

MEETING NO. 10
May 13, 2004

ERIE COUNTY LEGISLATURE

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MEETING NO. 10
May 13, 2004

The Legislature was called to order by Chairman Holt.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Weinstein.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – No items for reconsideration from the previous meeting.

Item 3 – CHAIRMAN HOLT directed that the Minutes from the previous meetings remain on the table. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. RANZENHOFER, MINORITY CAUCUS presented a resolution Congratulating John Stevens for Finishing 6th Place on FOX's American Idol. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 6 – MS. CUSACK, MINORITY CAUCUS presented a resolution Saluting 102 High School Students Who Made 2004 All-Western New York Scholar Athlete Winter Team. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 7 – MS. MARSHALL presented a resolution Honoring Robert Fix, Sr. for Fifty (50) Years of Service to the Alden Hook & Ladder Fire Company. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 8 – WEINSTEIN, RANZENHOFER & CUSACK presented a resolution Honoring Williamsville School District on Being Ranked the Number 1 School District by “Business First”. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 9 – CHASE, CUSACK & MARSHALL presented a resolution Congratulating Edith Marie Flanigan on Earning the Lemelson/MIT Lifetime Achievement Award in Invention. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. MARINELLI presented a resolution Congratulating Tamarah L. Thrasher Upon Receiving the 2004 Elizabeth Hopkins Award. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 11 – MS. MARINELLI presented a resolution Honoring the Recipients of the Everywoman Opportunity Center 2004 Awards. MR. RANZENHOFER seconded.

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CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 12 – HOLT & SMITH presented a resolution Honoring Gale Hill of Amherst Chevrolet. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. KUWIK presented a resolution Honoring New Erie County American Legion Commander Donald Cummings. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. SMITH presented a resolution Celebrating Homer Marshall's 80th Birthday. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 15 – MARINELLI & DUSZA presented a resolution Celebrating Armed Forces Week in Western New York. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

Item 16 – MR. SMITH presented a resolution Celebrating Maya S. Glover’s 24th Birthday. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. KUWIK presented a resolution Honoring Saint Michael’s Mothers Club Upon Their 75th Anniversary. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. McCARVILLE, MINORTY CAUCUS presented a resolution Honoring RW Publications for Being Awarded “Best in New York State for Excellence in Publishing” at 2004 Graphic Awards Competition. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 19 – MS. CUSACK presented a resolution Recognizing Christ the King School of Amherst for Being Ranked Number One Private Elementary School in Western New York. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 20 – MS. MARSHALL, MINORITY CAUCUS presented a resolution Honoring Donald Larson for Twenty-Five (25) Years of Service as the Town of Elma Highway Superintendent. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. DUSZA presented a resolution Honoring U.S. Army Sergeant Michael Maciejewski. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 22 – MR. SCHROEDER presented a resolution Honoring Tim Russert. MS. MARINELLI seconded.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above eighteen (18) resolutions as amended. MR. RANZENHOFER seconded

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 23 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 24 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

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GRANTED.

Item 25 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2003 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 26 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2003 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 28 – CHAIRMAN HOLT directed that Local Law No. 5 (Print #1) 2004 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 29 – CHAIRMAN HOLT directed that Local Law No. 6 (Print #1) 2004 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 30 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2004 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 31 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

May 6, 2004

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 6

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

1. RESOLVED, that the following item is hereby received, filed and referred to the ECONOMIC DEVELOPMENT COMMITTEE.
 - a. Item Page -2004 (Intro. 4-10)
SWANICK: Opposition to Imposition of Additional Tolls on Roads & Highways in WNY.
 (5-0)
2. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2003 (Comm. 24M-12)
ERIE COUNTY WATER AUTHORITY: Year 2004 Adopted Operating & Maintenance Budget & Capital Budget.
 (5-0)
 - b. Item Page -2004 (Comm. 4M-14)
ERIE COUNTY WATER AUTHORITY: Unaudited Comparative Financial Statements for Years Ended 12/31/03 & 12/31/02.
 (5-0)
 - c. Item Page -2004 (Comm. 6E-18)
COMPTROLLER: Copy of Letter to ECWA Commissioners Re: Auto Accident 1/23/04.
 (5-0)
 - d. Item Page -2004 (Comm. 8E-3)
MARINELLI: Request for Information on Household Hazardous Waste Collection Program.
 (5-0)
 - e. Item Page -2004 (Comm. 9E-27)
COMPTROLLER: Copy of Letter to ECWA Commissioners Re: Auto Accident 1/23/04.
 (5-0)
 - f. Item Page -2004 (Comm. 9E-45)
COUNTY EXECUTIVE: ECSDs Nos. 1, 4 & 5 – Fox & Company – Buffalo – Change Order No. 1.
 (5-0)
 - g. Item Page -2004 (Comm. 9E-83)
COUNTY EXECUTIVE: ECSD No. 6 – Bethlehem Park Rehab Phase I – Change Order 1 – C. Destro Development Company.
 (5-0)

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- h. Item Page -2004 (Comm. 9M-29)
NYSDEC: Fact Sheet – Indoor Air Quality – Mr. C’s Dry Cleaners, East Aurora.
 (5-0)

3. Item Page -2003 **AS AMENDED**
 (Comm. 20E-41)
COUNTY EXECUTIVE
 RESOLUTION NO. 198

RESOLUTION DATED _____, 2004.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO.1 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) May 6, 2004.
 (Adopted) _____, 2004

WHEREAS, pursuant. to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 1 of the County of Erie, New York, has heretofore been established and created on March 6, 1960 (the "District") to provide sewer services to the southern part of the Town of Cheektowaga and the northern part of the Town of West Seneca; and

WHEREAS, the Board of Managers of the District has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on April 23, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction and/or replacement of approximately 37,488 linear feet of sewer, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sever District No. 1; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical

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Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$6.50 for the Town of Cheektowaga, \$7.50 for the Town of West Seneca, \$10.08 for the Town of Elma, and \$7.00 for the Village of Depew; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law;

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6. in Buffalo, New York, in said County, on the 24th day of June, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 1 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Front Page " and in the "Hamburg Sun", the official newspapers of said County and in the "Cheektowaga Times" and the "West Seneca Bee", not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

4. Item Page -2004 (Comm. 9E-35)

COUNTY EXECUTIVE

WHEREAS, the Town of Aurora (hereinafter "Town") has requested an underground permanent easement from the County of Erie (hereinafter "County") for the installation of a waterline in a section of Emery Park adjacent to and abutting Emery Park Road; and

WHEREAS, because public parkland is affected, the Advisory Review Committee and Commissioner of Parks, Recreation and Forestry have prepared a report concluding that the Town's proposal comports with the Erie County Parks Protection Law provided the Town meets certain conditions with respect to the installation and maintenance of its waterline; and

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WHEREAS, the County intends to make connections to said waterline in order to supply Emery Park with potable water which is presently lacking; and

WHEREAS, the County Attorney recommends that, since public park-lands are affected, the County issue an exclusive revocable permit to the Town, rather than granting a permanent easement as requested.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to issue and execute an exclusive revocable permit to the Town for the installation of an underground waterline in a section of Emery Park, one hundred thirty feet long by forty feet wide, immediately adjacent to the abutting right of way of Emery Park subject to approval as to form by the County Attorney; and be it further

RESOLVED, that said exclusive revocable permit incorporate provisions insuring that upon completion of installation and any future maintenance of the waterline, the Town shall restore the property to its pre-existing condition so as not to diminish the public use and enjoyment of the property as public park-land or to constitute a nuisance or hazard to persons or property; and be it further

RESOLVED, that such exclusive revocable permit provide as a further condition, that the Town shall permit the County to make connections to the waterline in order to supply water to Emery Park; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Joel A. Giambra, Erie County Executive; Lawrence D. Jasinski, Commissioner, Department of Parks, Recreation and Forestry; Maria C. Lehman, P.E., F.ASCE, Commissioner, Department of Public Works; Nancy A. Naples, Erie County Comptroller; Joseph Passafiume, Director of Budget, Management and Finance; and Gregory J. Dudek, Assistant County Attorney.

(5-0)

AS AMENDED

5. Item Page -2004 (Comm. 9E-50)

COUNTY EXECUTIVE

WHEREAS, the New York Independent System Operator (NYISO), working through Siemens Building Technologies, currently pays large facilities to shed load during heavy demand time, and

WHEREAS, the Department of Public Works recently received notice from NYSERDA of approval of an application for a Flextech Assistance Program for a 50% match at \$13,425, and

WHEREAS, the main purpose of this grant is to assist the County in establishing and implementing a Peak Load Curtailment Program on their own, and

WHEREAS, by the County acting as its own Energy Services Company (ESCO), instead of using another ESCO, we can receive substantially more funds, and

WHEREAS, the Department of Public Works recently received notice from NYSERDA of another approval of an application with Ziphany, LLC to develop and implement handheld wireless devices to instantaneously shed location from any location,

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Legislative authorizes entry into an agreement with NYSERDA whereby we pay 50% of the Consultant fees (\$13,425) directly to the Consultant currently under contract with NYSERDA (CJ Brown) under terms and conditions to be negotiated by Erie County and the Consultant, with the cost to be deducted from Fund 410, Project 405, and be it further

RESOLVED, that the Erie County Legislative authorizes entry into an agreement with Siemens Building Technologies to work with NYISO to sell a designated portion of the County's UCAP during power events and accept funds that this may produce to reimburse entities such as ECMC and ECHI for their participation and increase the appropriations in Fund 410, Project 405 by the remaining amounts, and be it further

RESOLVED, that the County of Erie Legislative authorizes acceptance of another grant from NYSERDA and entering into a contract with Ziphany, LLC to provide multiple handheld, wireless devices to be able to shed load instantaneously and pay for required wireless connections from Fund 410, Project 405, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one each to the County Executive, the Director of Budget and Management and the Office of the Comptroller.
 (5-0)

6. Item Page -2004 (Comm. 9E-52)

COUNTY EXECUTIVE

WHEREAS, a resolution to authorize a creation of a Senior Sewer District Manager position, Job Group 14 in the Division of Sewerage Management is hereby requested.

NOW, THEREFORE, BE IT

RESOLVED, the creation of the position of Senior Sewer District Manager, Job Group 14 in the Division of Sewerage Management is hereby approved; and be it further

RESOLVED, that the funding for the position in the Division of Sewerage Management be allocated from the Operating Fund Balance Accounts in Erie County Sewer District Nos. 1-6 and the Southtowns Sewage Treatment Agency in the 2004 Budget by the Director of Budget, Management and Finance as follows:

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- €# Erie County Sewer District 1, 4 and 5 Fund Balance:
 District No. 1 220 851 811 698 105 Use of Fund Balance \$5,961;
 District No. 4 220 851 812 698 105 Use of Fund
 Balance \$8,539;
 District No. 5 220 851 813 698 105 Use of Fund
 Balance \$1,611;
- €# Erie County Sewer District 2 Fund Balance:
 District No. 2 220 852 821 698 105 Use of Fund Balance \$3,537;
- €# Erie County Southtowns Fund Balance:
 Southtowns 220 853 831 698 105 Use of Fund Balance \$12,378;
- €# Erie County Sewer District No. 3 Fund Balance:
 District No. 3 220 853 832 698 105 Use of Fund Balance \$5,305;
- €# Erie County Sewer District No. 6 Fund Balance:
 District No. 6 220 854 840 698 105 Use of Fund Balance \$1,965;
- €# Erie County Division of Sewerage Management:
 220 855 850 800 Personal Services \$28,069
 220 855 850 805 Fringe Benefits \$11,227; and be it further

RESOLVED, that certified copies of the approved Resolution is sent to Joel A. Giambra, County Executive; Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning; Joseph Passafiume, Erie County Budget Office; and the Erie County Personnel Department.

(5-0)

7. Item Page -2004 (Comm. 9E-54)

COUNTY EXECUTIVE

WHEREAS, a resolution to authorize and approve, in the 2004 Budget, the reclassification of one position: (1) Electronic Instrumentation Mechanic, Job Group 7 to a Sr. Electronics Technician – Wastewater Facilities, Job Group 10 in Erie County Sewer District No. 6 has been received from the Department of Environment and Planning; and

WHEREAS, the District requires the reclassification due to the incumbent's expanded work tasks and duties to allow for the position to be commensurate with the title.

NOW, THEREFORE, BE IT

RESOLVED, the current position of Electronic Instrumentation Mechanic, Job Group 7 be reclassified to Sr. Electronics Technician – Wastewater Facilities, Job Group 10, in the 2004 Budget; and be it further

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RESOLVED, that the funding for the change for the reclassification of the position be taken out of the 2004 Budget, Erie County Sewer District No. 6, Unexpended Salaries; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of the approved Resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Joseph Passafiume, Erie County Budget Office and the Erie County Personnel Department.

(5-0)

8. Item Page -2004 (Comm. 9E-55)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of URS Corporation by Agreement dated April 15, 2003, to provide engineering services for the Consolidation of Sewer Services between the Village of Blasdell and Erie County Sewer District No. 3/Southtowns Sewage Treatment Agency; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management is interested in expanding the engineer's scope of services to include evaluation of the reuse of existing pumping station, including pumps and controls required to eliminate the Blasdell Wastewater Treatment Plant and various other pumping stations; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management is recommending approval of Change Order No. 2 to the URS Corporation Agreement dated April 15, 2003 in an amount not to exceed \$89,739.70.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 to URS Corporation dated April 15, 2003, be approved subject to approval by the Department of Environment and Planning, in an amount not to exceed \$89,739.70; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process Change Order No. 2, subject to certification of availability of funds from the project fund balance by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocation \$89,739.70 from Sewer Capital Account, Fund No. 430, Project No. 374 for payment of this change order; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolutions to Charles J. Alessi, P.E., Department of Environment and Planning; one (1) certified copy to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.

(5-0)

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9. Item Page -2004 (Comm. 9E-60)

COUNTY EXECUTIVE

WHEREAS, engineering design services are required for the Grover Cleveland Irrigation System & Miscellaneous Work and Akron Falls Bridge Rehabilitation, Engineer's Supplemental Agreement, and

WHEREAS, the firm of Donald Gallo, P .C. presently has a contract with the County of Erie to provide design services,

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Donald Gallo, P .C. in an amount not to exceed \$130,000, including testing, reimbursables, inspection and miscellaneous expenses relative to the engineering design services required for the Grover Cleveland Irrigation System & Miscellaneous Work and Akron Falls Bridge Rehabilitation, and be it further,

RESOLVED, that the \$130,000 allocation be taken from the 2004 Parks Master Plan Project, Fund 410, 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 the Division of Budget Management & Finance; one copy to the Office of the Comptroller; one copy to the Department of Parks & Recreation; and one copy to the Office of the County Executive.

(5-0)

10. Item Page -2004 (Comm. 9E-62)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation & Forestry is now responsible for the rentals of golf course carts to the public at the Elma Meadows and Grover Cleveland Golf Courses, and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry needs to provide, as a public amenity, the availability of similar golf related items for rent such as pull carts, lockers and golf clubs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Parks, Recreation & Forestry, as a public service, will collect revenue for the rental of golf related items at the Elma Meadows and Grover Cleveland Golf Courses as follows:

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PULL CARTS	\$ 3.00	FOR 18 HOLES
GOLF CLUBS	\$10.00	FOR 18 HOLES
LOCKERS	\$50.00	FOR THE SEASON

And be it further

RESOLVED, that all rental revenue collected be recorded as golf revenue in DAC 110942640453, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the County Executive, the Office of the Comptroller, and the Division of Budget, Management and Finance.
 (6-0) Chairman Holt Present as Ex-Officio Member.

11. Item Page -2004 (Comm. 9E-71)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry's application for grant funds in the amount of \$75,000.00 for renovations at the Wendt Beach Mansion, located in Wendt Beach Park, has been approved by the Margaret L. Wendt Foundation; and

WHEREAS, the 2004 capital budget contains funding for Erie County Parks, Recreation & Forestry Master Plan Improvements in which Wendt Beach renovations were planned; and

WHEREAS, the combination of these two funding sources will allow the County to complete enhanced renovations to the Wendt Beach Mansion.

NOW, THEREFORE, BE IT

RESOLVED, that the 2004 Parks' Master Plan capital project is amended to include grant funds of \$75,000.00 from the Margaret L. Wendt Foundation for renovation of the Wendt Beach Mansion; and be it further

RESOLVED, that revenues and expenditures in the 2004 Parks Master Plan – Phase II, Fund 441, Project 461, be increased by \$75,000.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Department of Parks, Recreation and Forestry, the County Executive, the Office of the Comptroller and the Division of Budget, Management and Finance.
 (5-0)

12. Item Page -2004 (Comm. 9E-72)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation & Forestry has been the longtime sponsor of the County of Erie Baseball Association (C.E.B.A.); and

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WHEREAS, the WNY Umpires' Association (hereinafter "Umpires") has provided officials to umpire games for the past three seasons to C.E.B.A. under a written agreement; and

WHEREAS, the Umpires' is the sole source for providing baseball officials with sufficient personnel as required by the C.E.B.A. season schedule; and

WHEREAS, the WNY Umpires' Association has deemed it necessary to increase their fees from \$36.00 to \$39.00 per umpire, per game.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into and execute any and all agreements with the Umpires for the provision of game officials for the C.E.B.A. 2004 baseball season at the rate of \$39.00 per umpire, per game; and be it further

RESOLVED, that funds are available in the Recreation Trust Account and the Contractual Fees Account to cover these expenses; and be it further

RESOLVED, that such agreement shall be renewable at the option of the Parks Department for one additional year; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the County Executive, the Office of the Comptroller, the Division of Budget, Management and Finance and Gregory J. Dudek, Assistant County Attorney.

