousand cubic feet of natural gas; and be it further

RESOLVED, that each contracting municipality shall agree by resolution to accept and pay the County of Erie for natural gas delivered on its behalf; and be it further

RESOLVED, that the contract shall be reviewable annually by the parties; and be it

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget and Management and the Office of the Comptroller.

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

16. Item Page - 1999 (Comm. 7D-31)

DPW

WHEREAS, a project for the Replacement of Fisher Road Bridges, over Smokes Creek, BR 459-1, 2, and 3, BIN 3-32768-0, BIN 3-32769-0 and BIN 3-32770-0, Town of West Seneca, Erie County, PIN 5753.71 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share (20%) of the costs of Right-of-Way 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.

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

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

RESOLVED that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance the full non-Federal share of the costs of the Right-of-Way Acquisition and Construction Phases of the project or portions thereof; and be it further

RESOLVED, that the sum of \$7,500.00 is hereby appropriated from the 1997 Federal Aid Projects Program (Fund #790) in addition to \$372,000 previously appropriated for the project's Right-of-Way Acquisition and Construction Phases via Erie County Resolution No.9D-27 adopted on 5/21/98 and made available to cover the cost of participation in the above phase of the Project; and be it further

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

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid

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eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project; and be it further

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

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

17. Item Page - 1999 (Comm. 7D-32)

DPW

WHEREAS, the Buffalo Bills have requested that Erie County acquire a parcel of property which is vacant land on Big Tree Road, and

WHEREAS, this parcel will be used to provide a new access to Big Tree Road for regional clubs game day buses, and

WHEREAS, funding for this purchase is to be from the annual \$2.1 million stadium maintenance account,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to acquire the parcel of land designated as SBL 161.17-6-3 in the Erie County tax system and as described in Liber 6702 of Deeds pg. 676, and be it further,

RESOLVED, that the purchase price for said property shall not exceed \$60,000.00 of which \$5,000.00 shall be a non-refundable deposit, and be it further,

RESOLVED, that funds for this purchase shall be appropriated from the Rich Stadium Bond Account 826, Fund 410, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget, Management & Finance; and one copy to the Office of the Comptroller.

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

18. Item Page - 1999 (Comm. 7D-33)

APRIL 29, 1999ERIE COUNTY LEGISLATUREDPW

WHEREAS, portions of State Highways 1447 and 1443 (NY Touring Route 249) are a semi-direct route, in good repair, through a residential area of the Town and Village of North Collins; and

WHEREAS, the New York State Department of Transportation has offered to assume ownership of a portion of a town and village road (Langford Road), subject to the County of Erie assuming responsibility of portions of State Highways 1447 and 1443 (NY Touring Route 249), and subject to the Town of North Collins assuming responsibility for County highway CR 499 (Stearns Road) and a portion of CR 501 (Ketchum Road); and

WHEREAS, the Village of North Collins and the Town of North Collins shall maintain the full responsibility for the erection, construction, maintenance and/or repair of street lighting, sidewalks, traffic signals, and storm water sewers within the respective boundaries of the Village of North Collins and the Town of North Collins in accordance with the appropriate sections and provisions of the New York State Village Law and the New York State Highway Law, and in particular as to all those portions of state highways being transferred to the County of Erie pursuant to this transfer of highway jurisdictions; and

WHEREAS, the resolutions from the Village of North Collins and the Town of North Collins authorizing this highway realignment and transfer of highway jurisdictions shall specifically agree to maintain the responsibilities set forth in the preceding paragraph; and

WHEREAS, after a thorough investigation into the proposal, it is agreed that such an exchange would be in the best interest of all parties.

NOW, THEREFORE, be it

RESOLVED, that the above-described jurisdictional alignment be effectuated by way of a formal agreement, between the County of Erie, the Town and Village of North Collins, and the State of New York; and be it further

RESOLVED, that pursuant to the aforementioned agreement, the jurisdiction for the following portion of town road transfer to New York State:

1. Langford Road running easterly from the North Collins East Village Line to Thiel Road, a distance of 0.4 miles; and be it further

RESOLVED, that pursuant to the aforementioned agreement, the jurisdiction for the following portion of village road transfer to New York State:

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1. Langford Road running easterly from State Highway 524 (US Route 62) to the North Collins East Village Line, a distance of 0.6 miles.

RESOLVED, that pursuant to the aforementioned agreement, the jurisdiction of the following portions of state highways transfer to the County of Erie.

1. State Highway 1447 running generally easterly along NY Touring Route 249 and Sherman Avenue, from State Highway 524 (US Route 62) to Railroad Avenue, a distance of 0.2 miles; and State Highway 1443, running generally easterly and southeasterly along NY Touring Route 249, Sherman Avenue, High Street and Thiel Road, from Railroad Avenue to Langford Road, a distance of 1.0 mile; and be it further

RESOLVED, that the County of Erie shall take no responsibility for the erection, construction, maintenance and/or repair of street lighting, sidewalks, traffic signals, and storm sewers for, on and adjacent to those portions of state highways being transferred to the County of Erie pursuant to this transfer of highway jurisdictions; and be it further

RESOLVED, that pursuant to the aforementioned agreement, the jurisdiction of the following portions of County highways transfer to the Town of North Collins:

1. CR 499, Stearns Road, which runs easterly from Quaker Street (CR 498) to Ketchum Road (CR 501), a distance of 0.75 miles, and
2. CR 501, Ketchum Road, the portion that runs northerly from New York Touring Route 249 to School Street (CR 493), a distance of 0.65 miles; and be it further

RESOLVED, that the Executive of the County of Erie is hereby authorized to execute the aforementioned agreement regarding jurisdictional transfers, subject to the approval of the County Attorney; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works and that one certified copy of the resolution be sent to each of the following: the Erie County Attorney's office, the Budget Director, the Comptroller's Office and the Commissioner of the New York State Department of Transportation.

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

APRIL 29, 1999ERIE COUNTY LEGISLATUREAS AMENDED

(Comm. 7D-35)

19. Item Page - 1999

DPW

WHEREAS, bids were taken for the Reconstruction of the East Creek Road Bridge 387-3, Town of Wales, on April 15, 1999, the low bidder being UCC Constructors, Incorporated of 105 Center Road, West Seneca, New York, at a low bid amount of \$963,070.00.

