

June 4, 2009

HEALTH & HUMAN SERVICES COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-5 (2009)
COUNTY EXECUTIVE: "Public Health Preparedness/Response to Bioterrorism"
(5-0) Chair Marinelli not present for vote.
 - b. COMM. 8E-16 (2009)
COUNTY EXECUTIVE: "Appointments/Reappointments to the EC Mental Hygiene Community Services Board"
(5-0) Chair Marinelli not present for vote.
 - c. COMM. 10E-5 (2009)
COUNTY EXECUTIVE: "Appointment to the Senior Services Advisory Board"
(5-0) Chair Marinelli not present for vote.

2. INTRO 8-4 (2009)
MAZUR, REYNOLDS, MARINELLI, AS AMENDED
MILLER-WILLIAMS & GRANT
WHEREAS, this Legislature has repeatedly voiced its concern over and disagreement with the Administration's decision to terminate Erie County's Administration of the Federal WIC Program; and

WHEREAS, currently, the Health & Human Services Committee of the Erie County Legislature is reviewing a number of documents related to this decision, including a March 27, 2009 letter of concern from Legislator Thomas J. Mazur, Chair, of the Health & Human Services Committee, to New York State Commissioner of Health Richard F. Daines, MD; a March 31, 2009 letter regarding to this Honorable Body signed by Deputy County Executive Al Hammonds; and an April 15, 2009 letter of response from the State Health Department to the aforementioned Mazur letter; and

WHEREAS, the communications from the Deputy County Executive and State Health Department have given rise to additional questions from this Honorable Body, both from a policy and fiscal standpoint; and

WHEREAS, since the Erie County Legislature has not been furnished with copies of the minutes of the WIC Transition Team Meetings, as requested by Resolution Intro 9-2 (2009) approved on May 14, 2009; and

WHEREAS, research conducted by the Legislature cannot validate the Administration's savings assumptions used, in part, to justify Erie County discontinuing the WIC program, a purported savings of \$1.2 million annually as set forth in the Hammonds' letter referenced above; and

WHEREAS, it is necessary to call on the Erie County Comptroller, the county's chief financial officer, to shed some light on this situation by conducting a review that includes, but is not limited to, the following components:

- 1) asset tracking that also ascertains plans for the disposition of the assets (computers, office equipment, furniture, etc.) of the county's WIC program;
- 2) a financial analysis of the program savings alleged in the Hammonds letter of March 31, 2009;
- 3) a financial analysis of the costs of ending the WIC program, including unemployment, lease terminations and other expenses;
- 4) a review of the WIC contract with New York State; and,
- 5) the details of the verbal or written communication regarding the following statement made in the April 15 State Health Department to Legislator Mazur, to wit: "In the summer of 2008, the Erie County Executive's staff first broached the subject of termination. After they were provided with a review of the situation and the consequences of termination, it was agreed that the Erie County Department of Health would continue its program through September 30, 2009."

and

WHEREAS, this Legislature is gravely concerned by the lack of public accountability and transparency on the part of the Collins Administration regarding its unilateral and unsubstantiated decision to terminate Erie County's administration of the WIC program and, consequently, the displacement of 16,000 clients.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request a comprehensive, closing review of the WIC program that includes, but is not limited to, the following components: 1) analysis of the anticipated costs of terminating the program; 2) analysis of the purported savings derived from terminating the program, as alleged by Deputy County Executive Al Hammonds in a March 31, 2009 letter about the WIC termination to this Honorable Body; 3) utilizing the asset tracking system, reconciling the WIC program

assets from prior reports with the current inventory, and ascertaining plans for the disposition of these assets; 4) a review of the existing contract between Erie County and the New York State Health Department to determine allowable county expenses billed to the state, and the projected net county cost of no longer having the WIC grant to charge certain expenses to, including but not limited to administrative overhead, interdepartmental expenses and fringe benefits; and 5) researching the "consequences of termination" as alluded to by the New York State Department of Health letter of April 15, 2009 to Legislator Thomas J. Mazur regarding the WIC termination by the County Administration; and be it further

RESOLVED, that this review be completed by mid-July 2009 in conjunction with the Legislature's Mid-Year Budget Hearings; and be it further

RESOLVED, that the Deputy County Executive provide the Erie County Legislature a copy of the minutes of the WIC Transition Team meetings; and be it further

RESOLVED, that certified copies of this resolution be conveyed to County Comptroller Mark Poloncarz, Deputy County Executive Al Hammonds, James Clancy, Assistant Commissioner, Governmental and External Affairs, NYS Department of Health (Albany), Commissioner of the Erie County Department of Health, Anthony J. Billitier IV, MD, Kenneth Vetter of the Erie County Fiscal Stability Authority and all others deemed necessary and proper.
(5-1) Legislator Walter voted in the negative.