(5-0)

13. Item Page -2004 (Comm. 9E-76)

COUNTY EXECUTIVE

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the U. S. Environmental Protection Agency (EPA) has identified Erie County as high risk for radon potential; and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Program since 1993 and has acquired valuable experience and expertise; and

WHEREAS, the National Association of Counties has awarded Erie County a grant in the amount of \$2,000 to perform radon awareness activities for the citizens of Erie County.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Executive is authorized to accept grant funding in the amount of \$2,000 from the National Association of Counties (NAC) for radon outreach and education activities, and be it further

RESOLVED, that the budget for the 2004 NAC Indoor Air Quality Coalition and Model County Grant Program is hereby established as follows:

REVENUES:

<u>Account</u>	<u>Description</u>	
640-0400	Federal Aid - NAC	\$2,000
Total		\$2,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	
830	Contractual Services	\$1,000
933	Lab Technical Equipment	<u>1,000</u>
Total		\$2,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
 (5-0)

RAYMOND K. DUSZA
CHAIRMAN

MS. MARINELLI moved to separate item #3 and moved the approval of the balance of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of item #3 (Comm. 20E-41). MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

Item 32 – MR. KUWIK presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

May 6, 2004

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DUSZA.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2003 (Comm. 16E-3)
CHASE: Consolidation of Public Safety Committee Items Re: City-County Police Merger.
 (4-0) Legislator Dusza absent.
 - b. Item Page -2003 (Comm. 18E-34)
CHASE: Copy of Letter to Sheriff Re: Intro 17-6.
 (4-0) Legislator Dusza absent.
 - c. Item Page -2004 (Comm. 8M-15)
CITY OF BUFFALO COMMON COUNCIL: Adoption of Resolutions Related to Various Public Safety Issues.
 (5-0) Legislator Dusza absent. Chairman Holt present as Ex-Officio Member.
 - d. Item Page -2004 (Comm. 9E-28)
HOLT: Copy of Letter to Sheriff Requesting Copy of 2002 Study of Cooperation Between EC Sheriff & Buffalo Police.
 (5-0) Legislator Dusza absent. Chairman Holt present as Ex-Officio Member.
 - e. Item Page -2004 (Comm. 9E-30)
HOLT: Copy of Letter to Sheriff Re: Overcrowding at EC Holding Center.
 (5-0) Legislator Dusza absent. Chairman Holt present as Ex-Officio Member.

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- f. Item Page -2004 (Comm. 9M-1)
BRIGHTON FIRE DISTRICT NO. 5: Letter Opposing 800 Mhz Radio System as Proposed.
 (4-0) Legislator Dusza absent.

AS AMENDED

2. Item Page -2004 (Intro. 8-25)
CHASE, KUWIK, WROBLEWSKI, SWANICK, MARINELLI & DEBENEDETTI
 WHEREAS, now more than ever, the training of firefighters and emergency response personnel is paramount to ensuring the safety of our communities, and

WHEREAS, The New York State Office of Fire Prevention & Control (OFPC) delivers the backbone of training to the state's fire service, with two training facilities, the Academy of Fire Science and Camp Smith Residential Programs, as well as, many training outreach programs, and

WHEREAS, OFPC has encountered a substantial increase in demand for fire and first responder training since 9/11, and

WHEREAS, under the direction of State Fire Administrator James Burns, the OFPC has risen to the challenge of providing necessary courses to increase the knowledge and capabilities required by our firefighters and first responders, and

WHEREAS, the difficult fiscal times currently being experienced by New York State usually mean that lawmakers must consider cutting or at minimum maintaining current budget levels for state offices, and

WHEREAS, any consideration of cutting or even just maintaining OPFC's current budget will hinder their ability to deliver training, which in turn will adversely affect recruitment and retention of firefighters and first responders, thereby compromising the safety of our communities,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to protecting the safety of our communities by providing the necessary knowledge and skills that our firefighters and first responders need, and be it further

RESOLVED, that this Honorable Body asks the New York State Governor and the Senate and Assembly to increase the OPFCs budget for 2004-05, and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver, the Western New York Delegation to the New York State Assembly and Senate, State Fire Administrator James Burns, Erie County Fire Coordinator James McCullough, Erie County Emergency Services Commissioner Michael Walters and Eden Volunteer Fire Department Chief Paul Laing Jr.

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(4-0) Legislator Dusza absent.

3. Item Page -2004 (Comm. 9E-34)

COUNTY EXECUTIVE

WHEREAS, funds for the Drug Treatment Diversion Program (DTDP) Grant are available from the New York State Division of Criminal Justice Services in the amount of \$70,000, and

WHEREAS, the District Attorney's Office will utilize the funds to designate an Assistant District Attorney and a Senior Paralegal to assist in heading up a program to help rehabilitate drug addicted non-violent offenders in order to discourage them from committing any more felony crimes,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services for the purpose of reducing the chances that drug addicted offenders will slip back into a criminal behavior pattern, and be it further

RESOLVED, that authorization is hereby provided to create the position of Assistant District Attorney IV, Job Grade 15, and Senior Paralegal, Job Grade 7, in the District Attorney's Drug Treatment Diversion Program (DTDP) Grant, for which the B-100 is attached, and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's Drug Treatment Diversion Program (DTDP) Grant as follows:

DISTRICT ATTORNEY'S OFFICE
DRUG TREATMENT DIVERSION PROGRAM (DTDP) GRANT
JANUARY 1, 2004 TO DECEMBER 31, 2004

<u>Revenue:</u>	<u>Increase</u>
Acct. 627 State Aid	\$ 70,000
Acct. 686 1400 Interfund – DA	<u>67,993</u>
Total Revenue	<u>\$ 137,993</u>

<u>Appropriation:</u>	
Acct. 800 Personal Services	\$ 96,394
Acct. 805 Fringe Benefits	24,099
Acct. 825 Out of Area Travel	1,500
Acct. 826 Other Expenses	14,000
Acct. 933 Laboratory & Technical Equipment	<u>2,000</u>
Total Appropriations	<u>\$ 137,993</u>

and be it further

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RESOLVED, that authorization is hereby provided to reallocate funds within the 2004 District Attorney's General Fund as follows:

GENERAL FUND - #110
 2004

<u>Appropriation</u>	
Acct. 821 Dues & Fees	\$(67,993)
Acct. 886 1409 Interfund – DA Grants	<u>67,993</u>
	<u>\$ - 0 -</u>

And be it further,

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

(5-0) Legislator Dusza absent. Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Comm. 9E-47)

COUNTY EXECUTIVE

WHEREAS, the Department of Probation and Youth Detention Services is responsible for providing services to address the need of juveniles in the juvenile justice system and improve the quality of life in our community, and

WHEREAS, Grant funds from the New York State Division of Criminal Justice Services will allow for enhancement of services to youth in the juvenile justice system.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into contract with New York State Division of Criminal Justice Services in the amount of \$110,000 for the time period of July 1, 2004 to June 30, 2005, and be it further

RESOLVED, that the Probation Department is hereby authorized to create one (1) Probation Officer, JG 11 and a regular part-time Probation Aide, JG 6 for 25 hours a week within the grant fund, and be it further

RESOLVED, that authorization is hereby provided to budget those funds in the grant fund as follows:

ERIE COUNTY DEPARTMENT OF PROBATION AND YOUTH DETENTION
 DEPT. 650: CHALLENGE GRANT
 July 1, 2004 to June 30, 2004

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<u>Revenue</u>		<u>Amount</u>
<u>Acct.</u>	Federal Aid	\$110,000
	Total Revenue	\$110,000
<u>Appropriations</u>		
Acct. 800	Personnel Services	\$ 74,876
Acct. 805	Fringe Benefits	17,008
Acct. 810	Office Supplies	9,500
Acct. 820	Dues and Fees	1,500
Acct. 824	Travel & Mileage	1,750
Acct. 825	Travel Out of Area	1,000
Acct. 933	Lab & Tech Equipment	<u>4,366</u>
	Total Appropriation	\$110,000

RESOLVED, that certified copies of the resolution be sent to the County Executive, the Department of Probation and Youth Detention Services, the Erie County Division of Purchase, the County Comptroller and the Division of Budget, Management and Finance.
 (5-0) Legislator Dusza absent. Chairman Holt present as Ex-Officio Member.

5. Item Page -2004 (Comm. 9E-48)

COUNTY EXECUTIVE

WHEREAS, the District Attorney's Office's Multi-Jurisdictional Program Grant ceased as of March 31, 2004, and whose 2004 Erie County Grant Budget for the period April 1, 2004 to March 31, 2005, was submitted prior to the grant being awarded or knowledge of the grant being restructured by the grantor, and

WHEREAS, in order to replace and improve the current Multi-Jurisdictional Program, New York State has created Operation Impact, a comprehensive strategy to reduce violent street crime through improved coordination among federal, state and local law enforcement, and

WHEREAS, funds for Operation Impact are available to the District Attorney's Office from the New York State Division of Criminal Justice Services in the amount of \$458,946, and from New York State Legislative Appropriations in the amount of \$152,982, and

WHEREAS, the District Attorney's Office, in conjunction with the Buffalo Police Department, will utilize the funds to designate staff to develop and evaluate a street crime enforcement strategy within Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services for the purpose of developing and evaluating a street crime enforcement strategy within Erie County, and be it further

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RESOLVED, that the positions currently budgeted under the 2004 Multi-Jurisdictional Grant budget hereby be transferred to the Operation Impact Grant program, and be it further

RESOLVED, that within the District Attorney's Operation Impact Grant, authorization is hereby provided to upgrade one of the Assistant District Attorney II positions, Job grade 13, to an Assistant District Attorney III, Job Grade 14, and to create the position of a Assistant Crime Analyst, Job grade 11, for which the B-100s are attached, and be it further

RESOLVED, that within the District Attorney's General Fund, authorization is hereby provided to upgrade a position of Assistant District Attorney IV, Job Grade 15, to Assistant District Attorney V, Job Grade 16, and be it further

RESOLVED, that authorization is hereby provided to reallocate funds within the 2004 District Attorney's Multi-Jurisdictional Grant, as follows:

MULTI-JURISDICTIONAL PROGRAM GRANT – Project #282 101
 April 1, 2004– March 31, 2005

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 State Aid	\$ 256,000	\$(256,000)	\$ - 0 -
Acct. 686 1400 Interfund DA	72,090	(72,090)	- 0 -
Acct. 698 0105 Appropriated Fund Balance	<u>24,030</u>	<u>(24,030)</u>	<u>- 0 -</u>
Total Revenue	<u>\$ 352,120</u>	<u>\$(352,120)</u>	<u>\$ - 0 -</u>
<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 800 Personal Services	\$ 256,877	\$ (256,877)	\$ - 0 -
Acct. 805 Fringe Benefits	77,243	(77,243)	- 0 -
Acct. 810 Office Supplies	3,000	(3,000)	- 0 -
Acct. 821 Dues & Fees	10,000	(10,000)	- 0 -
Acct. 826 Other Expenses	<u>5,000</u>	<u>(5,000)</u>	<u>- 0 -</u>
Total Appropriations	<u>\$ 352,120</u>	<u>(352,120)</u>	<u>\$ - 0 -</u>

And be it further

RESOLVED, that authorization is hereby provided to reallocate funds within the 2004 District Attorney's General Fund as follows:

GENERAL FUND - #110
 2004

<u>Appropriation</u>	
Acct. 821 Dues & Fees	\$ 72,090
Acct. 886 1409 Interfund – DA Grants	<u>(72,090)</u>
	<u>\$ - 0 -</u>

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And be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's Operation Impact Grant as follows:

DISTRICT ATTORNEY'S OFFICE
 OPERATION IMPACT GRANT
 APRIL 1, 2004 TO MARCH 31, 2005

<u>Revenue</u>	<u>Increase</u>
Acct. 627 State Aid	\$ 611,928
Total Revenue	<u>\$ 611,928</u>
<u>Appropriation</u>	
Acct. 800 Personal Service	\$ 302,566
Acct. 805 Fringe Benefits	85,209
Acct. 825 Out of Area Travel	22,147
Acct. 830 xxxx Contractual- Buffalo Police Department	181,110
Acct. 880 1400 Interfund Expense – DA	10,396
Acct. 933 Laboratory & Technical Equipment	<u>10,500</u>
Total Appropriations	<u>\$ 611,928</u>

And be it further,

RESOLVED, that authorization is hereby provided to reallocate funds within the 2004 District Attorney's General Fund as follows:

GENERAL FUND - #110
 2004

<u>Revenue</u>	
Acct. 685 1409 Interfund - DA Grants	<u>\$ 10,396</u>
Total Revenue	<u>\$ 10,396</u>
<u>Appropriation</u>	
Acct. 800 Personal Service	\$ 8,112
Acct. 805 Fringe Benefits	<u>2,284</u>
	<u>\$10,396</u>

And be it further,

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Buffalo Police Department in an amount not to exceed \$181,110, and be it further

RESOLVED, that the contract with the Buffalo Police Department are for special services which must be provided immediately and therefore, the Request For Proposal (RFP) procedure required under Section 19.08 of the Erie County Administrative Code is hereby waived, and be it further

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

(5-0) Legislator Dusza absent. Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 9E-51)

COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Lab provides important analysis of blood and body fluid samples taken as evidence in drunken driving crashes, and

WHEREAS, the results from testing blood and body fluids are critical to the successful prosecution of suspected drunken drivers, and

WHEREAS, the capacity to supply test results in a timely fashion is equally important to successful prosecution, and

WHEREAS, the compelling nature of the evidence produced by a body fluid testing instrument will increase the likelihood of successful prosecution, and

WHEREAS, the Erie County STOP-DWI Office has concluded that successful prosecution and punishment of drunken drivers has a deterrent effect that will reduce the incidence of drunken driving, and

WHEREAS, the instrument now used by the Erie County Forensic Lab to perform testing has been in service for fifteen years and will be rendered obsolete by the manufacturer's decision to discontinue maintenance and supply services, and

WHEREAS, the purchase of a new, fully automated Minllyser analyzer for ELISA assays will allow the Erie County Forensic Lab to reduce personnel costs while continuing to provide this critical evidentiary service, and

WHEREAS, funds for the purchase of a new blood and body fluid testing instrument are available in the STOP-DWI Reserve Account,

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that STOP-DWI Office reflect an increase in its equipment account to purchase a new blood and body fluid testing instrument:

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2004 STOP-DWI GRANT
 PROJECT #181
 1/1/04 - 12/31/04

REVENUES

ACCT 369 DWI PROGRAM	\$	<u>56,000</u>
TOTAL	\$	<u>56,000</u>

APPROPRIATIONS

ACCT 826 OTHER EXPENSES	\$	5,000
ACCT 933 LAB & TECH EQUIP		<u>51,000</u>
TOTAL	\$	<u>56,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, the Comptroller's Office, and the Erie County STOP-DWI Office.

(5-0) Legislator Dusza absent. Chairman Holt present as Ex-Officio Member.

7. Item Page -2004 (Comm. 9E-56)

COUNTY EXECUTIVE

WHEREAS, the District Attorney through the NYS Crime Victims Board's Victim/Witness Assistance Grant provides needed services to the residents of Erie County, and

WHEREAS, the Victim/Witness Assistance and Child Victim Advocacy Programs have been two separate components under this one individual grant, and

WHEREAS, the District Attorney, in collaboration with the grantor, has programmatically restructured this grant and the budgeted positions therein, and

WHEREAS, due to these programmatic changes, the District Attorney's Office is requesting the replacement of three current positions under these grants with three more appropriate positions, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets and positions in Book B for 2003, and

WHEREAS, the amended contract received from the NYS Crime Victims Board authorizes funding levels different from the adopted budget,

NOW, THEREFORE, BE IT

RESOLVED, that under the Child Victim Advocacy Program, the Erie County Legislature does hereby provide authorization to eliminate the position of Child Advocacy Specialist, Job Grade

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10, which is currently vacant, and close out the grant on the Erie County's general ledger, and be it further

RESOLVED, that under the Victim/Witness Assistance Program, the Erie County Legislature does hereby provide authorization to create the position of Victim/Witness Case Manager, Job Grade 8, and be it further

RESOLVED, that under the Victim/Witness Assistance Program, the Erie County Legislature does hereby provide authorization to upgrade two Victim/Witness Case Aide positions, Job Grade 4, to Senior Victim/Witness Case Aide positions, Job Grade 6, and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Victim/Witness Assistance and Child Victim Advocacy Programs to match state authorized funding levels, to be adjusted as follows:

VICTIM/WITNESS ASSISTANCE GRANT – Project #794
 October 1, 2003 – September 30, 2004

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 State Aid	\$ 259,690	\$ (19,358)	\$ 240,332
Acct. 686 Interfund DA	<u>69,907</u>	<u>(3,633)</u>	<u>66,274</u>
Total Revenue	<u>\$ 329,597</u>	<u>\$ (22,991)</u>	<u>\$ 306,606</u>
<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 800 Personal Services	\$ 258,631	\$ (17,902)	\$ 240,729
Acct. 801 Overtime	2,510	(510)	2,000
Acct. 805 Fringe Benefits	70,456	(4,579)	65,877
Acct. 824 Travel & Mileage	4,500	1,268	5,768
Acct. 826 Other Expenses	500	(200)	300
Acct. 883 Interfund-County Exec	(10,000)	- 0 -	(10,000)
Acct. 933 Lab & Tech Equip	<u>3,000</u>	<u>(1,068)</u>	<u>1,932</u>
Total Appropriations	<u>\$ 329,597</u>	<u>\$ (22,991)</u>	<u>\$ 306,606</u>

CHILD ADVOCACY GRANT – Project #793
 October 1, 2003 – September 30, 2004

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 State Aid	\$ 65,310	\$ (50,441)	\$ 14,869
Acct. 686 Interfund DA	<u>- 0 -</u>	<u>3,633</u>	<u>3,633</u>
Total Revenue	<u>\$ 65,310</u>	<u>\$ (46,808)</u>	<u>\$ 18,502</u>

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Appropriations

Acct. 800 Personal Services	\$ 51,433	\$ (37,782)	\$ 13,651
Acct. 805 Fringe Benefits	<u>13,877</u>	<u>(9,026)</u>	<u>4,851</u>
Total Appropriations	<u>\$ 65,310</u>	<u>\$ (46,808)</u>	<u>\$ 18,502</u>

and be it further

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

(5-0) Legislator Dusza absent. Chairman Holt present as Ex-Officio Member.