NOW, THEREFORE, BE IT

RESOLVED, That at the County Executive be authorized and is hereby directed to execute a contract for Project Number BCD 387-3-98 for the Reconstruction of East Creek Road Bridge, BR 387-3, Town of Wales, between the County of Erie and the low bidder UCC Constructors, Incorporated of West Seneca, New York at its low bid of \$963,070.00; and be it further

RESOLVED, that an amount of \$963,070.00 be allocated as follows: \$850,000.00 from the 1998 East Creek Bridge Reconstruction Program (420840223) and \$113,070.00 from the 1992 Design and Construction Bridge Projects Program (420650223); and be it further

RESOLVED, that an additional amount of \$25,066.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$25,066.00 as follows \$21,966 from the 1992 Design and Construction Bridge Project Program (420650223) and \$3,100.00 from the 1993 Bridge Design and Construction Program (420659223); and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one certified copy to the County Comptroller.
(6-0) Chairman Swanick present as ex-officio member.

20. Item Page - 1999 (Comm. 7D-37)

DPW

WHEREAS, the 1998 and 1999 budgets approved funds for the Building & Site Rehabilitation, 95 Franklin Street (Rath Building), and

WHEREAS, the firm of Duchscherer Oberst Design, P.C. was approved by your Honorable Body for design services for the Building & Site Rehabilitation, 95 Franklin Street (Rath Building), and

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WHEREAS, additional funding for Building & Site Rehabilitation, 95 Franklin Street (Rath Building) is available in the 1999 capital budget, and

WHEREAS, to progress funding for the 1998 and 1999 budgets to bidding in 1999, the Department of Public Works is requesting a supplemental agreement be issued to Duchscherer Oberst Design, PC to fully fund the Architectural/Engineering services,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Duchscherer Oberst Design PC, increasing the fee on a percentage of construction basis from \$46,000 to a not-to-exceed amount of \$95,000, including reimbursables, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 1998 Code Compliance Account, Project 830, Fund 410, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget, Management & Finance; and one copy to the Office of the Comptroller.
(6-0) Chairman Swanick present as ex-officio member.

21. Item Page - 1999 (Comm. 7D-38)

DPW

WHEREAS, Pursuant to New York State Highway Law, Article VI, Section 115 and Section 115-b, the Deputy Commissioner of Public Works, Division of Highways, recommends to amend the map of the Erie County Road System as follows: West Avenue (CR 231) and West Union Street (CR 230) located in the Village of Hamburg and as set forth below; and

WHEREAS, the Village of Hamburg concurs with the recommendation and has agreed by resolution dated December 21, 1998 to accept ownership and maintenance for said roads; and

WHEREAS, the Village Superintendent of Public Works has reviewed and approved this Village resolution.

NOW, THEREFORE BE IT

RESOLVED, that based upon the recommendation of the Deputy Commissioner of Public Works, Division of Highways, that West Avenue (CR 231) from West Union Street, CR 230, south, approximately 0.26 miles to Lakeview Road, CR 65 (Town name-Evans Street) and West Union Street (CR 230) from West Avenue, CR 231, east, approximately 0.23 miles to Lake Street, NYS Route 75, be removed from the Erie County Road System and to revert to and be maintained by the Village of Hamburg; and be it further

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RESOLVED, that the Deputy Commissioner of Highways be authorized to send the required notice of such abandonment in accordance with Highway Law, Section 115-c; and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward six (6) certified copies of this resolution to the Deputy Commissioner - Highways and one copy to the County Comptroller.
(6-0) Chairman Swanick present as ex-officio member.

**MICHAEL FITZPATRICK
CHAIRMAN**

MR. FITZPATRICK moved the adoption. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 26 - Intro 8 -1 from LEGISLATORS GREENAN, LARSON, CHASE, MARSHALL, RANZENHOFER & WEINSTEIN. Re: Additional Credit for Courses Taken by Volunteer Firefighters.

CHAIRMAN SWANICK directed that Intro 8-1 be referred to the PUBLIC SAFETY COMMITTEE.

MR. GREENAN CHALLENGED THE CHAIR. MS. CHASE seconded.

CHAIRMAN SWANICK directed that a Roll Call vote be taken.

YEAS - CHASE, GREENAN, LARSON, MARSHALL, PAULY, RANZENHOFER, and WEINSTEIN. NOES - DeBENEDETTI, DUSZA, HOLT, FISHER, FITZPATRICK, KUWIK, MARINELLI, OLMA, PEOPLES, and SWANICK. YEAS - 7, NOES - 10.

DEFEATED.

Intro 8-1 was referred to the PUBLIC SAFETY COMMITTEE.

Item 27 - Intro 8 -2 from LEGISLATORS GREENAN, LARSON, CHASE, MARSHALL, RANZENHOFER & WEINSTEIN. Re: Allowing Volunteer Firefighters to Train with Other Fire Departments.

CHAIRMAN SWANICK directed that Intro 8-2 be referred to the PUBLIC SAFETY COMMITTEE.

MR. GREENAN CHALLENGED THE CHAIR. MS. CHASE seconded.

CHAIRMAN SWANICK directed that a Roll Call vote be taken.

YEAS - CHASE, GREENAN, LARSON, MARSHALL, PAULY, RANZENHOFER, and WEINSTEIN. NOES - DeBENEDETTI, DUSZA, HOLT, FISHER, FITZPATRICK, KUWIK, MARINELLI, OLMA, PEOPLES, and SWANICK. YEAS - 7, NOES - 10.

DEFEATED.

Intro 8-2 was referred to the PUBLIC SAFETY COMMITTEE.

Item 28 - Intro 8 -3 from LEGISLATORS GREENAN, LARSON, CHASE, MARSHALL, RANZENHOFER & WEINSTEIN. Re: Broadening Service Award Programs for Volunteer Firefighters.

CHAIRMAN SWANICK directed that Intro 8-3 be referred to the PUBLIC SAFETY COMMITTEE.

MR. GREENAN CHALLENGED THE CHAIR. MS. CHASE seconded.

CHAIRMAN SWANICK directed that a Roll Call vote be taken.