3. COMM. 10E-21 (2009)
COUNTY EXECUTIVE

WHEREAS, Senior Service America and the New York State Office for Aging has notified the Department of Senior Services (Department) that the Department has been awarded American Recovery and Reinvestment Act (ARRA) allocations for the Senior Aides and Senior Employment programs for the period February 17, 2009 to June 30, 2010; and

WHEREAS, ARRA funds are expected to be utilized for the purpose of injecting workforce development resources into communities throughout the country, with the goal of expanding the current Title V employment placements; and

WHEREAS, the Department currently contracts with Supportive Services Corp. to provide Title V employment services to seniors 55 years of age and older, and desires to contract with Supportive Services Corp. to use the ARRA funds to expand the employment placements; and

WHEREAS, the ARRA Senior Aides and ARRA Senior Employment grant budgets need to be established; and

WHEREAS, Supportive Services Corp. will provide the required local match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the ARRA Senior Aides and ARRA Senior Employment funds from Senior Service America, Inc. and the New York State Office for Aging, and be it further

RESOLVED, that the County Executive be and is hereby authorized to contract with Supportive Services Corp. to provide the related employment services for the period February 17, 2009 to June 30, 2010; and be it further

RESOLVED, that the budget for the ARRA Senior Aides grant, 163ARRA-SRAIDES, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
414000	Federal Aid	\$157,284
466320	Subcontractor Match	\$20,505
	TOTAL REVENUE	<u>\$177,789</u>
APPROPRIATIONS		
516010	Supportive Services Corp.	\$177,789
	TOTAL APPROPRIATIONS	<u>\$177,789</u>

and be it further

RESOLVED, that the budget for the ARRA Senior Employment grant, 163ARRA-SREMP, be established as follows:

REVENUES		INITIAL BUDGET
Account	Description	
414000	Federal Aid	\$179,518
466320	Subcontractor Match	<u>\$19,947</u>
	TOTAL REVENUE	<u><u>\$199,465</u></u>
APPROPRIATIONS		
516010	Supportive Services Corp.	<u>\$199,465</u>
	TOTAL APPROPRIATIONS	<u><u>\$199,465</u></u>

and be it further

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

(5-0) Chair Marinelli not present for vote.

4. COMM. 10E-24 (2009)

COUNTY EXECUTIVE

WHEREAS, in accordance with Local Law 2-1(2009), the County is authorized to sell a 2.15-acre portion (the "Premises") of the Grider Street Campus of the Erie County Medical Center (ECMCC) and convey a permanent, non-exclusive easement over the access road adjacent and appurtenant to the Premises to Community Health Center of Buffalo, Inc. ("CHC"), without competitive bidding or public advertisement, on such terms and conditions as may be approved by the Erie County Legislature; and

WHEREAS, the County has agreed to sell the Premises to CHC for \$130,000, which has been determined to be the fair market value of the Premises, on such terms and conditions as may be approved by the County Attorney; and

WHEREAS, the County currently leases the grounds of the Grider Street Campus of the ECMCC for a term of fifty (50) years commencing on January 28, 2004, and terminating on January 27, 2054, as evidenced by a Memorandum of Ground Lease Agreement dated as of January 28, 2004, and recorded in the County Clerk's Office at Liber 11067 of Deeds at Page 5681; and

WHEREAS, in order to release the Premises from the ECMCC ground lease, the County, ECMCC, and CHC have agreed to enter into a Partial Release of Ground Lease effective upon the recording of the deed conveying the Premises to CHC.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to execute such documents and enter into such agreements as are necessary to transfer and convey the Premises and non-exclusive access easement to CHC for \$130,000; and be it further

RESOLVED, that the Erie County Executive is authorized to enter into a Partial Release of Ground Lease agreement with ECMCC and CHC to release the ECMCC ground lease as to the Premises; and be it further

RESOLVED, that the County Attorney shall prepare all necessary legal documents for the conveyance of the Premises, non-exclusive access easement, and the Partial Release of Ground Lease that are necessary to effect this resolution; and be it further

RESOLVED, that the proceeds of \$130,000 from the sale of the Premises will be transferred into transferred into Erie County Fixed Asset Sales Account 480300.

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the County Attorney, the Director of Budget and Management; the Commissioner of Environment and Planning; and the County Comptroller.

(5-0) Chair Marinelli not present for vote.

**THOMAS J. MAZUR
CHAIR**