8. Item Page -2004 (Comm. 9E-57)

COUNTY EXECUTIVE

WHEREAS, funds for the Federal Family Violence Prevention Services Act (FFVPSA) Grant are available from the New York State Office of Children and Family Services in the amount of \$40,400, and

WHEREAS, the District Attorney's Office will utilize the funds to designate a Victim Advocate to assist victims of domestic violence throughout the criminal justice process.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Office of Children and Family Services for the purpose of assisting victims of domestic violence throughout the criminal justice process, which will ultimately result in the successful prosecution of these types of cases and the long-term safety of the victim, and be it further

RESOLVED, that authorization is hereby provided to create the position of Victim Advocate, Job Group 6, in the District Attorney's Federal Family Violence Prevention Services Act (FFVPSA) Grant, for which the B-100 is attached, and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's Federal Family Violence Prevention Services Act (FFVPSA) Grant as follows:

DISTRICT ATTORNEY'S OFFICE
 FEDERAL FAMILY VIOLENCE PREVENTION
 SERVICES ACT (FFVPSA) GRANT
 MARCH 31, 2004 TO MARCH 30, 2005

<u>Revenue:</u>	<u>Increase</u>
Acct. 627 State Aid	<u>\$ 40,400</u>
Total Revenue	<u>\$ 40,400</u>

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Appropriation:

Acct. 800 Personal Services	\$ 28,754
Acct. 805 Fringe Benefits	8,646
Acct. 825 Out of Area Travel	1,500
Acct. 826 Other Expenses	<u>1,500</u>
Total Appropriations	<u>\$ 40,400</u>

and be it further

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

(5-0) Legislator Dusza absent. Chairman Holt present as Ex-Officio Member.

9. Item Page -2004 (Comm. 9E-73)

COUNTY EXECUTIVE

WHEREAS, Erie County has been awarded a grant from the New York State Governor's Traffic Safety Committee, and

WHEREAS, the grant will fully fund the purchase of Breath Alcohol Testing Instruments, and

WHEREAS, the instruments will be placed at the Erie County Central Police Services Training Academy for use in police DWI training, and

WHEREAS, the County budget must be amended to include the approved State grant award,

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that a Governor's Traffic Safety Committee Breath Alcohol Testing grant be established for the period October 1, 2003 through September 30, 2004:

BREATH ALCOHOL TESTING GRANT

PROJECT #

10/1/03-9/30/04

REVENUES

ACCT 592-STATE AID DEPT OF TRANSPORTATION	<u>21,100</u>
TOTAL REVENUES	<u>21,100</u>

APPROPRIATIONS

ACCT 816-MAINTENANCE SUPPLIES	477
ACCT 826-OTHER EXPENSES	3,100
ACCT 933- LAB & TECHNICAL EQUIPMENT	<u>17,523</u>

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TOTAL APPROPRIATIONS

21,100

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with GTSC for the purpose of receiving the grant, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, County Executive's Office, Office of the Comptroller, and the Erie County STOP-DWI Office.

(5-0) Legislator Dusza absent. Chairman Holt present as Ex-Officio Member.

10. Item Page -2004 (Comm. 9E-74)

COUNTY EXECUTIVE

WHEREAS, funds have been received from the New York State Emergency Management Office through the Federal Government to continue the Citizens Corps Council for Erie County, and

WHEREAS, these funds will assist in convening meetings and organizing volunteers for the Citizen Corps Council throughout Erie County.

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to receive funding from the New York State Emergency Management Office through the Federal Government to assist in the continuation of the Erie County Citizens Corps Council, and be it further

RESOLVED, that funds be utilized to fund meetings and other functions of the Citizens Corps Council, and be it further

RESOLVED, that the following budgetary accounts be created in order to complete the above tasks:

Department of Emergency Services
 Citizens Corps Council Grant #2

Revenue

SFG684 - Federal Aid – Other	\$ <u>10,000</u>
TOTAL	\$ 10,000

(4-0) Legislator Weinstein absent
 Appropriations

SFG810 – Office Equipment and Supplies	\$ 500
SFG825 – Long Distance Travel	2,000

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SFG830 – Contractual
TOTAL

7,500
\$ 10,000

and be it further

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

(5-0) Legislator Dusza absent. Chairman Holt present as Ex-Officio Member.

AS AMENDED

11. Item Page -2004 (Intro. 9-7)
SWANICK, CHASE, KUWIK, WROBLEWSKI, MARINELLI & DEBENEDETTI
WHEREAS, the safety and security of individuals being medically transported by an ambulance service should be of the utmost importance, and

WHEREAS, the employees involved in this important service should be of the highest caliber and their actions should be above reproach, and

WHEREAS, there was an instance in New York State where an ambulette driver with two previous misdemeanor charges of public lewdness allegedly sexually assaulted a mentally disabled woman while he was driving her to an appointment, and

WHEREAS, while the Department of Transportation registers ambulette companies and requires that drivers hold special drivers licenses, it does not require fingerprinting and/or criminal background checks.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature lends its support to state legislation requiring employers of ambulette drivers to conduct fingerprinting and criminal background checks on any employee, and be it further

RESOLVED, that this Honorable Body is encouraged by the New York State Senate's passage of S.5479-A, and be it further

RESOLVED, that this Honorable Body urges the New York State Assembly to pass A.O9138, companion legislation on this subject, and New York State Governor George Pataki sign these bills into law upon passage in both houses, and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, the Western New York delegation of the New York State Legislature, and New York State Governor George Pataki.
(4-0) Legislator Dusza absent.

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EDWARD J. KUWIK
CHAIRMAN

MR. RANZENHOFER moved to separate items #2 & #11 and moved the approval of the balance of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

MR. KUWIK moved to amend item #2 (Intro. 8-25) to include Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. KUWIK moved the approval of item #2 as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. KUWIK moved to amend item #11 (Intro. 9-7) to include Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. KUWIK moved the approval of item #11 as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 33 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

May 6, 2004

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2004 (Comm. 1E-6)
COMPTROLLER: Letter to Legislators Re: Enterprise Resource Planning Project.
 (5-0)

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- b. Item Page -2004 (Comm. 5M-10)
SAP AG: Sap – Public Sector Solution MAP 2004.
(5-0)
- c. Item Page -2004 (Intro. 8-21)
HOLT & MARINELLI: Countywide Personal Computer Upgrade.
(5-0)
- d. Item Page -2004 (Comm. 9D-1)
DISS: Monthly SAP/ERP Project Status Report.
(5-0)
- e. Item Page -2004 (Comm. 9D-2)
COUNTY ATTORNEY: Notice of Claims.
(5-0)
- f. Item Page -2004 (Comm. 9D-17)
COUNTY ATTORNEY: Notice of Claims.
(5-0)
- g. Item Page -2004 (Comm. 9E-19)
COMPTROLLER: SAP – General Ledger Processing – Key Dates for Cutover.
(5-0)
- h. Item Page -2004 (Comm. 9E-20)
COMPTROLLER: SAP – Accounts Payable Processing.
(5-0)
- i. Item Page -2004 (Comm. 9E-23)
COUNTY EXECUTIVE: Request for Formation of Special Committee of Legislature to Investigate County Furniture Purchase Process.
(5-0)
- j. Item Page -2004 (Comm. 9M-32)
VOICE BUFFALO: Statement of Support for Assemblymember Hoyt’s EC Compact Act.
(5-0)

**LYNN M. MARINELLI
CHAIRPERSON**

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 34 – MR. SMITH presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

May 6, 2004

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 5

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

1. RESOLVED, that the following item is hereby received, filed and referred to the PUBLIC SAFETY COMMITTEE.

- a. Item Page -2004 (Intro. 8-1)
SWANICK & CHASE: Support for State Legislation Establishing The Save-NY Child Protection Act of 2004 (A.09402).
 (6-0) Chairman Holt present as Ex-Officio Member.

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

- a. Item Page -2003 (Intro. 16-8)
HOLT & SMITH: Support for the “US National Health Insurance Act” (HR 676).
 (6-0) Chairman Holt present as Ex-Officio Member.

- b. Item Page -2003 (Intro. 24-8)
HOLT, MARINELLI, SMITH, DEBENEDETTI, DUSZA, FISHER & DALE: Problems & Issues at EC Child Protective Services.
 (6-0) Chairman Holt present as Ex-Officio Member.

- c. Item Page -2004 (Comm. 1M-10)
NYSDOH: Copy of Final Version of Health Consultation for Offsite Residential Properties Across from Former NL Industries Site in Erie County.
 (6-0) Chairman Holt present as Ex-Officio Member.

- d. Item Page -2004 (Intro. 4-18)
HOLT, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI: Problems with the Temporary & Transitional Housing of the Homeless.
 (6-0) Chairman Holt present as Ex-Officio Member.

- e. Item Page -2004 (Comm. 6D-4)
SOCIAL SERVICES: Copy of United Way Board Meeting Minutes.
 (6-0) Chairman Holt present as Ex-Officio Member.

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- f. Item Page -2004 (Comm. 6M-2)
NYS OFFICE OF CHILDREN & FAMILY SERVICES: Report of Death of Child in
Local Jurisdiction.
(6-0) Chairman Holt present as Ex-Officio Member.
- g. Item Page -2004 (Comm. 8D-1)
SOCIAL SERVICES: Response to Request for Information Re: Death of Child in Foster
Care.
(6-0) Chairman Holt present as Ex-Officio Member.
- h. Item Page -2004 (Comm. 8D-11)
DEP: Funding Breakdown for Saint John Baptist Hospice House Project.
(6-0) Chairman Holt present as Ex-Officio Member.
- i. Item Page -2004 (Comm. 8D-13)
SOCIAL SERVICES: Response to Request for Information Re: Resolution to Award
Contract to CMA Consulting for Computer Software Development without RFP.
(6-0) Chairman Holt present as Ex-Officio Member.
- j. Item Page -2004 (Comm. 8E-1)
SMITH: Copy of Letter to Social Services Re: Impact to Homeless Due to Fire at Buffalo
Tourist Lodge.
(6-0) Chairman Holt present as Ex-Officio Member.
- k. Item Page -2004 (Comm. 9D-9)
SOCIAL SERVICES: Copy of Letter to Legislator Smith in Response to Information Re:
Homeless at Buffalo Tourist Lodge..
(6-0) Chairman Holt present as Ex-Officio Member.
- l. Item Page -2004 (Comm. 9D-10)
SOCIAL SERVICES: Response to Request for Information on Adoption & Foster Care
Programs.
(6-0) Chairman Holt present as Ex-Officio Member.
- m. Item Page -2004 (Comm. 9M-9)
GOVERNOR PATAKI: Notice of Appointment of Director of ECMCC.
(6-0) Chairman Holt present as Ex-Officio Member.
- n. Item Page -2004 (Comm. 9M-16)
GOVERNOR PATAKI: Notice of Appointment of Director of ECMCC.
(6-0) Chairman Holt present as Ex-Officio Member.

AS AMENDED

3. Item Page -2004 (Intro. 7-3)
MARSHALL, MINORITY CAUCUS, SMITH, DEBENEDETTI, HOLT,
MARINELLI, SCHROEDER & KUWIK

WHEREAS, Medicaid is the backbone of the nation's health care system, serving the vital needs of millions of Americans, and

WHEREAS, today, Medicaid costs federal, state and local governments almost \$250 billion and enrolls 47 million clients nationwide, making it the single largest expenditure in most state budgets, and

WHEREAS, New York State has the highest percentage of eligible residents enrolled in Medicaid in the nation, which costs \$36 billion annually or the equivalent of \$1,890 for every state resident, and

WHEREAS, unlike most states, New York funds a substantial portion of its Medicaid costs at the local level, with the counties and New York City required to pay 50% of the non-federal share of most Medicaid services, except for long- term care, for which counties contribute 20%, and

WHEREAS, on average counties Contribute 34% to the total cost of Medicaid funded by New York State, and

WHEREAS, in contrast, North Carolina, the only other state that requires counties to contribute to a broad range of Medicaid services, collects about 15 percent of their non-federal Medicaid spending from local taxpayers, and

WHEREAS, the Erie County local share of the Medicaid costs rose to \$158 Million in 2003, from \$141 million in 2002 and is projected to increase to almost \$175 million in 2004, and

WHEREAS, county governments across New York State are struggling to cover state mandated programs like Medicaid, with some counties forced this year to pass budgets that contain significant property tax and sales tax increases, and

WHEREAS, Erie County will have to consider reducing support for non-mandated county services, raising property taxes or enacting an additional sales tax if the local share of Medicaid is not capped or rescinded by New York State, and

WHEREAS, a bill was introduced in the New York State Assembly (A.9924), which would amend the social services law and establish the "Local Taxpayer Relief Act of 2004," which would limit certain Medicaid expenses paid by a social services district, and

WHEREAS, if approved the "Local Taxpayer Relief Act of 2004" (A. 9924) would cap the local share of Medicaid beginning April 1, 2004 by relieving local social services districts from responsibility for paying to the state any amount that exceeds what was paid to the state from April 1, 2003 to March 31, 2004,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to providing medical services to low income and uninsured residents, and be it further

RESOLVED, that this Honorable Body is devoted to prudent and responsible fiscal decision-making to ensure the long-term viability of Erie County, and be it further

RESOLVED, that this Honorable Body supports the introduction of legislation in the Senate and Assembly that will cap, control or rescind the local share of Medicaid, and be it further

RESOLVED, that this honorable body requests that the New York State Senate introduce a bill similar to the "Local Taxpayer Relief Act of 2004" (A. 9924) or other legislation that will control or cap the local share contribution of Medicaid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver, and the Western New York delegation to the New York State Legislature.

Fiscal Impact: POSITIVE for Erie County
 (6-0) Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Comm. 8E-32)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health received a revised grant award from the New York State Department of Health in the amount of \$236,298 for the blending of two pre-existing programs (the Erie County Healthy Women's Partnership and the Colorectal Prostate Initiative of Erie County), to form the Partners for Prevention Cancer Screening Services of Erie County, and

WHEREAS the purpose of this funding is for breast and cervical cancer screening for low income, asymptomatic, underserved women ages 18 and over, and fecal occult blood screening and prostate cancer awareness education, and

WHEREAS, the Erie County Partners for Prevention Cancer Screening Services of Erie County is made up of a coalition of concerned community agencies and health care providers, funded by a grant from the New York State Health Department, and

WHEREAS, the Erie County Health Department is the fiscal intermediary for this project.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from the New York State Health Department to be budgeted as follows:

PARTNERS FOR PREVENTION

04/1/03- 03/31/04

PROJECT #865

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	STATE AID	\$ 231,298	\$5,000	\$ 236,298
	TOTAL	\$ 231,298	\$5,000	\$ 236,298
	EXPENSES			
800	PERSONAL SERVICES	\$ 24,198	\$ 0	\$ 24,198
805	FRINGE BENEFITS	4,152	0	4,152
825	OUT OF AREA TRAVEL	1,000	0	1,000
830-0987	CONT-AMER CANCER	146,263	0	146,263
830-0988	CONT-SISTERS HOSP	19,440	0	19,440
830-0989	CONT-CLINICAL HWP	39,120	0	39,120
830-1610	CONT-CLINICAL CPI	13,750	5,000	18,750
880-4000	INTER-FUND - ECMC	3,000	0	3,000
882-2709	ID- HEALTH GRANTS	1,000	0	1,000
883-2709	ID-HEALTH GRANTS	-21,625	0	-21,625
933	LAB & TECH EQUIP	1,000	0	1,000
	TOTAL	<u>\$ 231,298</u>	<u>\$5,000</u>	<u>\$236,298</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.
 (6-0) Chairman Holt present as Ex-Officio Member.