YEAS - CHASE, GREENAN, LARSON, MARSHALL, PAULY, RANZENHOFER, and WEINSTEIN. NOES - DeBENEDETTI, DUSZA, HOLT, FISHER, FITZPATRICK, KUWIK, MARINELLI, OLMA, PEOPLES, and SWANICK. YEAS - 7, NOES - 10.

DEFEATED.

Intro 8-3 was referred to the PUBLIC SAFETY COMMITTEE.

Item 29 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

Re: Calling for a Public Hearing to Increase the Maximum Allowable Income Levels for the Senior Citizens Property Tax Exemption. (Int. 8-4)

WHEREAS, state legislation has been enacted allowing municipalities to increase the maximum income eligibility for senior citizens to receive a real property tax exemption, and

WHEREAS, pursuant to state law, eligible senior citizens are those persons 65 years of age or older who have owned their property for the past 12 consecutive months prior to filing for the exemption and who have incomes that do not exceed the maximum level set by law, and

WHEREAS, senior citizens, in order to be eligible for the property tax exemption, must list their property as their legal address and also reside there, and

WHEREAS, a Public Hearing, pursuant to Section 487, paragraph 1 (a) of the State Real Property Tax Law, as amended, must be duly advertised and held by the Erie County Legislature on the proposal to increase the maximum income eligibility level,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, hereby grants an exemption from County of Erie real property taxes so as to increase the maximum eligibility levels to the extent of fifty percent (50%) of the assessed valuation of real property owned by persons 65 years of age or older who qualify therefore under said section, provided said persons do not have incomes in excess of nineteen thousand five hundred dollars (\$19,500) for the income tax year immediately proceeding the date of application for said exemption and to the extent provided in the following schedule:

Percentage Assessed Valuation
Exempt From Taxation By The County of Erie

Annual Income

Up to \$19,500	50%
\$19,500 or more but less than \$20,500	45%
\$20,500 or more but less than \$21,500	40%
\$21,500 or more but less than \$22,500	35%
\$22,500 or more but less than \$23,400	30%
\$23,400 or more but less than \$24,300	25%
\$24,300 or more but less than \$25,200	20%
\$25,200 or more but less than \$26,100	15%
\$26,100 or more but less than \$27,000	10%
\$27,000 or more but less than \$27,900	5%

and be it further

RESOLVED, that the Erie County Legislature hereby applies the aforesaid exemption schedule to all taxable status dates for assessment rolls in Erie County, applying to rolls prepared on taxable status dates after January 1, 1999, and be it further

RESOLVED, that the Chairman of the Erie County Legislature is hereby requested to organize, duly advertise, and hold a Public Hearing in the Chambers of the Erie County Legislature on the proposal to increase to maximum eligibility level, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Dennis T. Gorski, Budget Director Kenneth C. Kruly, Deputy Commissioner of Real Property Tax Joseph Maciejewski, 1st Assistant County Attorney Alan P. Gerstman, Senior Services Commissioner Paul E. Fitzpatrick, and the Assessors of each city, town and village in Erie County.

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FISCAL IMPACT: A total estimated shift of \$3.9 million in property taxes from exempt to non-exempt taxes results from this resolution. The increased shift in taxes to the average non-exempt parcels in the County, compared with previous authorization, is \$2.80 annually.

MS. PEOPLES moved the adoption of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 30 – MR. MARSHALL presented the following resolution and requested that it be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 8 – 5 from LEGISLATOR MARSHALL Re: Renaming the Ralph C. Wilson Field House After Fallen Vitenam Veteran Lt. Robert Kalsu.

Item 31 - MR. HOLT presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151 Re: Merit Incentives Program. (Int. 8-6)

WHEREAS, the Legislature adopted Communication 3E – 10 (1999), copy attached, with reference to Federal Assistance to Needy Families (TANF) and funded under the Merit Incentives Program, and

WHEREAS, this is one-time funding which is to be used to reward seventh, eighth or ninth grade students in receipt of TANF benefits who are excelling in academic studies and are participating in community service with a 501-3C organization, and

WHEREAS, the Erie County Department of Social Services presented and New York State approved a plan whereby personal computers and basic computer training will be provided to thirty (30) students, and

WHEREAS, the program is targeted to the City of Buffalo and the City of Lackawanna School systems and is limited to clients currently enrolled in the Child Assistance Program (CAP), and

WHEREAS, an amendment was adopted to the original resolution directing that implementation of this program be held in abeyance pending further approval of the Legislature, and

WHEREAS, the Legislature's Social Services Committee has reviewed this matter and is prepared to authorize the implementation of this program, and

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WHEREAS, the Legislature has received assurances that computers provided through this program will be comparable to computers used by students in school classrooms.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize implementation of this program, and that the conditions outlined within Communication 3E-10 (1999) have been satisfied, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Deborah Merrifield, Erie County Department of Social Services Commissioner and Ken Kruly, Erie County Director of Budget, Management and Finance.

Fiscal Impact: None to County Taxpayers

MR. HOLT moved to amend the resolution to include et al sponsorship. MS. PEOPLES seconded.

MR. HOLT moved the adoption of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 32 - MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

Re: Budgetary Adjustment. (Int. 8-7)

WHEREAS, the Erie County Legislature has determined that an adjustment to its 1999 personal services budget is necessary, and

WHEREAS, in order to effectuate this adjustment, a resolution must be adopted,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the deletion of 840 Regular Part-time (R.P.T.) hours from an existing position of SEC ASST LEG DIS RPT [position # 001364], effective April 19, 1999, and be it further

RESOLVED, that the Legislature does hereby approve the creation of one (1) new position of SEC ASST LEG DIS OFF [Job Group 5, Step 5 – NEW], to Function 5000, effective June 7, 1999, and be it further

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RESOLVED, that a variable minimum Step 5 has already been established for this position of SEC ASST LEG DIS OFF [Job Group 5] in accordance with Comm. 1E-10 which was approved by the Legislature on January 21, 1999, and be it further

RESOLVED, that the Legislature does hereby approve the transfer of \$4,726.00 from the 1999 legislative contingency (Countywide Contingency DAC: 110923310893), to the Legislature's 1999 Personal Services (DAC: 110905100800), to fund the net cost of this personnel adjustment, and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Commissioner of Personnel are hereby authorized to complete all necessary paperwork to effectuate this adjustment, and be it further

RESOLVED, that a certified copy of this resolution be sent to County Executive Dennis T. Gorski, Budget Director Kenneth C. Kruly, Personnel Commissioner Leonard R. Lenihan, and First Assistant County Attorney Alan P. Gerstman.

FISCAL IMPACT:

Appropriation of 1999-budgeted funds

MS. MARINELLI moved the adoption of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 33 - MR. DUSZA presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 153Re: Support for Community Safety and
Recreational Initiatives. (Int. 8-8)

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 \$ 3,500 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>
Doyle Hose Co. #1	830/0963	\$1,000
Doyle Fire Co. #2	830/0975	\$1,000
Southline Fire District #10	830/0964	\$1,000
Cheektowaga Patriotic Commission, Inc.	830/0642	\$ 500
TOTAL		\$3,500

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, Jackie Mullen – 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 Robert Nader, President – Doyle Hose Co. #1, (2199 William Street, Cheektowaga, NY 14206), Doyle Fire Co. #2, (Willowlawn Pkwy & Griswold, Cheektowaga, NY 14225), Bud Collins, Southline Fire District #10 (1049 French Rd., Cheektowaga, NY 14227), and Alex Burke, President – Cheektowaga Patriotic Commission (92 Claude Dr., Cheektowaga, NY 14206).

Fiscal Impact: Appropriation of 1999-budgeted funds

MRS. FISHER moved to amend the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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, it is necessary to better coordinate the location planning for social services facilities throughout the County of Erie; and

WHEREAS, the creation of a comprehensive computerized database of social services facility locations and program inventories would greatly facilitate the coordination of social service facility location planning; and

WHEREAS, the availability of a comprehensive social services facility location and planning inventory database would enable computer mapping of facility and program data for planning and evaluation and for service referral purposes; and

WHEREAS, the creation of a comprehensive database of social services facility locations and program inventories requires the design, execution and tabulation of a community-wide survey of social services agency and program providers; and

WHEREAS, the Central Referral Service, Inc. has submitted a proposal and has been determined to be the most appropriate entity to design and conduct a community-wide social services agency and program survey and to create, maintain and provide data and computerized maps of data from the resulting comprehensive social services facility location and program inventory database and will make available on computer diskette said database for County use; and

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WHEREAS, the Erie County Division of Budget, Management and Finance has agreed to manage a contract with the Central Referral Service, Inc. for the collection of data, and the development and operation of a comprehensive database of social services facility location and program inventory data and the production of computer-generated maps.

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$ 3,500 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>
Doyle Hose Co. #1	830/0963	\$1,000
Doyle Fire Co. #2	830/0975	\$1,000
Southline Fire District #10	830/0964	\$1,000
Cheektowaga Patriotic Commission, Inc.	830/0642	\$ 500
TOTAL		\$3,500

and be it further

RESOLVED, that the County Executive is hereby authorized to execute a contract with the Central Referral Service, Inc. for the purposes of a community survey and the development and operation of a comprehensive database of social services facility location and program inventory and computer mapping data; and be it further

RESOLVED, that as this service must be provided immediately, the request for proposal (RFP) requirements of Section 19.08 of the Erie County Administrative Code are hereby waived; and be it further

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RESOLVED, that available funds in the amount of \$20,000 for a contract with the Central Referral Service, Inc. are hereby transferred from the legislative contingency account (Countywide Contingency DAC: 110 923310893) to the Division of Budget, Management and Finance (Contractual Services DAC: 110 908210830358); and be it further

RESOLVED, that the Clerk of the Legislature and the Director of Budget and Management are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds; 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, Deborah A. Merrifield, Commissioner of Social Services, Ellen Grant-Bishop, Ph.D., Commissioner of Mental Health, three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) copy each to Robert Nader, President – Doyle Hose Co. #1, (2199 William Street, Cheektowaga, NY 14206), Doyle Fire Co. #2, (Willowlawn Pkwy & Griswold, Cheektowaga, NY 14225), Bud Collins, Southline Fire District #10 (1049 French Rd., Cheektowaga, NY 14227), Alex Burke, President – Cheektowaga Patriotic Commission (92 Claude Dr., Cheektowaga, NY 14206) and Douglas W. Frank, Executive Director, Central Referral Service, Inc., 24th Floor, City Hall, Buffalo, New York 14202-3331.

Fiscal Impact: Appropriation of 1999-budgeted funds.

MS. PEOPLES moved the adoption of the resolution as amended. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 34 - MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

Re: Funding for Neighborhood Libraries. (Int.
8-9)

WHEREAS, the Clarence and Akron Public Libraries have identified a shortfall in funding for internet and OPAC training, equipment and the need for CD-Roms and books on cassette, and will require additional funds, 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 \$8,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 820, Project 973, Department 420 – Buffalo and Erie County Public Library as follows: Transfer \$4,700 to Lab & Tech Equipment (DAC 820973420933) Clarence Library ; transfer \$300 to Furniture & Fixtures (DAC 820973420932) Clarence Library; transfer \$3,000 to Contractual Services (DAC 820973420830 SAC 0161) Clarence Library (for Contracted OPAC and Internet Training for the public through the Clarence Library), and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,500 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 820, Project 973, Department 420 – Buffalo and Erie County Public Library as follows: transfer \$1,500 to Library Materials & Media (DAC 820973420938) Akron Library, and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Acting Director – Buffalo and Erie County Library Diane Chrisman, 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,

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Jackie Mullen – 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 to Acting Director Diane Chrisman, Buffalo & Erie County Public Library.

Fiscal Impact: Appropriation of 1999-budgeted funds.

MR. RANZENHOFER moved the adoption of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 35 - MR. KUWIK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155 Re: Funding to Assist Senior Citizens (Int. 8-10)

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 \$ 5,000 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:

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<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Lackawanna Senior Citizen Center	830/0679	\$2,500
Hamburg Senior Services	N/A	\$2,500
TOTAL		\$5,000

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, 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 to Charles Gelyon, Executive Director Lackawanna Senior Center (420 Martin Rd., Lackawanna, NY 14218), and John Farrell, Executive Director – Hamburg Senior Services (4150 Sowles Rd., Building H, Hamburg, NY 14075).

Fiscal Impact: Appropriation of 1999-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 36 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

Re: Supporting the Enactment of Legislation that will Finance and Reform New York State's Inactive Hazardous Waste Remediation Program. (Int. 8-11)

WHEREAS, New York State's current Superfund program is financed by a \$1.2 billion bond act passed in 1986, and

WHEREAS, The state Superfund program has helped to remediate hundreds of dangerously contaminated properties throughout New York, and

WHEREAS, These funds are expected to be fully obligated by FY 2000-2001 with hundreds of contaminated sites still requiring investigations and remediations, including many brownfield sites located in urban cores that need to be redeveloped in order to refocus development on said core cities, and

WHEREAS, Refinancing and reforming this program to better serve the needs of New York's citizens is in the best interests of all levels of government and the public at large, and

WHEREAS, Continuation of the Superfund and Oil Spill programs, as well as the codification of the state's voluntary cleanup program, will enable New York to lead the nation in protecting human health and the environment,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby support the enactment of state legislation intended to refinance and reform New York's current remedial programs, including the Superfund, Oil Spill and Voluntary Cleanup programs, and be it further

RESOLVED, That this legislation provide guidelines to the State Department of Environmental Conservation that are protective of public health and the environment, and that promote voluntary, privately-funded cleanups, and be it further

RESOLVED, That this Honorable Body does further call for the inclusion in said legislation a provision of liability relief for municipalities that take title to contaminated property through tax foreclosure or other such "involuntary" actions, and be it further

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RESOLVED, That certified copies of this resolution be sent to New York State Governor George Pataki, the Western New York delegation of the New York State Legislature, New York State Assembly Speaker Sheldon Silver, New York State Senate Majority Leader Joseph Bruno, Erie County Executive Dennis Gorski, and Erie County Department of Environment and Planning Commissioner Richard Tobe.

Fiscal Impact: None for resolution.

MS. PEOPLES moved the to amend the resolution to include et al sponsorship. MRS. FISHER seconded.

MS. PEOPLES moved the adoption of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 37 – MR. HOLT moved to discharge the SOCIAL SERVICE COMMITTEE from further consideration of Comm. 4E-18. MS. PEOPLES seconded.

RESOLUTION NO. 157 RE: Department of Social Services Family Loan Program

WHEREAS, the Erie County Department of Social Services has adopted a Work First strategy to focus on employment as a goal for all public assistance clients, and

WHEREAS, this Work First strategy is designed to assist people in maintaining their independence from government assistance, and

WHEREAS, this strategy will include an attempt to help people avoid becoming dependent upon public assistance by offering alternatives to welfare as part of a planned Front Door Orientation, Screening, and Diversion process, and by working to help individuals who have left assistance remain independent, and

WHEREAS, Child and Family Services, the lead agency in the Urban Alliance, a consortium of local community based agencies, has applied for and received private and public funding to establish a "Family Loan Program" to assist low income families in maintaining their economic independence, and avoid the need for public assistance benefits, and

WHEREAS, this program will provide small loans to families who recently left public assistance or who are at risk of needing public assistance, and

WHEREAS, the Department of Social Services will be given a role in overseeing the program, including active participation in all of the loan committees decisions.

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Social Services is hereby authorized to enter into a donated funds contract with Child and Family Services for the operation of the Family Loan Program, and be it further

RESOLVED, that because these special services are needed immediately, the County code requirement in Section 19.08 of the Administrative Code for a Request For Proposals (RFP) is hereby waived, and be it further

RESOLVED, that the following amendments to the 1999 Adopted Budget of the Department of Social Services, Fund 120, Department 200 are hereby approved for this purpose:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
830-xxx	Child and Family Services	\$75,000
	Total Expenditure	\$75,000
447	Donated Funds	\$18,750
596	State Aid-Social Services Admin	\$18,750
649	Federal Aid-Social Services Admin	\$37,500
	Total Revenue	\$75,000

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 38 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 7E-15. MR. FITZPATRICK seconded.

RESOLUTION NO. 158 RE: Bond Resolution for Courthouse

RESOLUTION NO. 158 - 1999

BOND RESOLUTION DATED APRIL 29, 1999

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE

APRIL 29, 1999

ERIE COUNTY LEGISLATURE

BOND RESOLUTION ADOPTED MARCH 5, 1998, IN RELATION TO FINANCING

THE CONSTRUCTION OF A NEW COUNTY COURTHOUSE BUILDING IN THE

CITY OF BUFFALO, AT THE TOTAL ESTIMATED COST OF \$35,304,000.

(Introduced) APRIL 13, 1999

(Adopted) APRIL 29, 1999

Recitals

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly authorized the preparation of surveys, preliminary plans and detailed plans, specifications and estimates necessary for planning the improvement of County Court Facilities, at the estimated maximum cost of \$3,000,000, which amount was appropriated therefore pursuant to Resolution No. 96-1998 duly adopted on March 5, 1998, and it has now been determined that the period of probable usefulness for such planning may be increased so that it shall be equal to the period of probable usefulness for construction of a new County Courthouse Building; and

WHEREAS, it is now appropriate to authorize acquisition of certain land to provide a site for such facilities and construction of a new Courthouse building on such site, and it is necessary to increase the appropriation for such project by \$32,304,000 for estimated land acquisition and construction costs;

NOW THEREFORE, BE IT

APRIL 29, 1999

ERIE COUNTY LEGISLATURE

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

Section (A). The bond resolution of said County duly adopted by the
County Legislature on March 5, 1998, entitled:

"RESOLUTION NO. 96-1998

BOND RESOLUTION DATED MARCH 5, 1998

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".

is hereby amended to read as follows:

APRIL 29, 1999ERIE COUNTY LEGISLATURE"RESOLUTION NO. 158 -1999

BOND RESOLUTION DATED MARCH 5, 1998 AND AMENDED APRIL 29, 1999
BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING
THE ACQUISITION OF LAND BOUNDED BY NIAGARA STREET, WEST EAGLE
STREET AND PEARL STREET IN THE CITY OF BUFFALO, AND CONSTRUCTION
OF A NEW COUNTY COURTHOUSE BUILDING THEREON, STATING THE
ESTIMATED TOTAL COST THEREOF IS \$35,304,000, APPROPRIATING SAID
AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$35,304,000 BONDS
OF THE COUNTY TO FINANCE SAID APPROPRIATION, AND AUTHORIZING ANY
AMOUNTS EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO
BE EXPENDED TOWARDS THE COST THEREOF OR REDEMPTION OF THE
BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE
TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID
BONDS.

(Introduced) APRIL 13, 1999

(Adopted) APRIL 29, 1999

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE,
NEW YORK, AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby
authorized to (a) acquire land bounded by Niagara Street, West Eagle Street and
Pearl Street in the City of Buffalo, comprising Inner Lot Nos. 82 and 83 and known as
the South Fernbach site, at the estimated maximum cost of \$490,000, and (b)
construct a new County Courthouse Building on such site, at the estimated maximum
cost of \$34,814,000. The total estimated maximum cost of said specific objects or

purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$35,304,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$35,304,000 bonds of the County, and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, 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, and application of funds expected to be received from the State of New York to be expended towards the cost thereof or redemption of the bonds or notes issued therefor or to be budgeted as an offset to the taxes for the payment of principal of and interest on said bonds or notes.

Section 2. Bonds of the County in the respective principal amounts of \$490,000 and \$34,814,000 are hereby authorized to be issued for the specific objects or purposes described in Section 1(a) and (b), 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. (a) The period of probable usefulness of the specific object or purpose for which said \$490,000 bonds herein authorized in Section 1.(a) are to be issued, within the limitations of §11.00 a. 21 of the Law, is thirty (30) years.

(b) The building to be constructed will be of at least Class "A" construction as

defined by Section 11.00 a.11. (a) of the Law, and the period of probable usefulness of the specific object or purpose for which said \$34,814,000 bonds herein authorized in Section 1.(b) are to be issued is thirty (30) years.

Section 4. The County intends to finance and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes 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 §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 of 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:

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

(b) the provisions of law which should be complied with at the date of the publication of 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

(c) 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."

Section (B). The amendment of the bond resolution set forth in Section (A) of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C). This Resolution shall take effect immediately.

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MS. PEOPLES moved the adoption of the resolution. MR. FITZPATRICK seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES – MARSHALL, PAULY, DEBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. NOES – CHASE, GREENAN, LARSON, RANZENHOFER, WEINSTEIN. AYES – 12, NOES – 5.

CARRIED.

Item 39 – MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 6D-23. MR. FITZPATRICK seconded.

RESOLUTION NO. 159 RE: Support for Courthouse Option 1

WHEREAS, under a mandate imposed by the State of New York and through the New York State Office of Court Administration, Erie County must take action to provide suitable and sufficient court facilities, and

WHEREAS, the Legislature has taken several votes in the past toward achieving this mandated objective, and

WHEREAS, the Legislature will adopt legislation authorizing a bond resolution in relation to financing the construction of a new county courthouse building in the city of Buffalo, and

WHEREAS, renovations to existing facilities have been deemed to be necessary, in addition to the construction of a new building, and

WHEREAS, it has become clear that the original five floor design for the new building will prove insufficient for the needs of those agencies responsible for the administration of justice, and

WHEREAS, alternative designs have been suggested including:

- Option 1: A new seven story building with basement;
- Option 2: A new ten story building with basement; three floor remaining unfinished;
- Option 3: A new ten story building with all floors finished.

and

WHEREAS, the Legislature must offer a policy statement relative to its preference concerning a construction option,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby endorse construction Option 1, being the renovation of existing facilities and the construction of a seven story building, with basement, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, Public Works Commissioner John Loffredo, and to Eighth Judicial District Administrative Justice Vincent E. Doyle.

MS. PEOPLES moved the adoption of the resolution as amended. MR. FITZPATRICK seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES – MARSHALL, PAULY, DEBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. NOES – CHASE, GREENAN, LARSON, RANZENHOFER, WEINSTEIN. AYES – 12, NOES – 5.

CARRIED.

Item 40 – MS. PEOPLES moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 7E-16. MR. OLMA seconded.

RESOLUTION NO. 160 RE: US/Canada Bridge Crossing Alternatives Analysis

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Community Foundation for Greater Buffalo and other appropriate parties, for an amount not to exceed \$150,000, and be it further

RESOLVED, that the purpose of said contract shall be to undertake an independent analysis of various U.S./Canada bridge crossing alternatives, and be it further

RESOLVED, that the source of said funds shall be the appropriation of unanticipated revenues in the amount of \$150,000 available in Department 310, Countywide Accounts -Monitored by Budget, Account 304, Payments in Lieu of Taxes, the annual budget for this account having been realized, and be it further

RESOLVED, that said funds shall be transferred to the (DAC 110922302830) public benefit agencies account monitored by the Department of Environment and Planning in the budget of the Department of Environment and Planning, 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, the Comptroller, and the County Attorney.

MS. PEOPLES moved the to amend the resolution. MR. HOLT seconded. LEGISLATORS MARINELLI, RANZENHOFER, CHASE, WEINSTEIN, and MARSHALL voted in the negative.

CARRIED.

WHEREAS, the Peace Bridge is a vital link between the United States and Canada, carrying over 7.5 million vehicles per year, including approximately 1.1 million trucks; and

WHEREAS, the Peace Bridge is estimated to carry over \$20 billion worth of exports and imports to and from the United States and Canada each year. This volume of trade is of significance to both the Western New York and Southern Ontario region, as well as to the United States and Canada; and

WHEREAS, the Peace Bridge is a symbol of the friendship and mutual dependence of each country; and

WHEREAS, a number of measures are underway to increase the ability of the Peace Bridge to carry traffic, particularly measures to speed the clearance of trucks; and

WHEREAS, the three lanes of traffic which the Peace Bridge now carries is expected to be inadequate in the near future; and

WHEREAS, the Peace Bridge will be in need of repairs to the deck in the near future, and perhaps other more substantial repairs; and

WHEREAS, the Buffalo and Fort Erie Public Bridge Authority (the "Authority") has conducted a number of studies and reviews and now recommends the construction of a "Twin Span" bridge to increase the capacity of the Peace Bridge; and

WHEREAS, the proposed Twin Span has been agreed to by most, if not all, Canadian officials; and

WHEREAS, the Authority has solicited bids for the construction of the Twin Span; and

WHEREAS, the bids have been opened, with the lowest bidder proposing a cost of approximately \$90 million compared to the earlier estimates from the Authority of \$65 million; and

WHEREAS, major segments of the American community, including Senators Moynihan and Schumer, a large number of the members from the Western New York Assembly and Senate Delegation, the Buffalo Common Council, and citizens acting individually and in groups, strongly oppose the Twin Span proposal; and

WHEREAS, a number of American citizens and the City of Buffalo have indicated that they are ready, willing and able to commence a lawsuit to block the construction of the Twin Span; and

WHEREAS, the Twin Span project requires certain easements from the City of Buffalo, which the Buffalo Common Council has indicated will not be provided; and

WHEREAS, the County of Erie wishes to join with the City of Buffalo, the Margaret L. Wendt Foundation and the Community Foundation for Greater Buffalo (the "funding partners") to seek an alternative resolution to this dispute; and

WHEREAS, the funding partners have requested a "time-out so that a true consensus on the bridge can be achieved." During the time out, it is proposed that a review be conducted of all alternatives to the bridge and plaza, including a review of design, land use and public space issues, traffic patterns, potential for economic development, environmental impacts, costs, aesthetics, and the time to implement the options; and

WHEREAS, the study will be conducted by internationally known firms that have the required knowledge and skills to undertake this review in an expedited manner; and

WHEREAS, the City of Buffalo will provide \$150,000, the Margaret L. Wendt Foundation will provide \$150,000, the Community Foundation for Greater Buffalo will make an initial allocation of \$50,000, and the County of Erie will provide \$150,000; and

WHEREAS, it is expected that this study can be accomplished in a four to six month period; and

WHEREAS, Governor George Pataki and the five American members of the Authority have also requested a "time-out"; and

WHEREAS, time spent now to develop a consensus between American and Canadian interests will lead to a bridge and plaza project which can be constructed more rapidly so as to maximize the economic opportunities that can be obtained from an improved crossing of the Niagara River;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Community Foundation for Greater Buffalo, for an amount not to exceed \$150,000; and be it further

RESOLVED, that the purpose of said contract shall be to undertake an independent analysis of various US/Canada bridge crossing alternatives; and be it further

RESOLVED, that County participation in this study shall be terminated as soon as practicable if the Authority is ready, willing and able to proceed with construction of its preferred alternative. In order to be able to proceed, the Authority must have obtained all the permits and easements, have obtained the necessary financing, and is not prevented from proceeding by a court order. Should County participation terminate, the County shall be responsible for its pro rata contribution to the costs of the study from the commencement of the study until the point of termination; and be it further

RESOLVED, that the Commissioner of Environment and Planning shall provide or cause to be provided, regular briefings to the County Legislature on the status of the study and the bridge; and be it further

RESOLVED, that the source of said funds shall be the appropriation of unanticipated revenues in the amount of \$150,000 available in Department 310, Countywide Accounts-Monitored by Budget, Account 304, Payments in Lieu of Taxes, the annual budget for this account having been realized; and be it further

RESOLVED, that said funds shall be transferred to the (DAC 110922302830) public benefit agencies account monitored by the Department of Environment and Planning in the budget of the Department of Environment and Planning; 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, the Comptroller, and the County Attorney.

MS. PEOPLES moved the adoption of the resolution as amended. MR.HOLT seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES – GREENAN, LARSON, PAULY, DEBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, OLMA, PEOPLES, SWANICK. NOES – CHASE, MARSHALL, RANZENHOFER, WEINSTEIN, MARINELLI. AYES – 12, NOES – 5.

CARRIED.

Item 41 – MS. PEOPLES moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 7D-22. MS. MARINELLI seconded.

RESOLUTION NO. 161 RE: Approval of ECC President's Contract

WHEREAS, the Erie Community College Board of Trustees approved the president's employment contract on March 24, 1999,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the Erie Community College president's employment contract dated March 26, 1999.

MS. MARINELLI moved the adoption of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

NONE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE SHERIFF

Item 42 – (Comm. 8E-1) Bomb Threat Information.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 43 – (Comm. 8E-2) Position Change Report PP#9.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 44 – (Comm. 8E-3) Response to Intro 2-6 Re: Investment of Idle Funds.

Item 45 – (Comm. 8E-4) 1998 Year-End Closing.

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

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

Item 46 – (Comm. 8E-5) Appointment to the Erie County Water Authority.

Received, filed and printed.

The undersigned, representing a majority of the members of the Republican Party serving on the Erie County Legislature, hereby nominate for appointment as a member of the Erie County Water Authority, Robert J. Lichtenthal, Jr. of 6807 Draper Road, Akron, New York 14001, County of Erie to fill a three-year term beginning on April 27, 1999 and ending on April 27, 2002.

Frederick J. Marshall
13th District

Michael H. Ranzenhofer
16th District

John W. Greenan
9th District

Dale W. Larson
17th District

Jeanne Z. Chase
12th District

Barry A. Weinstein
15th District

FROM CHAIRMAN SWANICK

Item 47 –MS. PEOPLES presented the following and moved for immediate consideration. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 162

Re: Appointment to the Erie County Water
Authority (Comm. 8E-6)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of ROBERT J. LICHTENTHAL, JR. 6807 Draper Road, Akron, New York 14001, to the Erie County Water Authority for a three (3) year term commencing April 27, 1999 and ending April 27, 2002.

MS. PEOPLES moved the adoption of the resolution. MR. MARSHALL seconded. MR. PAULY voted in the negative.

CARRIED.

FROM LEGISLATOR MARSHALL

Item 48 – (Comm. 8E-7) Appointment to the Board of Directors, Erie County Bar Association Aid to Indigent Prisoners Society, Inc.

Received and filed.

FROM THE COMPTROLLER

Item 49 – (Comm. 8E-8) Review of Unfilled Vacant Positions.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR WEINSTEIN

Item 50 – (Comm. 8E-9) Review of ECC.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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

Item 51 – (Comm. 8E-10) Letter to Chairman Swanick Re: Clothing Sales Tax Exemption.

Received and filed.

FROM MAJORITY LEADER PEOPLES

Item 52 – (Comm. 8E-11) Letters from Municipalities Concerning Sales Tax Exemption on Clothing.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.
FROM CHAIRMAN SWANICK

Item 53 – (Comm. 8E-12) Response to Republican Caucus Re: Clothing Sales Tax Exemption.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 54 – (Comm. 8E-13) Sheriff's Office – Unified Court Security – Personnel Adjustment.

Item 55 – (Comm. 8E-14) Legal Aid Bureau – Domestic Violence Court.

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

Item 56 – (Comm. 8E-15) Health – Womens, Infants & Children's Supplemental Nutrition (WIC) Program 10/1/98 – 9/30/99.

Received and referred to the HEALTH COMMITTEE.

Item 57 – (Comm. 8E-16) Senior Services – Authorization to Reimburse Local Travel Expenses.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 58 – (Comm. 8E-17) Contracts with Village of East Aurora for Extension of Commerce Green Industrial Park to Serve Luminescent Systems, Inc.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – (Comm. 8E-18) Two Mile Creek Greenway-Easement Agreement with Niagara Mohawk Power Corporation.

Item 60 – (Comm. 8E-19) Buffalo Inner Harbor Final Environmental Impact Statement Findings Statement.

Item 61 – (Comm. 8E-20) ECSD No. 6 Mini-System 10, Manhole Rehabilitation Bid Opening.

Item 62 – (Comm. 8E-21) 1999-2001 Housing Opportunities Made Equal Contract.

Item 63 – (Comm. 8E-22) Contract Extension – Rural VAA Transportation Service Program 1999-2000

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM DEP

Item 64 – (Comm. 8D-1) SEQR Negative Declaration Notice of Determination of Non-Significance Cheektowaga ORL Land Purchase & Subsequent Lease.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMC

Item 65 – (Comm. 8D-2) Notice of Board Meeting Held 4/15/99 & Minutes of Board Meeting Held 3/11/99.

Received and referred to the HEALTH COMMITTEE.

FROM ECC

Item 66 – (Comm. 8D-3) Notice of Cancellation of Building & Grounds Committee Meeting.

Received and filed.

FROM THE ERIE COUNTY AUTO BUREAU

Item 67 – (Comm. 8D-4) Security Survey.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 68 – (Comm. 8D-5) ECSD No. 6 – Increase & Improvement of Facilities (1999)

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 69 – (Comm. 8D-6) Board of Trustees Proposed Agenda for Meeting Held 4/22/99.

Received and filed.

FROM DEP

Item 70 – (Comm. 8D-7) Audit Response.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 71 – (Comm. 8D-8) Division of Great Lakes Water.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE

FROM DPW

Item 72 – (Comm. 8D-9) Agreement with NYSDOT Ridge Road Bridge (BR137-1) BIN 3-32693-0 Over Cazenovia Creek Town of West Seneca.

Item 73 – (Comm. 8D-10) Werle Dr CR 290 Youngs Road to NY RTE 78, Transit Road, Town of Amherst.

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

FROM BUDGET, MANAGEMENT, & FINANCE

Item 74 – (Comm. 8D-11) Response to Comptrollers Report Re: Vacant Positions in the General, Road & Social Services Funds.

Received and referred to the FINANCE & MANGEMENT COMMITTEE.

FROM ECC

Item 75 – (Comm. 8D-12) Notice and Agenda For Board of Trustees Meeting held 4/28/99.

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NYSDEC

Item 76 – (Comm. 8M-1) Fact Sheet: Pre-Design Field Work Underway at Westinghouse Electric Corporation Hazardous Waste Site.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

PRICE WATERHOUSE COOPERS LLP

Item 77 – (Comm. 8M-2) Erie County Water Authority Financial Statements 12/31/98 & 1997.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CONGRESSMAN REYNOLDS

Item 78 – (Comm. 8M-3) Acknowledgement of Receipt of Resolution.

Received and filed.

FROM NYS UNIFIED COURT SYSTEM EIGHTH JUDICIAL DISTRICT

Item 79 – (Comm. 8M-4) Weapons Seized at Buffalo Magnetometer Sites – 1998.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM E & M ENGINEERS & SURVEYORS

Item 80 – (Comm. 8M-5) Engineering Information Bulletin Portable Steel Bridges.

Received and filed.

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 81 – (Comm. 8M-6) Notice & Agenda for Meeting Held 4/20/99.

Received and filed.

FROM THE ERIE-NIAGARA TOBACCO-FREE COALITION.

Item 82 – (Comm. 8M-7) Supporting an Amendment to Strengthen the Current Law Governing Tobacco Use.

Received and referred to the HEALTH COMMITTEE.

FROM THE UAW COMMUNITY ACTION PROGRAM
COUNCIL REGION 9 WESTERN NEW YORK

Item 83 – (Comm. 8M-8) Seeking to Rename Ralph C. Wilson Field House to Lieutenant Robert Kalsu Memorial Field House.

Received and filed.

FROM MELINDA HOLLAND

Item 84 – (Comm. 8M-9) Summary of Task Force meeting Held 4/7/99 & Notice of Task Force Meeting Held 4/26/99.

Received and referred to the ENERGY & ENVIRONMENT.

FROM NFTA

Item 85 – (Comm. 8M-10) Annual Operating & Capital Budget for Fiscal Year Ending 3/31/00.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CONGRESSMAN QUINN

Item 86 – (Comm. 8M-11) Acknowledgement of Receipt of Resolution.

Received and filed.

FROM OTB

Item 87 – (Comm. 8M-12) Minutes of Board of Directors Meeting Held 3/24/99 & 3/25/99.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM NFTA

Item 88 – (Comm. 8M-13) Minutes of Board Meeting Held 3/29/99.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 89 – Chairman Swanick requested that when the Legislature adjourn, it do so in memory of the victims and the families of the Colorado school shootings.

Item 90 – Legislator Fisher requested that when the Legislature adjourn, it do so in memory of former Councilman Bill Price.

ADJOURNMENT

Item 91 – 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, May 6, 1999**. Mr. Marshall seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature **adjourned until Thursday, May 6, 1999 at 2:00 P.M. Eastern Standard Time.**

LAURIE MANZELLA
CLERK