5. Item Page -2004 (Comm. 8E-33)
COUNTY EXECUTIVE

WHEREAS, the New York State Health Department has indicated that the Erie County Department of Health has qualified for a grant to enhance beach sampling, for the period 5/1/04 to 9/15/04 in the amount of \$13,395, and

WHEREAS, each beach will be tested by the Erie County Department of Health at least two times per week throughout the bathing season, and

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WHEREAS, samples will routinely be collected, chilled and transported to the Erie County Public Health Laboratory for testing within 6 hours of sample collection for fecal coliform and E.coli bacteria using proposed EPA methodologies, and

WHEREAS, sampling, collection, delivery and reporting will be conducted by a part time fee-for-service Engineering Intern, and

WHEREAS, a beach will be closed when New York State and EPA standards are exceeded, and will remain closed until subsequent tests indicate a water quality that meets the accepted standards, and

WHEREAS, a sign will be posted for closed beaches with verbiage that is acceptable to the permit issuing official, and closing may be reported to the media as well as a county telephone beach hotline, and

WHEREAS, results of testing and reporting of results will be directed to the New York State Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the New York State Department of Health to accept a grant to enhance beach sampling which is budgeted as follows:

BEACH WATER QUALITY MONITORING PROGRAM

05/01/04 - 09/15/04

ACCT	SUB-ACCT	REVENUE	NEW BUDGET
553		STATE AID	\$ 13,395
		TOTAL	<u>\$ 13,395</u>
		EXPENSES	
821		DUES AND FEES	\$ 3,310
824		TRAVEL AND MILEAGE	1,298
826		OTHER EXPENSES	147
880	2720	INTERFUND - PH LAB	<u>8,640</u>
		TOTAL	<u>\$ 13,395</u>

PUBLIC HEALTH LAB

Increase Account	814	MEDICAL SUPPLIES	\$ 8,640
Increase Account	685-2709	INTERFUND - HEALTH GRANTS	\$ 8,640

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and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (6-0) Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 8E-37)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE) grant for the period April 1, 2003 to March 31, 2004, and

WHEREAS, the Department and one of the Cluster agencies have identified \$15,000 in CSE funds that the Custer agency will be unable to use prior to March 31, 2004, and

WHEREAS, the Department desires to allocate these unspent funds to benefit the entire case management network by covering Adult Day Care and communication costs, and

WHEREAS, the CSE grant budget and the related contract are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend the contract with the Buffalo Federation of Neighborhood Centers as detailed below, and be it further

RESOLVED, that the CSE grant budget, Project 771, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
830/373	Buffalo Fed Neighborhood Center	\$100,728	-\$15,000	\$85,728
830/1406	Adult Day Care Agencies	\$0	14,000	14,000
880/5100	Interfund Expenses	9,780	1,000	10,780
TOTAL CHANGE			<u> \$0</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Comptroller's Office, the Division of Budget, Management and Finance, the County Attorney and the Department of Senior Services.
 (6-0) Chairman Holt present as Ex-Officio Member.

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AS AMENDED

7. Item Page -2004 (Comm. 9E-32)
COUNTY EXECUTIVE
 WHEREAS, diabetes is a major cause of death and disability for Western New Yorkers, and

WHEREAS, the Erie County Department of Health has been a leader, through the Western New York Public Health Coalition, in addressing regional public health concerns, and

WHEREAS, the Erie County Department of Health received a revised grant award from the New York State Health Department in the amount of \$117,500 on behalf of the Western New York Coalition for Diabetes Prevention, and

WHEREAS, it is necessary to enter into subcontracts with Kaleida Health in the amount of \$27,000, Healthy Community Alliance in the amount of \$37,500, the Lake Plains Community Care Network in the amount of \$35,000 and the Catholic Health Systems of WNY in the amount of \$5,000 for planning of diabetes education and screening events.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a revised grant award from the New York State Health Department to be budgeted as follows:

WNY COALITION FOR DIABETES PREVENTION
4/1/03 – 9/30/04
Project #863

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	State Aid	<u>\$ 80,000</u>	<u>\$37,500</u>	<u>\$117,500</u>
	TOTAL	<u>\$ 80,000</u>	<u>\$37,000</u>	<u>\$117,500</u>
EXPENSES				
825	Out Of Area Travel	\$ 3,000	\$0	\$ 3,000
830-1095	Contract - Kaleida Health	18,000	9,000	27,000
830-1186	Contract-Healthy Comm. Alliance	27,000	10,500	37,500
830-1187	Contract-Lake Plains	21,000	14,000	35,000
830-1736	Contract-Catholic Health Systems	3,000	2,000	5,000
882-2709	I/D - Health Grants	<u>8,000</u>	<u>2,000</u>	<u>10,000</u>
	TOTAL	<u>\$80,000</u>	<u>\$37,500</u>	<u>\$117,500</u>

Partners for Prevention
 04/01/03 -03/31/04
 Project #865

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SFG	Expenses	
800	Personal Services	\$ 2,000
883-2709	I/D Health Grants	<u>-2,000</u>
	TOTAL	<u><u>\$ 0</u></u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with Kaleida Health in the amount of \$27,000, Healthy Community Alliance in the amount of \$37,500, the Lake Plains Community Care Network in the amount of \$35,000 and the Catholic Health Systems of WNY in the amount of \$5,000 for planning of diabetes education and screening events, and be it further

RESOLVED, that the subcontracts with Kaleida Health, Healthy Community Alliance, the Lake Plains Community Care Network and the Catholic Health System of WNY are special services which must be provided immediately and continuously, and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (6-0) Chairman Holt present as Ex-Officio Member.

8. Item Page -2004 (Comm. 9E-37)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health provides medical services at various health centers, including 1500 Broadway, and

WHEREAS, the Erie County Department of Health wishes to contract with Berkshire Farms and Services for Youth to provide medical services to children in non-secure detention group care and detention boarding care programs which include several foster homes in the Buffalo area, and

WHEREAS, Berkshire Farm Center and Services for Youth guarantees reimbursement to the Erie County Health Department for costs associated with the provision of these services at a rate of \$65.00 per medical visit, and dental services per the existing fee schedule, and

WHEREAS, the term of this contract shall be effective 2/13/04 for one year, with three one-year extensions by mutual agreement of the parties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with Berkshire Farm Center and Services for Youth for the provision of health services at the rate of \$65.00 per medical visit, and dental services per the existing fee schedule, and be it further

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RESOLVED, that the term of this contract shall be effective 2/13/04 for one year, with three one-year extensions by mutual agreement of the parties, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (6-0) Chairman Holt present as Ex-Officio Member.

9. Item Page -2004 (Comm. 9E-38)

COUNTY EXECUTIVE

WHEREAS, Communication 4E-5, which was certified on February 19, 2004 authorized the County Executive to enter into an agreement with the United States Department of Housing and Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control, to fund a Healthy Homes Initiative Program to improve the quality of life of children through reduced health and safety risks, and

WHEREAS, this resolution also authorized the County Executive to enter into a subcontract with HomeTest Laboratories, in an amount not to exceed \$24,500 for the period 10/1/03 through 9/30/06, for the purpose of providing materials for and analysis of lead in dust samples, and

WHEREAS, effective February 6, 2004 HomeTest/METS Laboratories began operating under the name of RX Solutions International Inc. as a result of an asset purchase.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a subcontract with RX Solutions International Inc. in an amount not to exceed \$24,500 for the period 10/1/03 through 9/30/06, for the purpose of providing materials for and analysis of lead in dust samples, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (6-0) Chairman Holt present as Ex-Officio Member.

10. Item Page -2004 (Comm. 9E-39)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department provides refugee health assessments through an agreement with the New York State Department of Health, and

WHEREAS, a part of this health assessment includes a review of the vaccine status of refugees, and if the refugee cannot show evidence of a completed vaccine series, the Health Department will administer the required vaccine, and

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WHEREAS, under this new program, New York State will reimburse the Erie County Health Department for the cost of this program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an agreement with the New York State Health Department to accept the grant award in the amount of \$21, 903 for the period 1/1/04 through 6/30/06 which is budgeted as follows:

Refugee Supplemental Vaccine Program
1/1/04 – 6/30/06

SFG	REVENUE	BUDGET
553	State Aid	<u>\$21,903</u>
	TOTAL	<u>\$21,903</u>
	EXPENSES	
814	Medical & Health Supplies	<u>\$21,903</u>
	TOTAL	<u>\$21,903</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, the Personnel Department and the Department of Law.
(6-0) Chairman Holt present as Ex-Officio Member.

11. Item Page -2004 (Comm. 9E-40)

COUNTY EXECUTIVE

WHEREAS, New York State requires that the Medical Examiner's Toxicology Laboratory maintain forensic laboratory accreditation, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the revised grant award which extends the existing grant end date from 8/31/03 to 12/31/04, and is budgeted as follows:

Medical Examiner's Toxicology Lab Aid Grant
04/01/01 – 12/31/04
Project #690

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SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	State Aid – Other	<u>\$156,424</u>	<u>\$0</u>	<u>\$156,424</u>
	TOTAL	<u>\$156,424</u>	<u>\$0</u>	<u>\$156,424</u>
	EXPENSES			
800	Personnel Services	\$32,928	\$-2,158	\$30,770
805	Fringe Benefits	7,244	0	7,244
814	Medical Supplies	2,327	-1,361	966
825	Out of Area Travel	2,425	0	2,425
826	Other Expenses	500	0	500
933	Technical Equipment	<u>111,000</u>	<u>3,519</u>	<u>114,519</u>
	TOTAL	<u>\$156,424</u>	<u>\$0</u>	<u>\$156,424</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Division of the Medical Examiner's Toxicology Laboratory, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(6-0) Chairman Holt present as Ex-Officio Member.

12. Item Page -2004 (Comm. 9E-42)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department provides laboratory services to Erie County departments, government agencies, local health care providers, area hospitals, and other counties, and

WHEREAS, the Erie County Public Health Laboratory has become a regional laboratory working with agencies throughout the State, and

WHEREAS, agencies pay the Erie County Public Health Laboratory for laboratory testing services based on the laboratory's 2004 fee schedule, and

WHEREAS, the Erie County Public Health Laboratory has agreed to participate in a study with Buffalo State College, Department of Geography and Planning to provide laboratory testing as part of a project entitled "GIS Based Spatial Modeling and Analyses of Urban Stormwater Size and SMP Feasibility in the Lower Buffalo Watershed".

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby encourages the Public Health Laboratory to participate in this study, and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized in the 2004 adopted budget of the Department of Health:

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Increase Account 398 – Public Health Lab Fees	<u>\$2,430</u>
TOTAL	<u>\$2,430</u>

APPROPRIATION

Increase Account 814 – Medical & Laboratory Supplies	\$1,485
Increase Account 821 – Dues & Fees	<u>945</u>
TOTAL	<u>\$2,430</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Division of Budget, Management & Finance, the Office of the Comptroller and the Department of Law.

(6-0) Chairman Holt present as Ex-Officio Member.

13. Item Page -2004 (Comm. 9E-66)

COUNTY EXECUTIVE

WHEREAS, the Division of Emergency Medical Services has analyzed their objects of expense and has determined that in Account 811, Clothing Supplies and Account 933, Lab & Technical Equipment, expenditures will exceed appropriations by an estimated \$3,000 and \$2,000 respectively, and

WHEREAS, a transfer of funds must be made in order to continue the provision of vital public health services for the remainder of the 2004 fiscal year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is hereby approves the following transactions within the accounts of the Department of Health:

Division of Emergency Medical Services

Increase – Account 811 Clothing Supplies	\$3,000
Increase – Account 933 Lab & Technical Equipment	\$2,000
Decrease – Account 821 Dues & Fees	\$3,000
Decrease – Account 825 Out of Area Travel	\$2,000

and be it further

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

(6-0) Chairman Holt present as Ex-Officio Member.

14. Item Page -2004 (Comm. 9E-79)

COUNTY EXECUTIVE

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WHEREAS, the Department of Social Services is seeking authorization to enter into a contract with Crucial, Inc. to implement the Educating Neighborhoods to Obey Those in Authority (ENOTA) project, and

WHEREAS, this project is to be co-sponsored by Erie County and the Niagara Frontier Transportation Authority, and

WHEREAS, there is no 2004 fiscal impact to this resolution as the local share is to be provided by an allocation of program income from the Community Development fund, and

WHEREAS, the ENOTA project is designed to train the general population and youths in particular to use alternative solutions to violence when in a confrontational situation with authority figures.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to enter into a contract with Crucial, Inc. to implement the Educating Neighborhoods to Obey Those in Authority Project, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Department 200, Fund 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
830-xxxx	Crucial, Inc.	<u>\$50,000</u>
	Total Expenditures	<u>\$50,000</u>
606	State Aid – Services for Recipients	\$32,500
685-6201	Interfund Revenue - Economic Development	<u>17,500</u>
	Total Revenues	<u>\$50,000</u>

Department of Environment and Planning, Department 620, Fund 290

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
489	Program Income	\$(17,500)
880-2000	Interfund Transfer - Social Services	<u>17,500</u>
	Total Appropriation	<u>-0-</u>

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and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Commissioner of Environment and Planning, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(6-0) Chairman Holt present as Ex-Officio Member.

DEMONE A. SMITH
CHAIRMAN

MR. RANZENHOFER moved to separate item #3 and moved the approval of the balance of the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved to amend item #3 (Intro. 7-3) to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved the approval of item #3 as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 35 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

May 6, 2004

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MARSHALL.

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

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- Item Page -2004 (Comm. 9M-30)
 a. **TOWN OF AMHERST:** Certified Resolutions – County Highway Work Maple Road & North Forest Road.
 (4-0) Legislator Marshall absent.

- Item Page -2004 (Comm. 9M-31)
 b. **SROKA FAMILY:** Letter Re: Widening Intersection of North Forest & Maple Roads.
 (4-0) Legislator Marshall absent.

2. Item Page -2004 (Comm. 9E-49)
COUNTY EXECUTIVE

WHEREAS, the City of Buffalo Code (Section 94-26) requires presence of a Chief Stationary Engineer in buildings that exceed 150-boiler horsepower and 225 horsepower of refrigeration power-development units, and

WHEREAS, we are currently in violation of this Section of City of Buffalo Code, and

WHEREAS, to satisfy the City of Buffalo Ordinance and avoid potential for penalties, two additional Chief Stationary Engineers (J.G.9) are required, and

WHEREAS, one Stationary Engineer (J.G.7; position number 065380) and one Assistant Stationary Engineer (J.G.5; position number 060733) can be deleted when these two positions are created,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the addition two Chief Stationary Engineer (J.G.9) positions, and be it further

RESOLVED, that a Stationary Engineer (J.G.7; position number 065380) and an Assistant Stationary Engineer (J.G.5; position number 060733) will be deleted, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one copy each to the County Executive, the Commissioner of Personnel, the Director of Budget, Management and Finance and the Office of the Comptroller.
 (4-0) Legislator Marshall absent.

3. Item Page -2004 (Comm. 9E-58)
COUNTY EXECUTIVE

WHEREAS, a project for the Pavement Rehabilitation (Multi-Course Overlay) of Hopkins Road (CR 87) from Klein Road to the Bridge over Ransom Creek, BIN 3-32630-0, in the Town of Amherst, Erie County, PIN 5755.86, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

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WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Construction and Construction Inspection Phase of the Project, PIN 5755.86.

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

RESOLVE, that the Erie County Legislature hereby approves the above subject project, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Construction and Construction Inspection Phase of the Project or portions thereof, and be it further

RESOLVED, that the total project cost has increased by \$35,000 from \$1,250,000 to \$1,285,000 and that the sum of \$7,000 is hereby appropriated from the 2001 Federal Highway Reconstruction Program (SFG 420-204) (in addition to \$247,200 and \$3,000 previously appropriated for the project's Construction & Construction Inspection phase via County Resolution No. 15E-30 adopted on the 12th day of July 2001, and County Resolution No. 14E-28 adopted on the 18th day of July 2002, respectively) and made available to cover the non-Federal share of 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 costs of the project's Construction and Construction Inspection Phase exceeds the amount appropriated \$247,200 and/or 100% of the full Federal and non-Federal shares of the cost of the Construction and Construction Inspection Phase exceeds \$1,285,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal 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 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, one certified copy each to the County Executive, the Commissioner of Public Works and the Erie County Comptroller.

(4-0) Legislator Marshall absent.

4. Item Page -2004 (Comm. 9E-63)
COUNTY EXECUTIVE

WHEREAS, design services are required for the Botanical Gardens Implementation of the Master Plan, Architectural/Engineering Agreement and additional environmental impact statement for proposed work, and

WHEREAS, the firm of URS Corporation Group presently has a General Engineering contract with the County of Erie to provide design services, and

WHEREAS, the firm of URS Corporation Group has the Architectural/Engineering expertise to provide the required services to implement the long-range master plan and environmental impact statement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to enter into a supplemental agreement with URS Corporation Group with a maximum fee not-to-exceed \$500,000, including testing, reimbursable, and miscellaneous expenses relative to the design services for master plan implementation and environmental impact statement, and be it further,

RESOLVED, that the \$500,000 fee allocation be taken from the Botanical Gardens account, Project 203, Fund 410, in the amount of \$467,395 and Project 304, Fund 410 in the amount of \$32,605, 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 the Division of Budget Management and Finance; one copy to the Office of the Comptroller; one copy to the Office of the County Executive; and one copy to the Department of Parks and Recreation.

(4-0) Legislator Marshall absent.

5. Item Page -2004 (Comm. 9E-64)
COUNTY EXECUTIVE

WHEREAS, the 2004 capital budget contains \$2.4 million for Rehabilitation Work at Ralph Wilson Stadium in accordance with the terms of the new Lease Agreement between the Buffalo Bills and Erie County, and

WHEREAS, the Buffalo Bills have requested that the County proceed with this work which should be completed before the regular football season begins in order not to jeopardize the operation and safety of the Stadium, and

WHEREAS, in order to comply, DiDonato Associates, P.E., P.C. has completed some design work for these projects and the Department of Public Works must receive bids and issue construction contracts as soon as possible, and

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WHEREAS, DiDonato Associates, P.E., P.C. has a General Architectural/Engineering Agreement with Erie County, and

WHEREAS, DiDonato Associates, P.E., P.C., has designed and constructed various projects at the stadium in the past,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to DiDonato Associates, P.E., P.C. to prepare contract documents and provide design and inspection services for the 2004 Ralph Wilson Stadium Capital Rehabilitation Projects, for a fee not to exceed \$275,000, including reimbursables, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Stadium Renovations, Project 406, Fund 410, 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 the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of the County Executive. (4-0) Legislator Marshall absent.

6. Item Page -2004 (Comm. 9E-67)
COUNTY EXECUTIVE

WHEREAS, the Division of Buildings and Grounds continues to evaluate its personnel allocations and requests further minor changes to better suit the current conditions, and

WHEREAS, with several new buildings coming on line last year including Youth Detention Facility and Great Lakes Building, and several more planned in the near future including the Public Safety Campus, repairs and maintenance have increased, and

WHEREAS, although the staff to perform the work seems sufficient by utilizing innovative methods and new technology, the supervision level is not adequate, and

WHEREAS, one grievance which this resolution addresses has been filed to date and has to go to arbitration and it is suspected that more may follow if these changes are not incorporated,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the addition of one Supervising Maintenance Mechanic (J.G.9), and be it further

RESOLVED, that the Erie County Legislature authorizes the deletion of an Assistant Supervising Maintenance (J.G.8; position #063021), and be it further

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RESOLVED, that the source of funds for the difference of the above of the Division of Buildings and Grounds shall be unexpended balances in the personal services and fringe benefit accounts of the Division of Buildings and Grounds, and be it further

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

(4-0) Legislator Marshall absent.

7. Item Page -2004 (Comm. 9E-68)

COUNTY EXECUTIVE

WHEREAS, engineering design services are required for the Erie County Medical Center, Access Road Waterline Replacement, and

WHEREAS, the firm of Robson & Woese, Inc. presently has a contract with the County of Erie to provide design services for various projects,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Robson & Woese, Inc. in an amount not to exceed \$18,000, including testing, reimbursables, and miscellaneous expenses relative to engineering design services required for the Erie County Medical Center, Access Road Waterline Replacement, and be it further,

RESOLVED, that the \$18,000 fee allocation be taken from Project 293, Fund 410, 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 the Erie County Medical Center; one copy to Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of the County Executive.

(4-0) Legislator Marshall absent.

8. Item Page -2004 (Comm. 9E-77)

COUNTY EXECUTIVE

WHEREAS, the County of Erie has a great demand for financial resources targeted toward low-income households seeking to improve their housing conditions; and

WHEREAS, the County of Erie has received \$237,128 from the Federal Home Loan Bank of New York under their Affordable Housing Program; and

WHEREAS, the full Program cost is \$2,423,727 with \$237,128 coming from the Federal Home Loan Bank of New York, \$2,104,900 from HSBC Bank USA, \$60,000 from the federal HOME Investment Partnership Program and \$21,700 from home buyers participating in the Erie County First Time Home Buyer – Targeted Program; and

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WHEREAS, said monies will assist 30 households purchase a home in targeted communities within Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with the Federal Home Loan Bank of New York, Seven World Trade Center, New York, New York, and HSBC Bank USA, One HSBC Center, Buffalo, New York, for the purpose of implementing the County's First Time Home Buyer – Targeted Program for an amount not to exceed \$237,128; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget, Management, and Finance; the County Comptroller; and the Commissioner of the Department of Environment and Planning.
 (4-0) Legislator Marshall absent.

9. Item Page -2004 (Comm. 9E-82)
COUNTY EXECUTIVE

WHEREAS, the City of Buffalo owns and operates a Central Heating facility in downtown Buffalo which is underutilized and the actual cost of the heat is more expensive than it should be, and

WHEREAS, currently, two County owned facilities are connected to the City's District Heat, and

WHEREAS, in order to bring down the cost of operation and more fully utilize the plant, the City needs to expand usage of the facility, and

WHEREAS, in response to an RFP issued three years ago to hire a consultant to study the expansion of District Heat in the downtown area the City awarded a contract to Siemens Building Technology through the Buffalo District Energy Corporation, and

WHEREAS, their work has progressed to a point where various County buildings have been identified as good candidates for District Heat, and

WHEREAS, the next step is for the County to analyze its buildings and work through Siemens as its Performance Contractor to determine if this is feasible from the County's standpoint,

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to Siemens Building Technologies to perform a preliminary energy audit on various County owned facilities in the downtown area providing that a clause is included in the contract that states that no specific payment will be made for this service provided reasonable energy costs can be obtained through utilizing District Heat and a construction contract is progresses, and be it further

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RESOLVED, that should the Performance Contractor perform a preliminary energy audit and reasonable energy costs can be obtained through utilizing District Heat, and a construction contract is not progressed by the County, the cost of \$367,000 for this preliminary energy audit will be paid from the Utility Fund, and be it further

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

(4-0) Legislator Marshall absent.

**MARK J. F. SCHROEDER
CHAIRMAN**

MR. SCHROEDER moved the approval of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 36 – MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

May 6, 2004

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 7

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

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

- a. Item Page -2003 (Intro. 13-9)
HOLT & SMITH: Allocating EC Funding from Brown & Williamson Tobacco Settlement for Regional Assets on Buffalo's East Side.
(5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.

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

- a. Item Page -2003 (Intro. 18-11)
HOLT, DEBENEDETTI, SMITH & SCHROEDER: Sharing State Medicaid Relief with City of Buffalo.
(5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.

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- b. Item Page -2003 (Comm. 20M-2)
CITY OF BUFFALO COMMON COUNCIL: Copy of Certified Resolution Re: Sharing of Medicaid Relief with City of Buffalo.
 (5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.
- c. Item Page -2003 (Intro. 20-7)
HOLT, DEBENEDETTI, DUSZA, SMITH, KUWIK, MARINELLI, FISHER, DALE, WEINSTEIN & CUSACK: Transfer of Necessary Funding for North Jefferson Library.
 (5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.
- d. Item Page -2003 (Comm. 25E-1)
LARSON: Copy of Letter to Legislator Holt Re: Forgiveness of NYS Medicaid Loan.
 (5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.
- e. Item Page -2003 (Comm. 25E-3)
DEBENEDETTI: Copy of Letter to County Attorney Re: Risk Retention Fund.
 (5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.
- f. Item Page -2004 (Comm. 1E-8)
COUNTY EXECUTIVE: Staffing Reductions/Re-Engineering County Services (Comm. 24E-14 (2003)).
 (5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.
- g. Item Page -2004 (Intro. 4-17)
HOLT, MARINELLI, DUSZA, DEBENEDETTI, SCHROEDER, SMITH & WROBLEWSKI: Erie County's 2004 Pension Costs.
 (5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.
- h. Item Page -2004 (Comm. 7E-9)
DEBENEDETTI: Copy of Appropriation & Expenditure Details on Tobacco Settlement Funds as Provided by Budget Director.
 (4-0) Legislator Weinstein absent.
- i. Item Page -2004 (Comm. 8E-7)
DEBENEDETTI: Letter to Personnel Department Re: County's Effort to Offer Municipalities Access to Labor Management Health Care Coalition.
 (4-0) Legislator Weinstein absent.
- j. Item Page -2004 (Comm. 9E-1)
COMPTROLLER: Apportionment & Distribution of 4% Sales Tax for 3/04.
 (4-0) Legislator Weinstein absent.
- k. Item Page -2004 (Intro. 9-12)
SWANICK: Request for Further Investigation of Furniture Purchases.
 (4-0) Legislator Weinstein absent.

MEETING NO. 10**May 13, 2004****ERIE COUNTY LEGISLATURE****AS AMENDED**

3. Item Page -2004 (Intro. 11-8)

MARINELLI & DEBENEDETTI

WHEREAS, it is productive to consistently examine new ways of doing business and providing services in Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the tough fiscal times the City of Buffalo is facing and is interested in considering the following approaches:

- Ø Takeover of the water authority
- Ø Takeover of the Olmsted Parks
- Ø Further maintenance and cooperation efforts with City branch libraries
- Ø Earmark a determined amount of tobacco funds over the next three years
- Ø Takeover of certain border roads, especially Kenmore Avenue, since none of the 1,200 miles of county roads are in the cities
- Ø Relieve Buffalo of cultural funding and fast track the Regional Assets Fund

and be it further

RESOLVED, that this Honorable Body commits itself to examining these options for County-City collaboration, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, Buffalo Mayor Anthony Masiello, the New York State Delegation of State Representatives, the Buffalo Common Council, Erie County Comptroller Nancy Naples, and Director of the Buffalo & Erie County Public Library Michael Mahaney.
(5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.

AS AMENDED

4. Item Page -2004 (Comm. 1D-21)

DIRECTOR OF BUDGET, MANAGEMENT & FINANCE:

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigate the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 204183 through 204194 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

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ERIE COUNTY LEGISLATURE

20,685 (15%) WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004 Petition No. **204192**

ASSESSOR **Refund** \$235.00

S-B-L 219.16-1-9.11 **144489 EVANS**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$235.00 Town/SpecialDist/School

44069 ERIE CO SEW DIST 2 \$235.00

Charge To : **144489 EVANS** **\$0.00**

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED IN ERROR FOR 2 UNITS OF SEWER . SINGLE FAMILY HOME SHOULD BE ONE UNIT. RPTL 550(2)E
 CHECK FOR: EDWARD CONBOY JR & CHRISTINE RACZYK

FISCAL YEAR 2003 Petition No. **204193**

ASSESSOR **Refund** \$334.99

S-B-L 23.08-2-13 **144600 GRAND ISLAND**

Acct. No. 112 \$199.98 County

Acct. No. 132 \$135.01 Town/SpecialDist/School

Charge To : **144600 GRAND ISLAND** **\$135.01**

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 25,875 (50%) WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: JANE POPOWICH GRAND ISLAND CENTRAL

FISCAL YEAR 2003 Petition No. **204194**

ASSESSOR **Refund** \$849.26

S-B-L 23.08-2-13 **144600 GRAND ISLAND**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$849.26 Town/SpecialDist/School

Charge To : **144600 GRAND ISLAND** **\$849.26**

MEETING NO. 10
May 13, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, the County administration and elected officials have not requested or received specific or individual approval from the Legislature for any vehicle purchase, including the \$8.44 million in vehicle purchases,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its concerns regarding the process by which the County purchases vehicles without prior explicit legislative approval or oversight, particularly in these difficult fiscal times, and be it further

RESOLVED, that this Honorable Body expresses its desire that effective immediately, all purchases of all motor vehicles must be approved by the County Legislature through the submission of a transmittal letter, accompanying resolution, and purchase order(s) for all new vehicles by the County Executive, department heads, or other elected officials, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Director of Purchase, Director of Fleet Services, Director of the Division of Information and Support Services, County Attorney, Erie County Sheriff, Erie County Clerk, Erie County Comptroller and Erie County District Attorney.

Fiscal Impact: Positive for Erie County Taxpayers.

(5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.

6. Item Page -2004 (Intro. 8-20)

HOLT & DEBENEDETTI

WHEREAS, according to a local newspaper, between January 2000 and September 2003, out of a total of \$2.3 million in total County furniture purchases, Erie County has purchased \$1.95 million worth of office furniture from a local company with close personal and political ties to the County Executive, and

WHEREAS, a 2002 audit by Comptroller Nancy Naples found that the County Executive had improperly charged a Department of Social Services account \$145,000 for new office furniture from the previously-mentioned company for his offices, and

WHEREAS, that same firm has separately received contracts from other County entities worth \$1.3 million, and

WHEREAS, of all County furniture purchases between January 2000 and September 2003, that company has received \$3.3 million of the \$4.6 million spent by the County – or 72% of all furniture purchases, and

WHEREAS, the County has maintained no formal competitive bidding process, thus enabling such questionable purchases, and

MEETING NO. 10**May 13, 2004****ERIE COUNTY LEGISLATURE**

WHEREAS, the County purchases were made without using the New York State contract – which almost always provides lower prices to the taxpayers, and

WHEREAS, a local newspaper's investigation of County furniture purchases found that in a departure from traditional practices, the County administration has chosen not to put such purchases out to bid, has not invited competing firms to make presentations (and potentially charge less), has not formally evaluated options, and has not made recommendations to the decision makers, and

WHEREAS, that newspaper investigation found that Erie County has overpaid at least \$550,000 for such office furniture and related installation expenses since January 2000, with the local company in question billing Erie County at “higher rates than it charged other government customers despite bid specifications requiring vendors to give the county the lowest prices offered others,” and

WHEREAS, in response to the newspaper investigation, Comptroller Nancy Naples launched an audit of County furniture purchases in December 2003 that is yet to be released, and she called the pricing a “potential abuse,” and

WHEREAS, on February 6, 2004, the Comptroller stated that her preliminary review of furniture purchases showed “there are policy and procedure deviations and pricing discrepancies between New York State bid contracts and County bid contracts that, at a minimum, raise questions regarding due diligence by the County's purchasing agents to ensure that the County is obtaining the best possible price,” and

WHEREAS, in a significant shift from the County administration's furniture purchase practices, the Comptroller also recommended on February 6, 2004 that “all County purchases of furniture be made using existing New York State furniture contracts exclusively,” and

WHEREAS, also in response to the newspaper investigation, the Director of Purchase has stated that he has stopped using the County contract to purchase office furniture, and he will use the state contract to receiving better pricing, and he has also stated that he has placed on hold another \$170,000 in awarded contracts to the local company, and

WHEREAS, Erie County Medical Center Corporation officials have stated that they will stop using their own purchasing list and purchase furniture off of the state contract for the time being,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its deep concerns regarding the County administration's furniture purchases and practices – practices and policies that have resulted in greater cost to the taxpayers, and be it further

RESOLVED, that effective immediately, the Director of Purchase is hereby required to submit quarterly reports to the Legislature annually on or by March 1st, June 1st, September 1st, and December 1st, detailing all County furniture purchases to all County departments, entities and

MEETING NO. 10**May 13, 2004****ERIE COUNTY LEGISLATURE**

offices, and that report shall include specific information including the name of the manufacturer, name of vendor selling the furniture, the specific products being sold, the cost of each product, the name of the County department and office receiving the new furniture, and the date of order, delivery and installation, and be it further

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

Fiscal Impact: Positive for Erie County taxpayers.
(6-0) Chairman Holt Present as Ex-Officio Member.

7.	Item	Page	-2004	AS AMENDED (Intro. 9-5)
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DEBENEDETTI

WHEREAS, since January 1, 2001 the County of Erie has purchased \$3.25 million worth of office furniture, exclusive of hundreds of thousands of dollars of purchases at the medical center and community college, and

WHEREAS, according to the Erie County Comptroller, during a three-year period, \$2.5 million, or 77% of those County purchases, were made from a single private company, Buffalo Office Interiors (BOI), and

WHEREAS, after an October 2003 investigation by a local newspaper and after 2 ½ years of periodic articles in that same newspaper detailing these purchases, in December 2003 the Erie County Comptroller initiated an audit of the Erie County Division of Purchase's policies and procedures for purchasing, including particularly reviewing furniture purchases, and

WHEREAS, in December 2003, the current Director of Purchase stated that the local newspaper's investigation illuminated information that he was not aware of, and he said he was not sure that the County, and thus, the taxpayers, received the lowest or best price for the office furniture, and

WHEREAS, immediately following the start of that audit, the local newspaper's investigation showed that the current County administration uses a County purchasing list rather than the State list for purchasing office furniture from BOI, resulting in higher prices for the taxpayers of Erie County, and

WHEREAS, that investigation also showed that BOI officials were allowed to attend and speak at weekly County meetings concerning office furniture purchasing and planning – meetings that other County furniture vendors and bidders on county contracts have not been allowed to attend, and

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WHEREAS, on February 12, 2004, the County Comptroller presented her initial findings and recommendations for office furniture practices and stated that the County should immediately stop using the County list and should instead use the State list for purchasing of furniture – a recommendation that the current Director of Purchase immediately agreed to, and

WHEREAS, on April 19, 2004, the County Comptroller presented her audit to the Erie County Legislature, reporting that the Division of Purchase “did not exercise adequate due diligence in ensuring County purchases of office furniture from BOI were made at the most favorable prices available,” and that the County “overpaid a total of \$513,810 for the purchase of office furniture,” and

WHEREAS, the County Comptroller’s audit found that had the County administration utilized the State list, the BOI furniture purchases would have cost the taxpayers \$802,463 less than what the County actually paid BOI, and

WHEREAS, the County Comptroller’s audit found that the County paid BOI \$196,641 for furniture, carpets and tile “without valid purchasing bid contracts existing for these items,” and

WHEREAS, the County Comptroller’s audit further stated: “there was a failure by the Division of Purchase to ensure taxpayer dollars were spent in a cost effective manner... equally significant, there was a failure by BOI to honor the terms of their bid contracts,” and

WHEREAS, the County Comptroller’s audit also reported that there was a failure of County purchasing procedures and guidelines, including the lack of legislative approval for the de facto standardization of County office furniture, and

WHEREAS, the County Comptroller’s audit recommended that the Director of Purchase and County Attorney initiate steps to “recoup overpayments made to BOI” and “create and implement review procedures to ensure the County is paying the best possible price for materials,” and

WHEREAS, following the release of the County Comptroller’s audit, the County Attorney and the Director of Purchase disputed the audit’s findings and stated that the County administration would not seek to collect the overpayments to BOI, with the Director of Purchase stating “we do not agree with your conclusion that we were overcharged,” and insisting that “proper protocols regarding bidding and award were followed,” and

WHEREAS, the highest duty of the Erie County Legislature is to protect the interest of the taxpaying public, this Honorable Body’s role as fiscal guardian demands that this body review the policies and procedures concerning purchases made by the County, and

WHEREAS, the Legislature is generally not equipped to conduct a legal investigation, nor conduct a full and complete inquiry into the overpayments made to a vendor, and

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WHEREAS, the retention of outside counsel by the County to conduct such an investigation would require the expenditure of funds which is neither necessary nor prudent in this matter at this time until the ongoing independent state investigations are completed and they are reviewed with the County Comptroller and this Body, and

WHEREAS, there are investigatory units in state government already equipped to handle such an independent investigation and prepared to begin the inquiry,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its concern regarding the Erie County Division of Purchase and its procedures and practices for purchases, particularly of furniture from BOI, and be it further

RESOLVED, that this Honorable Body calls upon the Chair of the Legislature to direct an inquiry, through the creation of a special committee, into the policies and procedures for the County's purchases, and be it further

RESOLVED, that this Honorable Body expresses its support for the efforts of the New York State Attorney General to initiate an independent, full and thorough legal investigation and review of all furniture purchases by the County of Erie for the period 2000-2004, including the recoupment of overpayments to vendors, and requests a report of his findings and recommendations be provided to this body as soon as possible, and be it further

RESOLVED, that this Honorable Body welcomes the Office of New York State Comptroller to conduct an independent investigation into purchasing policies and procedures, including all purchases made by the County, and report those findings and recommendations for new purchasing procedures and protocols for all County purchasing to this body as soon as possible, and be it further

RESOLVED, that rather than retaining outside legal counsel at significant expense to the taxpayers, the Erie County Legislature expresses its intention to provide any necessary or requested assistance to the Erie County Comptroller, the New York State Attorney General, and New York State Comptroller to investigate and reform County purchasing practices, and be it further

RESOLVED, that this Honorable Body further expresses its intention to work with the County Comptroller and the Administration to create a set of procedures and policies, and potential changes to the Erie County Charter and Erie County Administrative Code to reform the Division of Purchase so as to benefit the taxpayers of this County, and be it further

RESOLVED, that, as per the findings and recommendations of the County Comptroller's audit, the Erie County Legislature expresses its support for efforts to collect any and all overpayments made by the County of Erie to Buffalo Office Interiors, and be it further

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RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, County Comptroller, County Attorney, Director of the Division of Information and Support Services, Director of Purchase, New York State Attorney General, and New York State Comptroller.

Fiscal Impact: Positive for Erie County taxpayers.
 (4-0) Legislator Weinstein absent.

ALBERT DEBENEDETTI
CHAIRMAN

MR. DEBENEDETTI moved to separate item #3 and moved the approval of the balance of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DEBENEDETTI moved to refer item #3 (Intro. 11-8) back to the FINANCE & MANAGEMENT COMMITTEE. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 37 – MR. RANZENHOFER, ET AL presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

Re: Recertification & Consolidation
 of Brant-Evans Agricultural District
 (#9). (Intro. 10-1)

A RESOLUTION SUBMITTED BY LEGISLATORS
 MARSHALL, McCARVILLE, CHASE, SWANICK, RANZENHOFER,
 CUSACK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK,
 MARINELLI, SCHROEDER, SMITH & WROBLEWSKI

WHEREAS, the Erie County Legislature held two public hearings on August 21, 2000 and October 2, 2003, regarding the 8-year review of the Brant-Evans Agricultural Districts (#9 and #10) which were created in 1976 and recertified every 8 years thereafter; and

WHEREAS, the existing Brant-Evans Agricultural Districts' boundaries which extend into the Towns of Brant, Evans and North Collins were approved with modification and adopted by (the Erie County Legislature by resolution on December 4, 2003; and

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WHEREAS, the Erie County Legislature's resolution of December 4, 2003 also included approval to consolidate or merge the two Brant-Evans Agricultural Districts (#9 and #10) into one district, to be hereinafter designated as Brant-Evans Agricultural District (#9); and

WHEREAS, the necessary documentation on the Brant-Evans Agricultural District as consolidated or merged was forwarded to the New York State Department of Agriculture and Markets for State review and recertification as required by law; and

WHEREAS, the New York State Department of Agriculture and Markets has notified Erie County of the State recertification in a communication dated April 14, 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the recertified and consolidated or merged Brant-Evans Agricultural District (#9) with modification, with the next review of this agricultural district to be completed on or before June 21, 2008; and be it further

RESOLVED, that upon adoption, the Clerk of the Legislature be directed to forward a certified copy of this resolution to Erie County Clerk David J. Swarts, Environment and Planning Commissioner Laurence K. Rubin, also Nathan L. Rudgers, Commissioner of the New York State Department of Agriculture and Markets (1 Winners Circle, Albany, NY 12235-0001), the New York State Department of Transportation (Buffalo Office, 125 Main Street, Buffalo, NY 14203), and the Supervisor and Clerk of the Towns of Brant, Evans and North Collins.

FISCAL IMPACT -None

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

DELETE the **SPONSORSHIP** Clause in its entirety and **REPLACE** with:

A RESOLUTION SUBMITTED BY LEGISLATORS CHASE, RANZENHOFER,
 SWANICK, WEINSTEIN, McCARVILLE, CUSACK, MARSHALL, HOLT,
 MARINELLI, KUWIK, DEBENEDETTI, DUSZA, SCHROEDER,
 SMITH & WROBLEWSKI

MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 38 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

Re: Transfer of Public Benefit Funding.
(Intro. 10-2)

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$500 from DAC-1109223108050109 to the Buffalo and Erie County Public Library (Northwest Branch Library – DAC 820973420821), and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislator; Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl; and Michael C. Mahoney, Director of the Buffalo and Erie County Public Library (1 Lafayette Sq., Buffalo, NY 14203).

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 39 – CHAIRMAN HOLT directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 10-3 From LEGISLATOR MARSHALL Re: Elimination of NYS Sales Tax on Clothing & Footwear Under \$110.

Item 40 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 10-4 From LEGISLATORS McCARVILLE, CHASE, MARSHALL, RANZENHOFER & SWANICK Re: Support for a NYS Farm Equipment “Lemon Law”.

Item 41 – CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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GRANTED.

Intro. 10-5 From LEGISLATOR SWANICK Re: Prevailing Wage Rate Violations for Public Works Projects & the County's Commitment to Quality Workmanship.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

Re: Consideration for Public Benefit Funding. (Intro. 10-6)

A RESOLUTION SUBMITTED BY
 LEGISLATOR WROBLEWSKI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Mudpies Children's Museum	\$ 1,000	WROBLEWSKI
Town of West Seneca	\$ 10,000	WROBLEWSKI
TOTAL	\$ 11,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 43 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

Re: Transfer of Public Benefit
 Funds. (Intro. 10-7)

A RESOLUTION SUBMITTED BY LEGISLATORS
 RANZENHOFER AND CHASE

WHEREAS, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,500 from the 2003 Legislature- Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants- Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Newstead Fire Company, Inc.	830/1483	\$2,500	RANZENHOFER
Lou Gehrig Youth Baseball/ Softball, Inc.	830/1137	\$2,500	RANZENHOFER
Akron Fire Company, Inc.	830/1482	\$2,500	RANZENHOFER
Town of Eden (Police Department)	830/0647	\$3,000	CHASE
TOTAL		\$10,500	

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And be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Crystal L. Quick-Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2003 budgeted funds

MS. MARINELLI moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 44 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

Re: Transfer of Public Benefit
 Funds. (Intro. 10-8)

A RESOLUTION SUBMITTED BY LEGISLATORS MARINELLI,
 DUSZA, KUWIK, SCHROEDER, WROBLEWSKI, CUSACK, SWANICK & WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$91,615 from the 2004 Legislature- Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants- Public Benefit Services (110921301830) for payment to the following agencies:

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<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
City of Lackawanna Drug Court	830/1127	\$4,000	KUWIK
Kenmore Volunteer Fire Department	830/0959	\$5,000	MARINELLI
Town of Lancaster (Senior Center)	830/1438	\$1,500	DUSZA
Town of Hamburg Senior Services	830/0678	\$2,000	KUWIK
Character First In Hamburg, Inc.	830/1675	\$500	KUWIK
Hertel North Park Little League, Inc.	830/1784	\$15,000	MARINELLI
Old First Ward Community Association, Inc.	830/061	\$10,000	SCHROEDER
United Irish American Association of Erie County, Inc.	830/1200	\$3,500	DUSZA, SCHROEDER and WROBLEWSKI
Doyle Volunteer Hose Company No. 2, Inc.	830/0975	\$1,500	DUSZA
Lackawanna Area Chamber of Commerce	830/1112	\$2,500	KUWIK
Amherst Soccer Association, Inc	830/1145	\$4,000	WEINSTEIN
Amherst Museum	830/0887	\$2,600	WEINSTEIN
Erie County Council for the Prevention of Alcohol and Substance Abuse, Inc.	830/1517	\$2,000	WEINSTEIN
Western New York Stop Red Light Running Foundation, Inc.	830/1581	\$1,000	CUSACK
Mel Ott Little League, Inc.	830/1264	\$2,000	CUSACK
Sweet Home Central School District	830/1714	\$2,515	WEINSTEIN
WNY AFL-CIO Economic Development Group, Inc.	830/	\$9,000	SWANICK and WEINSTEIN
Buffalo Workforce Development Center, Inc.	830/	\$1,000	WEINSTEIN
Village Preservation Foundation, Inc.	830/	\$2,000	WEINSTEIN
West Seneca Little Loop Football, Inc.	830/	\$3,000	WROBLEWSKI
Boys Scouts of America NTL Council Troop 236	830/	\$500	DUSZA
Greater South Buffalo Chamber of Commerce, Inc.	830/	\$14,500	SCHROEDER
Buffalo Workforce Development Center, Inc.	830/	\$1,000	DUSZA
Harvest House of South Buffalo, Inc.	830/	\$1,000	WEINSTEIN
TOTAL		\$91,615	

And be it further

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

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Crystal L. Quick-Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MR. DUSZA moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 45 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

Re: Consideration for Public Benefit
 Funding. (Intro. 10-9)

A RESOLUTION SUBMITTED BY
 LEGISLATORS SWANICK & CHASE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

WHEREAS, on February 5, 2004, the Erie County Legislature unanimously approved Intro. 4-15, as amended, designating the City of Tonawanda Recreation Dept. to receive an application for Public Benefit Funding, and on April 1, 2004, the Erie County Legislature unanimously approved Intro. 8-12, also designating Youth Night on the Town to receive an application for Public Benefit Funding, and

WHEREAS, on April 1, 2004, the Erie County Legislature unanimously approved Intro. 8-10, designating the North Boston Elementary to receive an application for Public Benefit Funding

NOW, THEREFORE, BE IT

RESOLVED, the designation for the City of Tonawanda Recreation Dept. per Intro. 4-15 (2004) and the designation for Youth Night on the Town per Intro. 8-12 (2004) be combined and reallocated to a new and proper designation per the passage of this resolution, and be it further

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RESOLVED, the designation for the North Boston Elementary per Intro. 8-10 (2004) be reallocated to a new and proper designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
City of Tonawanda	\$14,000	SWANICK
Hamburg Central School District	\$5,000	CHASE
River Road Volunteer Fire Company	\$3,000	SWANICK
The Salvation Army	\$2,000	SWANICK
Ken-Ton Union Free Schools	\$3,000	SWANICK
Grand Island Central School District (Huth Road Elementary)	\$1,000	SWANICK
TOTAL	\$28,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

⚡ **DELETE** the first **RESOLVED** Clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
City of Tonawanda	\$14,000	SWANICK
Hamburg Central School District	\$5,000	CHASE
River Road Volunteer Fire Company	\$3,000	SWANICK
The Salvation Army	\$2,000	SWANICK
Ken-Ton Union Free Schools	\$3,000	SWANICK
Grand Island Central School District (Huth Road Elementary)	\$1,000	SWANICK
Village of Hamburg	\$2,000	CHASE
Town of Eden Recreation Department	\$5,000	CHASE
Town of Brant	\$500	CHASE
Angola Public Library	\$1,000	CHASE
Patchin Fire Company	\$5,000	CHASE
Eden Little Loop Football	\$2,000	CHASE
Hamburg Township Post 1419 VFW	\$5,000	CHASE
Hamburg Breakers Girls Softball Team	\$500	CHASE
TOTAL	\$44,000	

MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 46 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

Re: Consideration for Public Benefit Funding. (Intro. 10-10)

**A RESOLUTION SUBMITTED BY
 LEGISLATOR CUSACK**

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

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WHEREAS, on April 1, 2004, the Erie County Legislature unanimously approved Intro. 8-13, as amended, designating both the Edison Elementary School and the Heritage Heights Elementary School to each receive an application for Public Benefit Funding, and,

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Edison Elementary School and the Heritage Heights Elementary School per Intro. 8-13 (2004) be each reallocated to a new and proper designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Kenmore-Town of Tonawanda Union Free School District	\$5,000	CUSACK
Sweet Home Central School District	\$2,500	CUSACK
Amherst Central Alumni Foundation	\$5,000	CUSACK
North Cheektowaga Amateur Athletic Association	\$1,000	CUSACK
Erie County Arts Council	\$2,500	CUSACK
TOTAL	\$16,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 47 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

Re: Consideration for Public Benefit
 Funding. (Intro. 10-11)

A RESOLUTION SUBMITTED BY
 LEGISLATOR WEINSTEIN

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Retired & Senior Volunteer Program (RSVP)	\$200	WEINSTEIN

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

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

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$200.00 from the (1109223108050109) to the Senior Services Interfund Transfer Cost Center 1631010 Account 559000, and be it further

RESOLVED, that the County Executive is authorized to accept \$200.00 from legislative funds for the RSVP Grant to help underwrite part of the cost of 'Tribute Day', and be it further

RESOLVED, that the budget for the RSVP Grant, 163RSVP0405, be revised as follows:

REVENUES

Account	Description	CURRENT BUDGET	CHANGES	AMENDED BUDGET
479000	Interfund Revenue	\$ 46,531	\$ 200	\$ 46,731

APPROPRIATIONS

530000	Other Expenses	9,315	200	9,515
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and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl; and Senior Services Commissioner Pamela M. Krawczyk.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 48 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 212

Re: Consideration for Public Benefit
 Funding. (Intro. 10-12)

A RESOLUTION SUBMITTED BY
 LEGISLATOR McCARVILLE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Town of Orchard Park Police Dept.	\$3,000	McCARVILLE
Springville Center for the Arts	\$2,000	McCARVILLE
TOTAL	\$5,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

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Item 49 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 213

Re: Consideration for Public Benefit
 Funding. (Intro. 10-13)

A RESOLUTION SUBMITTED BY
 LEGISLATOR MARSHALL

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Town of Holland	\$5,000	MARSHALL

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution. MS. CHASE seconded.

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CARRIED UNANIMOUSLY.

Item 50 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN HOLT directed that the following item be referred to the HUMAN SERVICES COMMITTEE.

Intro. 10-14 From LEGISLATOR WEINSTEIN Re: Sale of Erie County Medical Center.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

Item 51 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

Re: Expressing Opposition to President Bush's Budget Cutting Federal Medicaid Funding. (Intro. 10-15)

A RESOLUTION SUBMITTED BY
 LEGISLATORS HOLT AND MARINELLI

WHEREAS, on February 2, 2004, President George W. Bush proposed his Fiscal Year 2005 executive budget that will take effect October 1, 2004, and

WHEREAS, among many other provisions, that budget would significantly cut federal appropriations for the Medicaid program, and

WHEREAS, an analysis of that 2005 federal budget shows that New York State would experience a reduction in federal reimbursement for Medicaid services of up to \$400 million, and

WHEREAS, given the New York State Constitution's requirement to support the poor and needy, that reduction in federal appropriation for Medicaid would almost certainly translate into a larger County Medicaid burden – a burden that is already significant and burdensome,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its continuing concerns regarding the growing County share of Medicaid costs, and be it further

RESOLVED, that this Honorable Body expresses its opposition to President George W. Bush's proposed 2005 budget that will drastically cut federal Medicaid funding to New York State, and which will in turn, lead to an increased County Medicaid burden, and be it further

RESOLVED, that certified copies of this resolution be transmitted to President George W. Bush (The White House, 1600 Pennsylvania Avenue, NW, Washington, DC 20500), Senators Charles Schumer and Hillary Rodham Clinton, Representatives Louise Slaughter, Jack Quinn and Thomas Reynolds, Governor George Pataki, and the local delegation of the New York State Legislature.

Fiscal Impact: None for this resolution.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 52 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

Re: Fiscal Stability in the County
 Budget. (Intro. 10-16)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT,
 MARINELLI, DEBENEDETTI, SMITH, AND WEINSTEIN

WHEREAS, Erie County government, like all other state and municipal governments, faces significant funding challenges in 2004 and future fiscal years, and

WHEREAS, all indications are that county government will not receive substantial new sources of revenue from the federal and state governments, and

WHEREAS, Erie County continues to face growing federal and state mandates for services, many of which are not funded by those governments, and

WHEREAS, the national, state and local economic situations necessitate budgetary and fiscal constraints in implementing and living within the 2004 budget, and

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WHEREAS, for two years, the Budget Director has repeatedly, in violation of standing legislative resolutions, failed to deliver monthly budget monitoring reports to the Legislature and Comptroller, with the most recent report, for October 2003, only being delivered on March 9, 2004, and with no other reports delivered since then, and

WHEREAS, the Erie County Comptroller and members of this Honorable Body have repeatedly expressed serious concerns regarding the County's budget and fiscal situation in several areas over the past 18 months including the County's rapidly escalating bonded indebtedness (increasing from \$200 million to \$385 million in 4 years), decreasing fund balance or reserves (decreasing from \$202 million to \$102 million in 3 years), the serious depletion of the tobacco securitization proceeds (decreased from \$245 million to \$100 million in 3 years), growing Medicaid costs, and a lack of cost containment efforts by the Executive, and

WHEREAS, reacting to the County's deteriorating fiscal health, the two credit agencies, Moodys and Fitch Ratings, have downgraded the County's ratings outlooks to negative and placed the County on a watchlist for possible downgrade, and

WHEREAS, due to the failure of the State to approve an early retirement incentive for County employees, the County faces a potential \$17 million deficit in the 2004 budget, and

WHEREAS, in April 2004, rejecting the practice of other major counties in New York State such as Monroe, Suffolk, Albany, Onondaga and Nassau, the County Executive vetoed a local law requiring the early release of the annual budget – a proactive measure designed to provide maximum time to study, review and revise, if necessary, the County's annual budget to take into account shifts in the economy and our finances, and

WHEREAS, the Legislature, as well as the Comptroller, is interested in taking proactive and responsible actions and measures to prevent a deficit situation from developing and to safeguard the interests of the taxpayers through calling for fiscal restraint, and

WHEREAS, under Section 1806 of the Erie County Charter, the County Executive is required to “report to the county legislature without delay the estimated amount of the deficit, remedial action taken by him, and his recommendations for future action”

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its grave concerns regarding the fiscal health of the County and urgently calls on the County Executive, his Budget Director, and the Comptroller, to work with the Legislature to develop immediate steps to address the 2004 budget deficit and to proactively develop measures to address the 2005 budget situation, and be it further

RESOLVED, that at the next scheduled meeting of the Legislature's Finance and Management Committee, the Legislature requests that the Comptroller and Budget Director furnish the following information:

- # steps to address \$17.2 million in 2004 employee turnover savings
- # status of 2004 budgeted savings from reengineering of \$3.9 million
- # status and expected impacts of reengineering of Social Services
- # status of the County revenue from the sale of ECMC to ECMCC
- # status of the bonds sold for ECMCC
- # expected impacts for the 2004-2005 ECC budget
- # Erie County's 2004 pension costs
- # Erie County's 2005 pension costs and plans to contain future pension costs
- # report on the revenues from health insurance consolidation, including projections for costs in future years
- # plans to fund employee health and retirement contributions
- # measures to implement Medicaid cost controls
- # sales tax revenue projections for 2004
- # issuance of the recent budget monitoring reports with year end information
- # report on the county credit card program
- # report on the revenues from the sale of tax liens
- # expected impacts on the BECPL's 2004 budget
- # status of Erie County's credit rating and potential future action by the rating agencies
- # a report tracking the expenditures of the capital budget and listing pending projects that may have to be delayed
- # potential costs associated with outstanding County proposals or offers to assume City of Buffalo and/or other municipal services
- # costs and/or savings associated with other regional approaches including the Lancaster police merger, the holding center/correctional facility merger, the takeover of central booking from the city, and any other such programs

and be it further

RESOLVED, the Legislature calls upon the Comptroller and the Budget Director to develop contingency plans and submit them to the Legislature including measures such as, but not limited to:

- # A freeze on all hiring for all County positions other than those funded by grants or for police/safety personnel
- # A freeze on out-of-town travel expenses except for mandated training or grant-funded reasons
- # A freeze on automobile purchases
- # A freeze on automobile use and related costs, including taking back 24-hour take-home vehicles from all non-essential employees
- # A freeze on all furniture purchases
- # A freeze on dues and fees expenditures
- # A freeze on the hiring of, or payment to lobbyists and special or outside counsel
- # Plans for potential across-the-board departmental budget cuts

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and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Director of Budget and Management, the County Comptroller and the Chair of the Audit Committee.

FISCAL IMPACT: Necessary for maintaining a balanced budget.

MR. RANZENHOFER moved to amend the resolution. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8).

FAILED.

MR. SWANICK moved to amend the resolution. MR. RANZENHOFER seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8).

FAILED.

MR. SWANICK moved to send the resolution to COMMITTEE. MR. RANZENHOFER seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. NOES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 6, NOES 9).

FAILED.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 53 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

Re: Capping Medicaid Costs-State
Relief for Counties. (Intro. 10-17)

A RESOLUTION SUBMITTED BY
LEGISLATORS HOLT AND MARINELLI

WHEREAS, the Medicaid program was established in 1965 as a jointly funded cooperative venture between the Federal and State governments to assist States in providing quality health care to an eligible disadvantaged population, and

WHEREAS, a national formula requires the federal government to pay 50% of the costs and the States to bear the remaining 50%, and

WHEREAS, New York is one of only a handful of States that require county governments to pay for Medicaid costs not covered by the federal government, and of these most states only charge local governments for the administrative costs associated with the program, while New York State requires counties to pay 25% of the total Medicaid costs or 50% of the state share, and

WHEREAS, Erie County's mandated Medicaid costs have increased from \$114.62 million in 1998 to a projected \$175.33 million in the 2004 fiscal year, and

WHEREAS, Medicaid is just one of several State mandated county share expenditures which total \$362.08 million in Erie County this year alone, and

WHEREAS, with 2004 Erie County property tax revenues estimated at approximately \$152.52 million, leaving a \$22.81 million gap between the Medicaid program's cost and property tax revenues and growing, the financial burden of Medicaid is becoming increasingly problematic for County taxpayers,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature remains persistent in its message that Erie County taxpayers cannot afford the heavy burden of escalating New York State mandates, and be it further

RESOLVED, that this Honorable Body does further reaffirm its support for programs and initiatives which seek to extend health care services and benefits to the needy and disadvantaged but does oppose efforts on the state level to impose new unfunded state mandates on county taxpayers, and be it further

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RESOLVED, that this Honorable Body expresses support for reducing the heavy burden on county taxpayers through the State capping the local (County) share of Medicaid costs through appropriate legislation in the State Legislature in such a way that all future increases in the cost of Medicaid shall be borne by the State, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George A. Pataki, the Western New York Delegation of State Representatives, Erie County Executive Joel A. Giambra, and the New York State Association of Counties.
 Fiscal Impact: Positive for Erie County Taxpayers.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 54 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

Re: Medicaid Relief for Counties.
 (Intro. 10-18)

A RESOLUTION SUBMITTED BY
 LEGISLATORS HOLT AND MARINELLI

WHEREAS, the Medicaid program was established in 1965 as a jointly funded cooperative venture between the Federal and State governments to assist States in providing quality health care to an eligible disadvantaged population, and

WHEREAS, a national formula requires the federal government to pay 50% of the costs and the New York State to bear the remaining 50%, and

WHEREAS, New York is one of only a handful of States that require county governments to pay for Medicaid costs not covered by the federal government, and of these most only charge local governments for the administrative costs associated with the program, while the State requires counties to pay 25% of the total Medicaid costs, and

WHEREAS, Erie County's mandated Medicaid costs have increased from \$114.62 million in 1998 to \$175.33 million in the 2004 fiscal year, and

WHEREAS, Medicaid is just one of several State mandated county share expenditures which total \$362.08 million in Erie County this year alone, and

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WHEREAS, under one proposal pending in Albany, the State might assume the full costs of Family Health Plus, a Medicaid-related healthcare program providing health insurance for poor adults who exceed the Medicaid income limits, and

WHEREAS, with 2004 Erie County property tax revenues estimated at approximately \$152.52 million, leaving a gap between Medicaid's 2004 cost and 2004 property tax revenues of \$22.81 million and growing, Medicaid funding is becoming increasingly problematic for the County taxpayers,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature remains persistent in its message that Erie County taxpayers cannot afford the heavy burden of escalating New York State mandates, and be it further

RESOLVED, that this Honorable Body does further reaffirm its support for programs and initiatives which seek to extend health care services and benefits to the needy and disadvantaged but does oppose efforts on the state level to impose new unfunded state mandates on county taxpayers, and be it further

RESOLVED, that this Honorable Body expresses support for reducing the burden on county taxpayers through the State assuming the full costs of providing Family Health Plus, a worthwhile state-created healthcare initiative that unfortunately burdens County taxpayers as yet another unfunded mandate, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George A. Pataki, the Western New York Delegation of State Representatives, Erie County Executive Joel A. Giambra, and the New York State Association of Counties.

Fiscal Impact: Positive for Erie County Taxpayers.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 55 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 9E-43. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 218

Re: Health – Supplemental Aid to
 Localities Grant – Medical Examiner’s
 Toxicology Lab 4/1/03-9/30/05.

WHEREAS, New York State requires that the Medical Examiner’s Toxicology Laboratory maintain forensic laboratory accreditation, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the revised grant award which extends the existing grant end date from 3/30/04 to 9/30/05, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Division of the Medical Examiner’s Toxicology Laboratory, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

☞ **DELETE** the first (1st) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, that the Erie County Executive is hereby authorized to accept the revised grant award which extends the existing grant end date from 3/30/04 to 9/30/05 which is budgeted as follows:

SUPPLEMENTAL AID TO LOCALITIES
 MEDICAL EXAMINER’S TOXICOLOGY LABORATORY AID GRANT
 04/01/02-05/31/05
 PROJECT # 860

<u>SFG</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>
553	STATE AID	\$76,309
	TOTAL	\$76,309
	<u>EXPENSES</u>	
800	PERSONAL SERVICES	\$37,911
805	FRINGE BENEFITS	\$8,780
814	MED AND HEALTH SUPPLIES	\$2,965
825	TRAVEL AND MILEAGE	\$1,986

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826	OTHER EXPENSES	\$3,200
933	LAB AND TECHNICAL EQUIPMENT	\$21,467
	TOTAL	\$76,309

and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 56 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 9E-80. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 219

Re: Social Services – Salvation Army
Employment Services Contract.

WHEREAS, the Department of Social Services is seeking authorization to increase a current year employment services contract with the Salvation Army by the amount of \$50,000, and

WHEREAS, the services provided by the Salvation Army include a multi-systems model to assist hard-to-serve clientele to achieve a goal of self sufficiency, and

WHEREAS, specific services provided are individual counseling, work plans, remedial training, intensive seminars and workfare experience, and

WHEREAS, the local share for the increase to this contract is to be offset by a cash donation from the Adult Education Division of the Buffalo Public Schools, and there is no local share impact.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to amend and existing contract with the Salvation Army, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Department 200

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
830-1484	Salvation Army - STRIVE	<u>\$50,000</u>

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	Total Expenditures	<u>\$50,000</u>
447	Donated Funds	\$12,500
597	State Aid - FSET	12,500
652	Federal Aid - FSET 50%	<u>25,000</u>
	Total Revenues	<u>\$50,000</u>

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 57 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Intro. 9-17 (2003). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220

Re: Plan Ahead: A Capital Improvement
 Planning and Finance Program.

A RESOLUTION SUBMITTED BY
 LEGISLATOR MARINELLI

WHEREAS, the capital assets of a government and their condition are critical to the quality of services provided, and hence are important in determining whether the needs and priorities of the County taxpayers can be met, and

WHEREAS, the cost of desired capital projects will usually substantially exceed available funds in the annual County budget, and

WHEREAS, monitoring the status of capital projects helps to ensure that projects progress as planned, problems are identified early enough to take corrective action, funds are available when needed, and legal requirements are met is an important part of capital planning, and

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WHEREAS, development of a capital improvement plan provides a framework for prioritizing projects and identifying funding needs and sources, and

WHEREAS, this practice will ensure that proposed capital projects, their timing, and their financing best meet the County's policies and plans,

NOW, THEREFORE, BE IT

RESOLVED, Erie County shall develop a capital improvement plan which begins by identifying and conducting an assessment of its capital assets, including the condition of the assets and factors that could affect the need for or ability to maintain the assets in the future, and be it further

RESOLVED, that such capital assessment be widely available in capital budget documents and included in any project prioritization of capital spending, and be it further

RESOLVED, documentation of the impact of proposed capital improvements on the operating budget, including whether the money will be available when needed, how costly the financing method is, whether a financing method is legally permissible, and the administrative requirements associated with the financing option shall be included in a County capital projects plan, and be it further

RESOLVED, that a process be developed for evaluating proposed capital projects and financing options, and developing a long-range capital improvement plan that integrates projects, time frames, and financing mechanisms, and be it further

RESOLVED, in evaluating each funding option, the philosophy of the government regarding use of debt relative to pay-as-you-go and the acceptability of this financing method for operations and maintenance as well as smaller capital projects should be considered, and be it further

RESOLVED, the capital improvement plan should take into account overall affordability in terms of both capital and operating costs, community concerns, available alternatives, coordination with other projects including projects being considered by other governmental entities, impacts on services, beneficiaries of the project, and important community goals such as those related to economic development or the environment, and be it further

RESOLVED, the capital improvement plan should address topics such as inventorying capital assets and evaluating their condition, criteria for acceptable condition, criteria for continued maintenance versus replacement or retirement of an existing asset, and identification of funding for adequate maintenance and scheduled replacement of capital assets, and be it further

RESOLVED, the plan should be developed to establish ongoing, multi-year replacement and renewal schedules, and should recognize the linkage of capital expenditures with the annual operating budget, and be it further

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RESOLVED, once the plan is adopted, it should be made publicly available, particularly as set forth in budget, management, and planning documents and included during deliberations during the budget process, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Comptroller Nancy A. Naples, Erie County Budget Director Joseph Passafiume and to Erie County Executive Joel A. Giambra.

Fiscal Impact: Positive for Erie County taxpayers.

MS. MARINELLI moved to amend the resolution to include MR. DEBENEDETTI as a Co-Sponsor. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 58 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Intro. 4-22. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

Re: Understaffing in Erie County
 Probation Division.

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT,
 SCHROEDER, DUSZA, SMITH AND WROBLEWSKI

WHEREAS, the Erie County Department of Probation and Youth Detention Services is responsible for supervising the probation of adult and youth criminal offenders, and

WHEREAS, in 2004, the Division of Probation will supervise an estimated 9,215 adult probation cases, supervise 5,500 new adult cases, divert 1,000 Persons in Needs of Supervision (PINS) cases, complete 5,400 new adult pre-sentence investigations, supervise 1,800 DWI cases, supervise 1,400 Family Court probation cases, screen 1,200 juvenile delinquency cases, and interview 7,000 defendants for release in the pre-trial program, and

WHEREAS, in the Adopted 2004 Budget for the Division of Probation, 92 probation officers/supervisors are included, and the division's personal services/overtime budget is increased from \$5,181,148 in 2003 to \$6,507,065 in 2004, or a 25% increase, and

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WHEREAS, a recent report in a local newspaper examined Erie County's probation division and quoted New York state, probation union, and criminal justice officials who argued that Erie County was not spending enough and maintaining enough probation officers to properly supervise nearly 10,000 adult probationers, especially sex offenders, and

WHEREAS, experts suggested that due to a lack of probation officers, and the overload on existing probation officers, the County was "putting lives at risk," and

WHEREAS, the report alarmingly found that the Commissioner of Probation and Youth Detention Services/Probation Director had underestimated significantly to this Honorable Body, the ratio of sex offenders to probation officers, in which he said in November 2003 that the ratio was 25 offenders to 1 officer, while in fact it is actually 65 offenders to 1 officer – far above the state guideline of 35 offenders per officer, and

WHEREAS, the Erie County Legislature has not been formally or informally advised of these disturbing facts,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature affirms its support for measures and funding to support law enforcement, including adequate numbers of probation officers, and be it further

RESOLVED, that this Honorable Body expresses its deepest concern that understaffing in the Division of Probation may be jeopardizing the safety and well-being of members of our community, and be it further

RESOLVED, that, in order to address this disturbing situation, the Erie County Legislature requests the presence of the Commissioner of Probation and Youth Detention Services/Probation Director, and the Principal Probation Officer at a future meeting of the Legislature's Public Safety Committee to discuss this matter and to develop measures to support law enforcement and to add appropriate resources to the Division of Probation for probation oversight and monitoring, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Erie County Sheriff, Commissioner of Probation and Youth Detention Supervision and Probation Director George Alexander, Principal Probation Officer Martha Yagle, CSEA Section Director for Probation Scott Smith, New York State Probation Officers Association (via e-mail at president@nyspoa.com), and Erie County Association of Chiefs of Police (c/o Orchard Park Police Department, Orchard Park, NY 14127).

Fiscal Impact: None for this resolution.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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AYES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. (AYES 8, NOES 7).

CARRIED.

✚ **ADD** the following **RESOLVE** Clauses as the new fourth (4th) and fifth (5th) **RESOLVE** Clauses:

RESOLVED, that the Erie County Legislature hereby expresses its concerns that the Erie County Department of Probation and Youth Detention Services currently maintains six (6) budgeted but unfilled positions of probation officer, and hereby directs the Probation Director to immediately fill these important public safety positions, and be it further

RESOLVED, that the Probation Director shall report to the Legislature within 60 days of the passage of this resolution on the status of those probation officer positions, and be it further

MR. RANZENHOFER moved to send the resolution to Committee. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8).

FAILED.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: McCARVILLE, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, RANZENHOFER & SWANICK. (AYES 10, NOES 5).

CARRIED.

SUSPENSION OF THE RULES

Item 59 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

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GRANTED.

CHAIRMAN HOLT directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 10E-27 From LEGISLATOR DEBENEDETTI Re: Letter to the County Attorney
Re: Retention of Outside Counsel – Furniture Audit.

Item 60 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

Comm. 10E-28 From LEGISLATOR MARINELLI Re: Letter to the Clerk of the Legislature
Re: Assigned Counsel Program.

RECEIVED, FILED & PRINTED.

May 13, 2004

Kevin M. Kelley
Clerk of the Erie County Legislature
25 Delaware Avenue - 7th Floor
Buffalo, NY 14202

Dear Mr. Kelley,

As Majority Leader of the Erie County Legislature I hereby recommend the appointment of Leigh Anderson to the Board of Directors of the Erie County Bar Association Aid to Indigent Prisoners Society, Inc., Assigned Counsel Program.

Sincerely,

Lynn M. Marinelli
Majority Leader
Erie County Legislature

cc: Robert Lonski, Esq. -Assigned Counsel Program
Michael Flaherty, Esq. -Bar Association of Erie County
Leigh Anderson

Item 61 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

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GRANTED.

Comm. 10E-29 From LEGISLATOR DUSZA Re: Letter to the Clerk of the Legislature Re: absence from PUBLIC SAFETY COMMITTEE Meeting.

RECEIVED, FILED & PRINTED.
May 12, 2004

Kevin M. Kelley
Clerk of the Erie County Legislature
25 Delaware Avenue - 7th Floor
Buffalo, NY 14202

Dear Mr. Kelley:

Please be advised that due to a previously scheduled appointment, I was unable to attend the meeting of the Legislature's Public Safety Committee held Thursday, May 6, 2004.

These plans were set well in advance of the release of the committee schedule and, regrettably, could not be altered. I would ask that this communication be filed in your office, and received, filed and printed by the Legislature at our May 13th regular session.

Thank you for your cooperation.

Very truly yours,

Raymond K. Dusza
Erie County Legislator
8th District

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MARINELLI

Item 62 – (Comm. 10E-1) Letter to County Executive Re: Support for Town of Tonawanda Fire Training Facility.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 63 – (Comm. 10E-2) Apportionment & Distribution of 4% Sales Tax for 4/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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FROM LEGISLATOR DEBENEDETTI

Item 64 – (Comm. 10E-3) Letter to Empire State Development Re: Incentives to Bass Pro Shops.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 65 – (Comm. 10E-4) Request for Appointment of Legislature's Record Management Liaison.

Received and filed.

FROM LEGISLATOR SMITH

Item 66 – (Comm. 10E-5) Notice of Informational Meeting of Human Services Committee on 5/18/04 to Discuss "Blueprint for Change."

RECEIVED, FILED & PRINTED.

May 3, 2004

Kevin Kelley
Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

RE: INFORMATIONAL MEETING -MAY 18, 2004
HUMAN SERVICES COMMITTEE

Dear Mr. Kelley:

As Chair of the Legislature's Human Services Committee, I hereby announce my intention to hold an INFORMATIONAL MEETING of the Human Services Committee on Tuesday, May 18, 2004 at 7 pm in the Buffalo and Erie County Public Library's Central Library Auditorium (Lafayette Square, Buffalo, NY).

The purpose of the meeting will be to discuss the County Executive's proposed "Blueprint for Change," the "reengineering" of Erie County health, family, human and social service delivery.

Please notify legislators, the administration and the public of this meeting. Thank you for your courtesies.

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Sincerely,

DEMONE SMITH
Chair, Human Services Committee

FROM LEGISLATOR MARSHALL

Item 67 – (Comm. 10E-6) Absence from Economic Development Committee Meeting Held 5/6 & Finance & Management Committee Meeting Held 5/7.

RECEIVED, FILED & PRINTED.

May 3, 2004

Hon. George A. Holt, Jr.
Chairman, Erie County Legislature
25 Delaware Avenue - 7th Floor
Buffalo, New York 14202

Dear Chairman Holt:

I will be unable to attend the scheduled committee sessions of Economic Development on May 6th, 2004 at 2:30 PM and of Finance & Management on May 7th, 2004 at 12:30 PM because I will be attending the 38th Annual County Finance School sponsored by NYSAC in Syracuse from May 5th through May 7th. Please note my anticipated absence for your records.

Very truly yours,

Denise E. Marshall
Erie County Legislator
5th Legislative District
DEM/ jet

CC: Kevin M. Kelley, Clerk -Erie County Legislature
Hon. Mark J.F. Schroeder, Chairman -Economic Development
Hon. Albert DeBenedetti, Chairman -Finance & Management
Hon. Michael H. Ranzenhofer, Minority Leader -Erie County Legislature

FROM LEGISLATOR CUSACK

Item 68 – (Comm. 10E-7) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

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May 6 2004

Mr. Kevin Kelley
Clerk, Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202
Dear Mr. Kelley:

Please find the attached request for surplus Erie County computers from the Literacy Volunteers of Buffalo and Erie County. Pursuant to Intro 24-5 (2003), these computers are being made available to non-profit and community organizations throughout Erie County. I have asked this group to submit a request, in order to receive much needed equipment from Erie County.

I appreciate your assistance and cooperation in this matter. If you have any questions, please feel free to contact my office at 716.836.0198. Thank you.

Sincerely,

Elise M. Cusack
Erie County Legislator

Item 69 – (Comm. 10E-8) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

May 6, 2004

Mr. Kevin Kelley
Clerk, Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Mr. Kelley:

Please find the attached request for surplus Erie County computers from the Boys and Girls Club of Buffalo. Pursuant to Intro 24-5 (2003), these computers are being made available to non-profit and community organizations throughout Erie County. I have asked this group to submit a request, in order to receive much needed equipment from Erie County.

I appreciate your assistance and cooperation in this matter. If you have any questions, please feel free to contact my office at 716.836.0198. Thank you.

Sincerely,

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Elise M. Cusack
Erie County Legislator

FROM THE COMPTROLLER

Item 70 – (Comm. 10E-9) Revenue Anticipation Notes – \$130,000,000.

Received and referred to FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DUSZA

Item 71 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

Re: Appointment to Erie County
Fisheries Board. (Comm. 10E-10)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Erie County Legislator Timothy Wroblewski to the Erie County Fisheries Board for a three-year term.

MS. MARINELLI moved the approval of the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 72 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

Re: Bond Reso - \$19,800,480 – County
Retirement Contributions.
(Comm. 10E-11)

RESOLUTION NO. 224 -2004

BOND RESOLUTION DATED _____, 2004

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$19,800,480 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAYBE NECESSARY, TO FINANCE CERTAIN COUNTY RETIREMENT CONTRIBUTION PAYMENTS NOT TO EXCEED THE 2004 AMOUNT ELIGIBLE FOR AMORTIZATION IN ACCORDANCE WITH THE

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RETIREMENT AND SOCIAL SECURITY LAW , STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$19,800,480; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$19,800,480 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Introduced) May 11, 2004

(Adopted) _____, 2004

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), and to the provisions of other laws applicable thereto, \$19,800,480 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance certain County retirement contribution payments not to exceed the 2004 Amount Eligible for Amortization in accordance with the Retirement and Social Security Law and the projection dated October 14, 2003 and prepared by the Office of the State Comptroller. The estimated total cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$19,800,480.. The plan of financing includes the issuance of \$19,800,480 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 85-b of the Law, is five (5) years.

Section 3. 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 object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond 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 4. 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 bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit

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enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 5. 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 6. 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 7. This Resolution shall take effect immediately upon approval by the County Executive.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: WEINSTEIN. (AYES 14, NOES 1).

CARRIED.

FROM THE COUNTY EXECUTIVE

Item 73 – (Comm. 10E-12) Emergency Services – State Homeland Security Program.

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Item 74 – (Comm. 10E-13) Request for Authorization to Accept \$4,198,663 in Urban Area Security Funds.

Item 75 – (Comm. 10E-14) CPS – Acceptance of Traffic Safety Grant for TraCS – Electronic Ticket & Accident Report System.

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

Item 76 – (Comm. 10E-15) OLV Community Housing Development Organization – Victory Ridge Apartments.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 77 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

Re: Times Beach Public Access Project
 Permit Agreement. (Comm. 10E-16)

WHEREAS, the County of Erie desires to lead the effort to provide facilities for public access to the unique natural environment available at Times Beach in the City of Buffalo; and

WHEREAS, the Times Beach Public Access Project seeks to create a first-class wildlife viewing area which can be a tourism draw and a premier attraction to the residents of the City, the County, and the nation; and

WHEREAS, Erie County has committed \$125,000 through the 2003 Capital Improvement Projects Budget (Fund/Pro 410-430) for the design of the Times Beach Public Access Project; and

WHEREAS, the City of Buffalo has requested that Erie County manage the Times Beach Public Access Project and has committed \$100,000 to support the effort; and

WHEREAS, Erie County needs to secure authorization from the New York Power Authority (NYPA) to utilize a small section of NYPA property adjacent to the site for construction access and a parking lot.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to enter into any necessary agreements with the New York Power Authority (NYPA) to secure authorization to utilize a small section of NYPA property adjacent to the site for construction access and a parking lot for the Times Beach Public Access Project, and be it further

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RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 78 – (Comm. 10E-17) Feasibility Study for a Regional Records Center.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 79 – (Comm. 10E-18) Community Development Block Grant – Household Income Surveys – 2004 Agreement with Stuart I. Brown Associates.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 80 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

Re: Erie County Regional Public Safety
 Campus – Bid Package #5, Contract
 503. (Comm. 10E-19)

WHEREAS, the Department of Public Works received bids on April 6, 2004 for the EC Regional Public Safety Campus, Bid Package #5, Contract 503, and

WHEREAS, the Architect and Department of Public Works are recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for EC Regional Public Safety Campus, Bid Package #5, Contract 503, as follows:

CONTRACT #503 – Site Improvements

Concept Construction Corp.

Base Bid	\$1,268,800.00
Alternate Bid #2	+ 49,000.00
Alternate Bid #5	+ <u>152,000.00</u>
Total contract:	\$1,469,800.00

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and be it further,

RESOLVED, that the sum of \$200,000 be allocated to the construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Cannon Design, Inc.'s Architectural/Engineering Agreement for providing additional

Architectural services for commissioning the building and updates to the work, for an amount not to exceed \$100,000, including reimbursables, and be it further,

RESOLVED, that the sum of \$4,000 be allocated for testing, inspection, and miscellaneous 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 payment from Project 341, Fund 410 in the amount of \$1,773,800.00, 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; one copy to the Office of the Comptroller; and one copy to the Office of the County Executive.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 81 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

Re: Performance Contracting Program –
 Award of Construction Work at
 Botanical Gardens. (Comm. 10E-20)

WHEREAS, in Comm. No. 12E-20 [c], dated July 5, 2001, authorization was received to enter into contracts with two Performance Contracting firms, and

WHEREAS, the Commissioner of Public Works has assigned several of its facilities to each of the contracted firms, including assigning the Botanical Gardens to Seimens Building Technologies, and

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WHEREAS, the first step in a Performance Contract is to perform a preliminary energy audit, and

WHEREAS, reasonable Energy Conservation Measures and other savings were found during the preliminary energy audit and a construction program is proposed, and

WHEREAS, the Commissioner of the Department of Public Works recommends acceptance of the program and the construction be implemented,

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to the County's Performance Contractor, Siemens Building Technologies in an amount not to exceed \$3,080,000 to perform the Energy Conservation Measures Program derived from their preliminary energy audit work, and be it further,

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to C.J. Brown Energy, P.C. in an amount not to exceed \$70,000.00 to conduct construction management and commissioning services in conjunction with that work, and be it further,

RESOLVED, that funding is to be taken from SFG Project 410-469/SAP Project A.00224, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Commissioner of Public Works, the Director of Budget Management & Finance, the Office of the Comptroller and the Office of the County Executive.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 82 – (Comm. 10E-21) – Performance Contracting Program – Award of Preliminary Energy Audit Work.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 83 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

Re: Director of Equal Employment
 Opportunity – Variable Minimum.
 (Comm. 10E-22)

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WHEREAS, the position of Director of Equal Employment Opportunity has been vacated,
and

WHEREAS, it is desired to refill the position at a variable minimum step 4, and

WHEREAS, funds are available in the budget line which was funded for a step 4,

NOW, THEREFORE BE IT,

RESOLVED, that the position of Director of Equal Employment Opportunity be filled at a variable minimum step 4, and be it further

RESOLVED, that funds are available within the budget line for this position to be refilled at this salary, and be it further

RESOLVED, that the County Executive, the Commissioner of Personnel, and the Director of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this personnel adjustment, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Comptroller, the Director of Budget Management & Finance, and the Commissioner of Personnel.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 84 – (Comm. 10E-23) – Auto Bureau Mobile Unit – Change Fund.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 85 – (Comm. 10E-24) – EC/Southtowns Sewage Treatment Agency Engineering Service Agreement – Phase II Design.

Item 86 – (Comm. 10E-25) – ECSD No. 2 – EC Sewer Agency Report – Increase & Improvement of Facilities.

Item 87 – (Comm. 10E-26) – EC Southtowns Sewage Treatment Agency Report – Increase & Improvement of Facilities.

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

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COMMUNICATIONS FROM THE DEPARTMENTS

FROM DISS – FLEET SERVICES

Item 88 – (Comm. 10D-1) – 1st Quarter Review.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 89 – (Comm. 10D-2) – Notice of Human Services Committee Informational Meeting to be Held 5/18/04 Re: “Blueprint for Change.”

RECEIVED, FILED AND PRINTED.

May 3, 2004

To: All Erie County Legislators
 From: Kevin Kelley, Clerk of the Legislature
 Subject: **INFORMATIONAL MEETING**
HUMAN SERVICES COMMITTEE

PLEASE TAKE NOTICE that under the direction of Committee Chair Demone Smith, the Human Services Committee will hold an **INFORMATIONAL MEETING** on **TUESDAY, MAY 18, 2004 at 7 pm** in the Buffalo and Erie County Public Library's Central Library Auditorium.

The purpose of the meeting will be to discuss the County Executive's proposed "Blueprint for Change," the "reengineering" of Erie County health, family, human and social service delivery.

FROM ERIE COMMUNITY COLLEGE

Item 90 – (Comm. 10D-3) – Notice of Special Trustees Meeting Held 5/5/04.

Item 91 – (Comm. 10D-4) – Notice of Meeting to be Held 5/31/04.

Item 92 – (Comm. 10D-5) – Minutes of Meeting Held 4/23/04.

The above three items were received & filed.

Item 93 – (Comm. 10D-6) – 2004-2005 Budget.

Item 94 – (Comm. 10D-7) – Report from Special Trustees Meeting Held 5/5/04.

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

FROM DISS

Item 95 – (Comm. 10D-8) – Monthly SAP/ERP Project Status Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF AMHERST

Item 96 – (Comm. 10M-1) – Deer Vehicle Accident Management Plan Update.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 97 – (Comm. 10M-2) – Communication to Erie County Comptroller Re: Auto Accident.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NYSDEC

Item 98 – (Comm. 10M-3) – SEQR ECSD No. 2 Pump Station & Force Main Improvements.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM REFOREST BUFFALO

Item 99 – (Comm. 10M-4) – City of Buffalo Forester.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NFTA

Item 100 – (Comm. 10M-5) – Minutes from Board Meeting Held 3/22/04.

Received and filed.

FROM THE NY POWER AUTHORITY

Item 101 – (Comm. 10M-6) – Notice of Niagara Relicensing Website Updates.

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Received and filed.

FROM NYS SENATE MAJORITY LEADER JOSEPH BRUNO

Item 102 – (Comm. 10M-7) – Response to Concerns About Medicaid Costs.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECIDA

Item 103 – (Comm. 10M-8) – Notice of Board Meeting Held 5/12/04.

Received and filed.

FROM THE TOWN OF AMHERST

Item 104 – (Comm. 10M-9) – Resolution Re: Maple Road Reconstruction Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CONGRESSMAN QUINN

Item 105 – (Comm. 10M-10) – Receipt of Resolution.

Received and filed.

FROM CHRISTOPHER M. GRANT

Item 106 – (Comm. 10M-11) – Computer Request.

Received and filed.

FROM THE ERIE COUNTY BOARD OF HEALTH

Item 107 – (Comm. 10M-12) – Notice of Meeting to be Held 5/27/04.

Received and filed.

FROM THE HONORABLE CHRISTOPHER J. BURNS, JSC

Item 108 – (Comm. 10M-13) – Order to Show Cause.

Received and filed.

MEETING NO. 10
May 13, 2004

ERIE COUNTY LEGISLATURE

FROM THE RESIDENTS OF NORTH FOREST ROAD

Item 109 – (Comm. 10M-14) – Documents Pertinent to Maple Road Reconstruction, Town of Amherst.

Item 110 – (Comm. 10M-15) – Letter to Legislator Schroeder Re: Maple Road Reconstruction, Town of Amherst.

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

MEMORIAL RESOLUTIONS

Item 111 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Richard Jones.

ADJOURNMENT

Item 112 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, May 27, 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, May 27, 2004 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK