

ERIE COUNTY LEGISLATURE
MEETING NO. 10
May 25, 2000

The Legislature was called to order by Chairman Swanick.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Swanick.

Item 1 – CHAIRMAN SWANICK directed that Intro. 6-6 remain on the table.

Item 2 – CHAIRMAN SWANICK directed that Intro. 6-7 remain on the table.

Item 3 – MS. PEOPLES moved to reconsider Comm. 8E-2. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

Re: Erie County Sheriff's Office –
Personnel Adjustments.
(Comm. 8E-2)

WHEREAS, the Erie County Sheriff's Office has identified the need to increase the supervisory and support staffs of the Erie County Sheriff's Office requiring personnel adjustments in both the Sheriff's and Holding Center Divisions and,

WHEREAS, these adjustments have been reviewed and approved by the Erie County Department of Personnel and,

WHEREAS, funding for these position adjustments will be offset by the positions deleted therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create one Captain Job Group 12, and one Dispatcher Sheriff, Job Group 6 in the Sheriff's Division and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to create one Assistant Director of Technology, Job Group 11, one Senior Executive Assistant, Job Group 11, one Lieutenant, Job Group 10, two Sergeant Officer, Job Group 9 and one Receptionist, Job Group 3 in the Holding Center Division and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to delete one Lieutenant, Job Group 11, one Deputy Sheriff Criminal, Job Group 8 and one Police Complaint Writer 55b, Job Group 5 from the Sheriff's Division and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to delete four (4) Deputy Sheriff Officer, Job Group 8 and one Clerk Typist, Job Group 1 from the Holding Center Division and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to upgrade the position of Chief of Technology and Technical Criminal Services in the Sheriff's Division from a Job Group 12 to a Job Group 13 and be it further,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, Department of Personnel and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

DELETE resolution in its entirety and REPLACE with the following:

WHEREAS, the Erie County Sheriff's Office has identified the need to increase the supervisory and support staffs of the Erie County Sheriff's Office requiring personnel adjustments in both the Sheriff's and Holding Center Divisions and,

WHEREAS, these adjustments have been reviewed and approved by the Erie County Department of Personnel and,

WHEREAS, funding for these position adjustments will be offset by the positions deleted therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create one Captain, Job Group 11, and one Dispatcher Sheriff, Job Group 6 in the Sheriff's Division and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to create one Assistant Director of Technical Services, Job Group 11, one Senior Executive Assistant, Job Group 11, one Lieutenant, Job Group 10, two Sergeant Officer, Job Group 9 and one Receptionist, Job Group 3 in the Holding Center Division and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to delete one Lieutenant, Job Group 10, one Deputy Sheriff Criminal, Job Group 8 and one Police Complaint Writer 55b, Job Group 5 from the Sheriff's Division and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to delete four (4) Deputy Sheriff Officer, Job Group 8 and one Clerk Typist, Job Group 1 from the Holding Center Division and be it further,

RESOLVED, that the Erie County Sheriff's Office be authorized to upgrade the position of Chief of Technology and Technical Criminal Services in the Sheriff's Division from a Job Group 12 to a Job Group 13 and be it further,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, Department of Personnel and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

MS. PEOPLES moved to approve the minutes of Meeting 9 of 2000. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 4 – MS. MARINELLI presented a resolution Recognizing Monsignor Robert K. Golombek for 35 Years of Ministry as an Ordained Priest. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. DUSZA presented a resolution Congratulating Cheektowaga Assistant Chief of Police John F. Schaller on the Occasion of His Retirement. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. SWANICK presented a resolution Recognizing Bill Greeley for 25 Years of Public Service. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. OLMA presented a resolution Proclaiming May 25th as Polish Army Veterans Day in Erie County. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. KUWIK presented a resolution Congratulating the Saint Francis High School Mock Trial Team on Qualifying to Compete in the Statewide Mock Trial Tournament. MR. OLMA seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. PAULY presented a resolution Declaring that a National Drug Court Month be Established in the County of Erie During the Month of May, 2000. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. PEOPLES presented a resolution Congratulating A1C Ivory L. Robinson, Jr. for Outstanding Leadership & Job Performance in Primary Duty. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. KUWIK presented a resolution Congratulating Jane Haj on Being Honored for a Prime Time Award. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. PAULY presented a resolution Congratulating Amherst Town Justice Mark G. Farrell on the Success of His Drug Court Program. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 13 – CHAIRMAN SWANICK directed that Local Law Intro No. 4 (Print #2) 1999 remain on the table.

Item 14 – CHAIRMAN SWANICK directed that Local Law Intro No. 2 (Print #1) 2000 remain on the table.

Item 15 – CHAIRMAN SWANICK directed that Local Law Intro No. 2 (Print #2) 2000 remain on the table.

Item 16 – CHAIRMAN SWANICK directed that Local Law Intro No. 3 (Print #1) 2000 remain on the table.

COMMITTEE REPORTS

Item 17 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

May 16, 2000

PUBLIC SAFETY
COMMITTEE
REPORT NO. 5

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

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

- | | | | | |
|----|--|------|-------|---------------|
| | Item | Page | -1999 | (Comm. 25D-1) |
| a. | EMS: Response to Legislator Marshall Re: 1999 Recruitment & Retention Survey.
(4-0) Legislator Dusza absent. | | | |
| | Item | Page | -2000 | (Comm. 6M-22) |
| b. | WEST FALLS VOLUNTEER FIRE COMPANY: Copy of Letter to County Executive
Re: Recruitment Campaign for Volunteer Fire Companies.
(4-0) Legislator Dusza absent. | | | |
| | Item | Page | -2000 | (Comm. 8M-20) |
| c. | TOWN OF LANCASTER: Certified Copy of Resolution Re: Memorializing EC to Cause
Installation of Signal at William St. & Lake Ave. at Earliest Possible Date.
(4-0) Legislator Dusza absent. | | | |
| | Item | Page | -2000 | (Comm. 8M-22) |
| d. | AURORA – COLDEN FIRE DISTRICT NO. 6: Copy of Letter to County Executive Re:
Campaign for Volunteer Fire Service.
(4-0) Legislator Dusza absent. | | | |
| | Item | Page | -2000 | (Comm. 9E-10) |
| e. | COUNTY EXECUTIVE: Copy of Letter to South Wales Fire District Re: Erie County
Fire Safety 2000 Recruitment & Retention Campaign.
(4-0) Legislator Dusza absent. | | | |
| | Item | Page | -2000 | (Comm. 9E-11) |
| f. | COUNTY EXECUTIVE: Copy of Letter to Aurora-Colden Fire District #6 Re: Erie
County Fire Safety 2000 Recruitment & Retention Campaign.
(4-0) Legislator Dusza absent. | | | |
| | Item | Page | -2000 | (Comm. 9M-3) |
| g. | SOUTH WALES FIRE COMPANY: Copy of Letter to County Executive Re: Erie
County Volunteer Recruitment Campaign.
(4-0) Legislator Dusza absent. | | | |

h. Item Page -2000 (Comm. 9M-4)
COUNTY OF LEWIS: Copy of Resolution Requesting NYS Ban the Use of Metal Studs on Snowmobiles.
(4-0) Legislator Dusza absent.

2. Item Page -2000 (Comm. 7E-10)
COUNTY EXECUTIVE
WHEREAS, the Fire Safety Division needs funds transferred in order to provide the additional personnel protective equipment needed for the new fire instructors, and

WHEREAS, funds are available in the Department of Emergency Services' 2000 budget in the Dues and Fees Account which will be transferred to the Clothing Line to purchase personal protective equipment for the newly hired fire instructors, and

WHEREAS, without this transfer, the Fire Safety Division will not be able to provide the proper personal protective equipment to its new instructors,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the modification of the Department of Emergency Services' 2000 budget, which includes funds earmarked for the Fire Safety Division. Funds are to be transferred from Due and Fees to the appropriate budget line allowing the Fire Safety Division to provide personal protective equipment to new fire instructors as follows:

Appropriations

	<u>Adopted Budget</u>	<u>Amount of Change</u>	<u>Proposed Modification</u>
Account #821 Dues & Fees	\$24826	\$-2500	\$22326
Account #811 Clothing Supplies	\$ 8400	+\$2500	\$10900

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Emergency Services.
(4-0) Legislator Dusza absent.

3. Item Page -2000 (Comm. 7E-14)
COUNTY EXECUTIVE

RESOLVED, that the Public Safety Committee does hereby recommend that the full Legislature confirm the appointment of Bernard J. Boehringer of 271 Elmsford Drive West

Seneca, New York 14224 to the Erie County Fire Advisory Board. His term will expire May 31, 2001.

(4-0) Legislator Dusza absent.

4. Item Page -2000 (Comm. 8E-1)
SHERIFF

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994, and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account, and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$3,825 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Grant, Project #493 to be used for the purchase of five (5) Roadside Retractable Spike Barrier Strip Systems, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE GRANT - PROJECT #493

<u>REVENUE</u>		<u>Increase</u>
502	Forfeiture Crime Proceeds	<u>3,825</u>
	Total Revenue	<u>3,825</u>
<u>APPROPRIATION</u>		<u>Increase</u>
933	Lab & Technical Equipment	<u>3,825</u>
	Total Appropriations	<u>3,825</u>

and be it further

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

(4-0) Legislator Dusza absent.

5. Item Page -2000 (Comm. 9E-37)

COUNTY EXECUTIVE

WHEREAS, the New York State Division of Criminal Justice Services has awarded \$20,000 to Central Police Services for the development of card scan technology to be used by local police departments for fingerprint data transfer, and

WHEREAS, the grant requires a 25% local match of \$6,667,

NOW THEREFORE BE IT

RESOLVED, that authorization is hereby provided to establish funding in the grant fund as follows:

Department of Central Police Services
Card Scan System Grant - Project #893
10/1/97 to 9/30/00

<u>Revenue</u>		<u>Increase</u>
Acct. 686-6500	Interfund Revenue	<u>\$6,667</u>
	Total Revenue	<u>\$6,667</u>
 <u>Appropriation</u>		
Acct. 933	Lab and Technical Equipment	<u>\$6,667</u>
	Total Appropriation	<u>\$6,667</u>

and be it further

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

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

EDWARD J. KUWIK
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 18 – MR. DeBENEDETTI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

May 16, 2000

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 6

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

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

Item Page -1999 (Comm. 8E-20)
a. **COUNTY EXECUTIVE:** ECSD No.6 Mini-System 10, Manhole Rehabilitation Bid
Opening.
(4-0) Legislator Dusza absent.

Item Page -2000 (Comm. 6E-27)
b. **COUNTY EXECUTIVE:** Erie County Southtowns Sewage Treatment Agency – Contract
2ST – Southtowns Sewage Treatment Plant – Façade Rehabilitation – Bid Opening.
(4-0) Legislator Dusza absent.

Item Page -2000 (Comm. 7E-20)
c. **COUNTY EXECUTIVE:** ECSD No. 4 – URS Consultants, Inc. Engineering Agreement
Dated 8/19/94 Contract Close-Out.
(4-0) Legislator Dusza absent.

2. Item Page -1999 **AS AMENDED**
LARSON (Int. 19-7)

WHEREAS, the preservation of quality Greenspace and the need to ensure that Lancaster residents may enjoy the natural beauty of area park land are crucial priorities towards improving the quality of life for community residents and

WHEREAS, the enhancement and opening of the land adjacent to Como Park located at Bowen Road Grove would help meet this critical need,

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls upon Commissioner of the Erie County Parks Department Larry Jasinski to undertake a feasibility study to determine the ramifications and cost of the installation of a new footbridge and several hiking trails across the space situated at Bowen Road, adjacent to Como Park.

RESOLVED, that certified copies of this resolution be forwarded to Erie County Department of Parks Commissioner Larry Jasinski, Erie County Executive Joel Giambra and the members of the Erie County Legislature.

Fiscal Impact: To be determined.

(3-0) Legislator Dusza absent. Legislator Pauly absent for vote.

AS AMENDED

3. Item Page -1999 (Int. 19-9)

LARSON

WHEREAS, there exists an approximately 27-acre parcel located adjacent to the Scoby Hill Dam within the Village of Springville that has previously been utilized for power generation purposes, and

WHEREAS, village and town officials have met with Erie County Legislator Dale W. Larson and Erie County Parks Commissioner Larry Jasinski for the expressed purpose of examining the feasibility of utilizing the parcel located at Scoby Hill Dam as a passive recreational site, and

WHEREAS, the enhancement, preservation and protection of high-quality Greenspace is a top priority for the improvement of the quality of life for all Erie County residents, and

WHEREAS, the proposal to create a passive recreational area at the parcel located at Scoby Hill Dam would add to Erie County's high-quality Greenspace,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests the County Attorneys office to draft an agreement in conjunction with the Erie County Parks Department to purchase the parcel from the Village of Springville for the sum of \$1.00 so it may be utilized as a passive recreational area, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Attorney, Fred Wolf, Erie County Commissioner of the Department of Parks, Recreation and Forestry Larry Jasinski, the Village of Springville and the Town of Concord.

Fiscal Impact: To be determined

(3-0) Legislator Dusza absent. Legislator Pauly absent for vote.

AS AMENDED

4. Item Page -1999 (Comm. 25E-41)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 23ST to SICAR Management and Construction, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of the Contract No. 23ST in the amount of \$370,316.68 which includes Change Order No. 1 (final), a decrease of \$26,760.32 and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 23ST between the County of Erie and SICAR Management and Construction, Inc., 1128 Jamison Road, Elma, New York 14052, be accepted in the amount of \$370,316.68, which includes Change Order No. 1 (final), a decrease of \$26,760.32; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 23ST between the County of Erie and SICAR Management and Construction, Inc. in the amount of \$370,316.68 and make final payment from Sewer Capital Account SD No. 6, Fund No. 430, Project No. 519, and return the unused portion to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to the Nancy Naples, Erie County Comptroller's office; Stephen Gawlik, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management.
(4-0) Legislator Dusza absent.

5. Item Page -2000 (Comm. 7E-21)

COUNTY EXECUTIVE

WHEREAS, the Better Business Bureau Foundation of Western New York provides an essential service to the Erie County Department of Environment and Planning by providing professional dispute resolution services to homeowners and home improvement contractors which require mediation during the housing rehabilitation process; and

WHEREAS, a time extension is recommended which does not involve an increase in authorized funding,

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to enter into a second amendatory agreement to the 10/30/96 contract between the Better Business Bureau Foundation of Western New York, Inc. and the County of Erie in order to carry out dispute resolution services associated with the Erie County Housing Rehabilitation Program for the 2000 and 2001 Community Development Consortium Block Grant (CDBG) program years; and be it further

RESOLVED, that certified copies of the resolution shall be forwarded to the Commissioner Environment and Planning and the County Comptroller.
(4-0) Legislator Dusza absent.

6. Item Page -2000 (Comm. 7E-22)

COUNTY EXECUTIVE

WHEREAS, the 2000 Budget contains sufficient funds in the County Sewer District and Southtowns Sewage Treatment Agency budgets for payment of their annual debt service costs; and

WHEREAS, there are incorrect budgeted amounts in various Sewer District Debt Service Fund Dues and Fees, Principal and Interest Accounts in the 2000 Budget; and

WHEREAS, as a portion of the budgeted amounts for debt service payments were placed into the Dues and Fees and Interest Accounts; and

WHEREAS, it is now necessary to transfer various amounts budgeted in the Dues and Fees and Interest Accounts in the Debt Service Fund in each respective Sewer District's Principal and Interest Accounts to enable utilization of Debt Service budgeted funds by the Comptroller's Office for payment of Debt Service in the 2000 Budget Year to avoid a default on the bond payments.

NOW, THEREFORE, BE IT

RESOLVED, that the following amounts be transferred from each respective Account by the Budget Office and placed into the proper Sewer District Debt Service Fund Accounts as follows:

Erie County Sewer District Nos. 1-4-5

1. The amount of \$38,278 from Fund 321, Account 821 Dues and Fees to Fund 321, Account 860, Principal;
The amount of \$44,483 from Fund 321, Account 870 Interest to Fund 321, Account 860 Principal;

Erie County Sewer District No. 2

2. The amount of \$8,455 from Fund 322, Account 821 Dues and Fees to Fund 322, Account 860, Principal;
The amount of \$17,931 from Fund 322, Account 870 Interest to Fund 322, Account 860 Principal;

Erie County Sewer District No. 3/Southtowns

3. The amount of \$131,559 from Fund 323, Account 821 Dues and Fees to Fund 323, Account 860, Principal;
The amount of \$93,839 from Fund 323, Account 821 Dues and Fees to Fund 323, Account 870, Interest;

Erie County Sewer District No. 6

4. The amount of \$17,536 from Fund 326, Account 821 Dues and

Fees to Fund 326, Account 860, Principal;
The amount of \$71,792 from Fund 326, Account 870 Interest to
Fund 326, Account 860, Principal.

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director, Budget and Management.

(4-0) Legislator Dusza absent.

7. Item Page -2000 (Comm. 7E-23)

COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District No. 5 desires to increase its sewage treatment capacity with the Town of Amherst; and

WHEREAS, the additional capacity can be achieved through use of a newly constructed connection at Klein Road; and

WHEREAS, an amended service agreement between the Town of Amherst on behalf of Amherst Sewer District No. 16 and the County of Erie on behalf of Erie County Sewer District No. 5 is necessary to effectuate the new connection.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed amended service agreement between the Town of Amherst on behalf of Town Sewer District No. 16 and the County of Erie on behalf of Erie County Sewer District No. 5 is hereby authorized; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amended service agreement subject to approval as to form by the County Attorney, between Erie County and the Town of Amherst; and be it further

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

(4-0) Legislator Dusza absent.

8. Item Page -2000 (Comm. 7E-32)

COUNTY EXECUTIVE

WHEREAS, the Town of Boston on behalf of Town Sanitary Sewer District No. 2, the Creekside Subdivision, has requested Erie County Sewer District No. 3 to assume ownership of Town District No. 2 sanitary sewer lines; and

WHEREAS, the Town District No. 2 sewer pipes are in need of refurbishing and/or replacement; and

WHEREAS, the Town of Boston has proposed that its recent engineering for replacement of a portion of the lines in the Town District and a CDBG grant of \$90,000 received for sewer rehabilitation/replacement within eligible portions of the Town District be applied to the refurbishing and/or replacement of sewer lines; and

WHEREAS, the remainder of needed sewer line refurbishment/ replacement is to be funded by Erie County Sewer District No. 3 and repaid through a footage charge to be levied against the benefited properties within the Town District; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership of the Boston Town Sewer District No. 2 sewers with Erie County Sewer District No. 3.

NOW, THEREFORE BE IT

RESOLVED, that an intermunicipal agreement between the County on behalf of Erie County Sewer District No. 3 and the Town of Boston on behalf of Town Sewer District No. 2 for the purpose of transferring ownership of Town Sewer District No. 2 sewer lines and appurtenances to Erie County Sewer District No. 3 with the refurbishing and/or replacement of such sewer lines and appurtenances as necessary be, and hereby is, approved and the County Executive be authorized to execute the agreement subject to approval as to form by the County Attorney, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the Erie County Comptroller's Office, Stephen Gawlik, Assistant County Attorney and the Director of Budget and Management.
(4-0) Legislator Dusza absent.

9. Item Page -2000 (Comm. 9E-16)

COUNTY EXECUTIVE

WHEREAS, the Rural Van Transportation Program serves low-income households as well as the elderly and disabled in 19 municipalities in southern Erie County; and

WHEREAS, the Rural Van Program has been operated under an Erie County contract with Rural Transit Service, Inc., a not-for-profit corporation, for the past three (3) years; and

WHEREAS, the project selection committee of the Community Development Block Grant Consortium has approved the one-year continuation of service using \$122,600 of federal Community Development funds available in the 2000-2001 Erie County Community Development Grant;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute an amendatory agreement with Rural Transit Service, Inc. (RTS) increasing the authorized 1997-1999 contract amount from \$448,500 to \$571,100 for the purpose of operating the Southtowns Rural Transit Service Van Program for an additional year (2000) through May 31, 2001; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Budget, Management, and Finance, the Comptroller and the Commissioner of Environment and Planning. (4-0) Legislator Dusza absent.

10. Item Page -2000 (Comm. 9E-31)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) has previously provided opportunities for college student interns to assist the Department in providing its many programs for the benefit of the County and its residents, and

WHEREAS, the DEP would again like to utilize the services of qualified student interns and allow them to work with Department staff in the development and implementation of DEP'S work program, and

WHEREAS, it is necessary for the County Executive to enter into Agreements for Personal Services to engage the services of qualified student interns to work in the Department of Environment and Planning, and

WHEREAS, the qualifications and hourly rate to compensate student interns will be consistent with overall County employment practices, and final confirmation as to the qualifications for interns will be requested from the County Department of Personnel before entering into these Agreements

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary Agreements to provide three college student internships for the remainder of year 2000 to assist the Department of Environment and Planning, and be it

RESOLVED, that these Agreements for personnel services will not exceed \$3,000 each and will be funded by transferring existing DEP funds to appropriate DEP accounts, and be it

RESOLVED, that funds shall be transferred within the budget of the Department of Environment and Planning as follows:

From:	Account 810 (Office Supplies)	\$ 500
	Account 821 (Dues and Fees)	\$2,000
	Account 826 (Other Expenses)	\$5,000
To:	Account 830 (Contractual Services)	\$7,500

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management, Commissioner of Environment and Planning, the County Attorney, the Commissioner of Personnel and the County Comptroller.

(4-0) Legislator Dusza absent.

11. Item Page -2000 (Comm. 9E-32)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers the federal Community Development Block Grant program on behalf of thirty-four municipalities comprising the Erie County Community Development Consortium; and

WHEREAS, said Consortium receives approximately \$3,200,000 annually from the States Department of Housing and Urban Development; and

WHEREAS, said funds must primarily benefit low and moderate income households within the Consortium; and

WHEREAS, the Consortium municipalities are desirous of having access to a professional planning firm having skill in household income survey techniques which can be utilized to determine the CDBG eligibility of certain proposed projects;

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement for an amount not to exceed \$15,000, with Stuart I. Brown Associates, Inc. for the purpose of undertaking household income surveys within neighborhoods comprising the Erie County Community Development Block Grant Consortium; and be it further

RESOLVED, that certified copies of the resolution shall be forwarded to the Commission of Environment and Planning and the County Comptroller.

(4-0) Legislator Dusza absent.

12. Item Page -2000 (Comm. 9E-33)

COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District Nos. 1, 4 & 5 have established a new Capital Account, Fund No. 430, Project No. 916, for the purpose of a new building construction and its design; and

WHEREAS, Erie County Sewer District Nos. 1, 4 and 5 desire to transfer monies from their operating Fund balances to the new Capital Account for the purposes of providing funds to cover any necessary project cost increases during construction; and

WHEREAS, there are no excess funds in the existing capital account being used to fund the new building construction and its design for any future unanticipated expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller be authorized and directed to make the following allocations and transfers:

1) Amount of \$39,000 be allocated from Erie County Sewer District No. 1 Fund Balance 220 851 299 to Use of Fund Balance Fund 220 851 811 698 105 to Interfund Transfer Out Account 220 851 810 886 8108 and then transferred to Capital Project 430 916 810 973 and Interfund Transfer In Account 430 916 810 686 8100;

2) Amount of \$53,000 be allocated from Erie County Sewer District No. 4 Fund Balance 220 851 299 to Use of Fund Balance Fund 220 851 812 698 105 to Interfund Transfer Out Account 220 851 810 886 8108 and then transferred to Capital Project 430 916 810 973 and Interfund Transfer In Account 430 916 810 686 8100;

3) Amount of \$8,000 be allocated from Erie County Sewer District No. 5 Fund Balance 220 851 299 to Use of Fund Balance Fund 220 851 813 698 105 to Interfund Transfer Out Account 220 851 810 886 8108 and then transferred to Capital Project 430 916 810 973 and Interfund Transfer In Account 430 916 810 686 8100; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to Joseph Passafiume, Director of Budget and Management, Nancy Naples, Erie County Comptroller, and Stephen F. Gawlik, Assistant County Attorney.

(4-0) Legislator Dusza absent.

ALBERT DeBENEDETTI
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 19 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

May 18, 2000

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

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

Item Page -2000 (Comm. 6E-17)
a. **COUNTY EXECUTIVE:** Zoological Society of Buffalo – Request for Erie County Funds for Phase I of Zoo’s Capital Redevelopment Project.
(4-0) Legislator Fisher absent.

Item Page -2000 (Comm. 7M-17)
b. **VILLAGE OF WILLIAMSVILLE:** Copy of Resolution Re: Opposed to Proposed Plans to Close or Limit Services in Amherst Branch Libraries.
(4-0) Legislator Fisher absent.

Item Page -2000 (Comm. 7M-25)
c. **TOWN OF COLDEN:** Certified Copy of Resolution Opposing Proposed Plan to Close or Limit Libraries’ Services.
(4-0) Legislator Fisher absent.

Item Page -2000 (Comm. 8M-14)
d. **TOWN OF COLDEN:** Certified Copy of Resolution Re: Opposing Proposed Plan Which Would Close or Limit Any Library Services.
(4-0) Legislator Fisher absent.

2. Item Page -2000 (Comm. 9E-38)
COUNTY EXECUTIVE

WHEREAS, In 1994, Buffalo Telephone Company (Cell One) constructed a microwave relay tower at Erie Community College, South Campus for mutual usage without cost to Erie County; and

WHEREAS, Buffalo Telephone Company entered into a five-year lease agreement with Erie Community College, at a reduced rent of \$9,000 per year; and

WHEREAS, Buffalo Telephone Company's original five-year lease has expired and now wishes to enter into a five-year extension at an amount of approximately \$10,000 per year; and

WHEREAS, Sprint Spectrum, L.P. and AT & T Wireless Services have approached ECC to rent available space on the existing microwave relay tower at the South Campus; and

WHEREAS, Both Sprint Spectrum, L.P. and AT & T Wireless Services wish to enter into five year lease agreements paying the college approximately \$15,000 per year; and

WHEREAS, The two proposed leases and one lease extension have been approved by the Erie County Legislature; and

WHEREAS, An additional communications company, Nextel Partners, has approached ECC to rent available space on the existing microwave relay tower at the South Campus; and

WHEREAS, Nextel Partners wishes to enter into a five year lease agreement paying the college approximately \$15,000 per year; and

WHEREAS, The proposed lease has been approved by the Erie Community College Board of Trustees pending approval by the Erie County Department of Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a lease agreement with Nextel Partners to rent space on the existing microwave relay tower at Erie Community College, South Campus, and be it further

RESOLVED, that the terms of the lease shall be for a five-year period at approximately \$15,000 per year, and be it further

RESOLVED, that the funds received from these leases will be budgeted for and accounted for as operating revenues of Erie Community College, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Erie Community College, the Erie County Division of Budget, Management and Finance, the Erie County Office of the Comptroller and the Erie County Department of Law.

(4-0) Legislator Fisher absent.

3. Item Page -2000 (Comm. 9E-39)
COUNTY EXECUTIVE

WHEREAS; The Erie Community College Board of Trustees, at the April 12, 2000 meeting, elected to offer an Erie Community College Sponsored Retirement Incentive Program, the open period of filing beginning on June 15, 2000 through July 31, 2000, with a retirement date no later than July 31, 2000 and

WHEREAS; The Erie Community College Board of Trustees will offer full-time employees who are fifty (50) years of age with at least ten (10) years of full-time service with ECC the ECC sponsored incentive, and

WHEREAS; The Erie Community College Board of Trustees has elected to pay each participant of the Erie Community College sponsored Retirement Incentive Program a payment of 50% of his/her base yearly salary minus the appropriate withholding taxes, and

WHEREAS; The Erie Community College Board of Trustees will offer one of three options to employees selected to participate in the ECC sponsored retirement incentive, a one time lump sum payment; periodic payments over five years; or payments for health insurance until the base amount is exhausted, and

WHEREAS; The Erie Community College Board of Trustees shall not have any participants in the Erie Community College sponsored Retirement Incentive Program who participate in a state offered early retirement incentive, and

WHEREAS; Once the window period of June 15, 2000 to July 31, 2000 is concluded, the College would not participate in another ECC sponsored incentive until 2002, and

WHEREAS; Approval will allow ECC to charge the cost of the incentive to the current budget year while providing savings in future years, and

WHEREAS; Erie County approval is necessary to implement the program,

NOW, THEREFORE, BE IT

RESOLVED: That the Erie County Legislature approves the Retirement Incentive Program 2000 approved by the Erie Community College Board of Trustees, and be it further

RESOLVED: That certified copies of this resolution be forwarded to the President of Erie Community College, the Erie County Personnel Department, the Erie County Director of Budget and Management, the Erie County Department of Law, and the Erie County Comptroller.
(4-0) Legislator Fisher absent.

LYNN M. MARINELLI
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

Item 20 – MR. FITZPATRICK presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

May 18, 2000

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 3

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

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

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|----|--|------|--------|----------------|
| a. | Item | Page | -1999 | (Comm. 25E-34) |
| | COUNTY EXECUTIVE: Contract with Town of Cheektowaga for Development of Walden Commerce Exchange Industrial Park.
(5-0) | | | |
| b. | Item | Page | -2000 | (Comm. 6D-18) |
| | DPW: EC Holding Center Electronic Security System.
(5-0) | | | |
| c. | Item | Page | -2000 | (Comm. 7D-1) |
| | DPW: ECC Food Lab – Erie Room Renovation DPW #JZ-00-2.
(5-0) | | | |
| d. | Item | Page | -2000 | (Comm. 7M-15) |
| | KPMG: Economic & Fiscal Impacts of New Convention Center in Buffalo.
(5-0) | | | |
| e. | Item | Page | -2000 | (Comm. 7M-16) |
| | PEACE BRIDGE PUBLIC CONSENSUS REVIEW PANEL: Outline Response to Final Recommendations of Bi-National Team.
(5-0) | | | |
| f. | Item | Page | -2000 | (Comm. 8M-24) |
| | NFTA: Annual Operating & Capital Budget for Fiscal Year Ending 3/31/01.
(5-0) | | | |
| g. | Item | Page | -2000 | (Comm. 9M-28) |
| | NFTA: Annual Operating Budget Fiscal Year Ending 3/31/01 & 5 Year Capital Plan.
(6-0) Chairman Swanick present as Ex-Officio Member. | | | |
| h. | Item | Page | -2000 | (Comm. 9M-29) |
| | NYSDOT: Final Design Report/Environmental Assessment – NY Route 5 – Main Street – Youngs Road to NY Route 78 – Transit Road, Town of Amherst.
(6-0) Chairman Swanick present as Ex-Officio Member. | | | |
| 2. | Item | Page | - 2000 | (Comm. 7E-9) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, the Erie County Legislature approved a contract for engineering services with DeLeuw Cather and Company and the County of Erie to design and prepare plans for the Reconstruction of Jennings Road Bridge 487-6, in the Town of Collins, in Meeting Number 5, held on March 1, 1990, Communication Number 5D-9, and

WHEREAS, it has been determined that the Contract must be increased by an amount of \$5,820.33 for additional engineering services requested by Erie County Department of Public Works, Division of Highways, for an alternate bid package for constructing an improvement in the road alignment to the bridge.

NOW, THEREFORE, BE IT

RESOLVED, that an amount of \$5,820.33 be allocated from the 1995 Bridge Construction Program (SFG 683) for a change order to the contract for engineering services during the construction phase with DeLeuw Cather and Company; and be it further

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

(5-0)

3. Item Page - 2000 (Comm. 7E-27)

COUNTY EXECUTIVE

WHEREAS, Pursuant to New York State Highway Law, Article 6, Section 118A, the Deputy Commissioner of Public Works, Division of Highways, recommends to convey to the adjacent property owner a portion of existing right-of-way on Greiner Road, CR 37, in the Town of Clarence that is no longer needed for highway purposes, and

NOW, THEREFORE BE IT

RESOLVED, that upon the recommendation of the Deputy Commissioner of Public Works, Division of Highways, a portion of the existing right-of-way as shown on the attached map and description be conveyed to the adjacent land owner known to be Grace M. Giancarlo for consideration of \$135.00 as determined by the Division of Budget, Management and Finance, payable to the County of Erie. The area of the conveyance being 0.003 acres, more or less, and be it further

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

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

(5-0)

4. Item Page -2000 (Comm. 9E-23)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on March 30, 2000 for the Erie County Court Facility, Bid Package No. 17 - Painting/Vinyl Wall Covering, Bid Package No. 18 - Carpet/Vinyl Composition Tile, and Bid Package No. 19 - Tile/Terrazzo, and

WHEREAS, the Architect/Construction Manager and the 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 the following contracts for the Erie County Family Court Facility:

Bid Package No. 17 - Painting/Vinyl Wall Covering

R.W. Painting, Inc. Base Bid	\$243,200.00
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Bid Package No. 18 - Carpet/Vinyl Composition Tile

Midland Construction, Inc. Base Bid	\$339,000.00
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Bid Package No. 19 - Tile/Terrazzo

Despirit Marble & Mosaic Co., Inc. Base Bid	<u>\$293,000.00</u>
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Total for all contracts:	\$875,200.00
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and be it further,

RESOLVED, that the amount of \$30,000.00 be allocated to cover the maximum amount of bonus/liquidated damages to the contractor permitted by the contract, and be it further,

RESOLVED, that the construction contingency fund will not increase and remain at a total amount not to exceed \$1,529,369.00 for Bid Package Nos. 1 thru 19, with authorization for the Commissioner of Public Works to approve change orders for Bid Package Nos. 1 thru 19 in an amount not to exceed the amount of the 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 all these authorizations are contingent upon the funds being made available, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Court Facilities Improvements Project 750, Fund 410, and be it further,

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

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

5. Item Page -2000 (Comm. 9E-24)

COUNTY EXECUTIVE

WHEREAS, Project PIN 5753.83, Springville Boston Road Bridge 228-8, Over Eighteen Mile Creek, BIN 1-04160-0, Town of Concord, in accordance with Communication Number 29D-10 dated February 4, 1999 authorizing the County to participate to the extent of the local share (20%) of the cost of construction and construction engineering of the project or portions of the project not on the State Highway System, and

WHEREAS, this resolution authorized the County Executive to execute all necessary agreements on behalf of the County providing for the County's participation in the cost of the local share of the subject project, and

WHEREAS, in that agreement Erie County committed to pay 100% of the non-Federal share of the construction and construction engineering costs of the subject project which included Marchiselli funding of 36.4% equaling \$62,550, and

WHEREAS, the New York State Department of Transportation (NYSDOT) State's SFY 99-00 budget included additional Marchiselli funding for the subject project's construction, and

WHEREAS, under a new Supplemental Agreement the County would receive Marchiselli funding in the amount of \$128,838, which equals the maximum reimbursement of 75% of Erie County's non-federal share of the cost of the subject project's Construction and Inspection Phase.

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

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements on behalf of the County of Erie with NYSDOT to enable the County to accept the increase refund from 36.4% to 75% of the County of Erie share of local funding, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be filed with the New York State Commissioner of Transportation and one certified copy to the Erie County Comptroller. (6-0) Chairman Swanick present as Ex-Officio Member.

6. Item Page -2000 (Comm. 9E-25)

COUNTY EXECUTIVE

WHEREAS, Project PIN 5753.69, Goodrich Road Bridge (CR 216), over Tonawanda Creek, BIN 3-32642-0, Town of Clarence, Erie County and Town of Lockport, Niagara County, in accordance with Communication Number 22D-12 dated December 17, 1998, authorizing the County to participate to the extent of the local share (20%) of the cost of construction and construction engineering of the project or portions of the project not on the State Highway System, and

WHEREAS, this resolution authorized the County Executive to execute all necessary agreements on behalf of the County providing for the County's participation in the cost of the local share of the subject project, and

WHEREAS, in that agreement Erie County committed to pay 100% of the non-Federal share of the construction and construction engineering costs of the subject project which included Marchiselli funding of 66.5% equaling \$113,875, and

WHEREAS, the New York State Department of Transportation (NYSDOT) State's SFY 99-00 budget included additional Marchiselli funding for the subject project's construction, and

WHEREAS, under a new Supplemental Agreement the County would receive Marchiselli funding in the amount of \$128,396, which equals the maximum reimbursement of 75% of Erie County's non-federal share of the cost of the subject project's Construction and Inspection Phase.

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

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements on behalf of the County of Erie with NYSDOT to enable the County to accept the increase refund from 66.5% to 75% of the County of Erie share of local funding, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be filed with the New York State Commissioner of Transportation and one certified copy to the Erie County Comptroller. (6-0) Chairman Swanick present as Ex-Officio Member.

7. Item Page -2000 (Comm. 9E-26)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Erie County Correctional Facility, Electronic Security System on April 28, 1999, and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidder in the total amount of \$695,000.00, and

WHEREAS, due to the limited funds available at the time of bidding, no contingency was included in the contract approved by your Honorable Body on May 12, 1999, and

WHEREAS, the Erie County Correctional Facility expansion is now complete and the amount allocated for the bonus/liquidated damages is now available for the construction contingency increase, and

WHEREAS, construction contingency is required for unforeseen conditions that may arise throughout the duration of the project,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased from \$0 to a new total amount of \$45,790.00, with authorization for the Commissioner of Public Works to approve change orders, 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 Comptroller's Office be authorized to make payments for all of the above from Fund 410, Project 127, 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 and one copy to the Office of the Comptroller.

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

8. Item Page -2000 (Comm. 9E-27)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Chestnut Ridge Waterline, Phase II, on June 21, 1999, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Fairway Construction Co., in the amount of \$234,999.00, and

WHEREAS, during excavation for the new waterline, contaminated soil from an abandoned fuel tank was discovered, and

WHEREAS, the contaminated soil removal has been requested by the Parks & Recreation Commissioner and the NYSDEC, and

WHEREAS, unforeseen code compliant electrical and miscellaneous repairs in the Park are necessary,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$45,000.00 to a new total amount of \$95,000.00, with authorization for the Commissioner of Public Works to approve change orders, 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 Comptroller's Office be authorized to make payments for all of the above from the 1998 Chestnut Ridge Water Line Installation - Phase II, Fund 410, Project 853, in

the amount of \$29,000.00, and the 1999 Code Compliance, Fund 410, Project 129, in the amount of \$16,000.00, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Department of Parks & Recreation; one copy to the Comptroller's Office; and one copy to Budget Management & Finance.
(6-0) Chairman Swanick present as Ex-Officio Member.

9. Item Page -2000 (Comm. 9E-28)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on March 14, 2000, for the Erie County Holding Center, Electronic Security System, and

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

WHEREAS, unanticipated revenues already realized in Fund 410, Project 546, Account 544 for \$44,000 should be budgeted as Estimated Revenues and Appropriations under Object 975 in the project,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract for the Erie County Holding Center, Electronic Security System:

ELECTRONIC SECURITY SYSTEM

Norment Security Group, Inc.	
Base Bid	\$610,000.00
Alternate Bid No. 1	+ 35,000.00
Alternate Bid No. 5	<u>no change</u>
Total	\$645,000.00

and be it further,

RESOLVED, that the sum of \$50,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Commissioner of Public Works is authorized to accept, at a later date, Alternate Bid No. 2, Alternate Bid No. 3, Alternate Bid No. 4 and Alternate Bid No. 6 contingent upon receipt of additional funding, and be it further,

RESOLVED, that if the Commissioner of Public Works decides to accept Alternate Bid No. 2 (+\$32,000.00) or Alternate Bid No. 3 (\$33,000.00) or Alternate Bid No. 4 (\$24,000.00) or Alternate Bid No. 6 (\$10,120.00) that the contract with Norment Security Group, Inc. will be increased by a total amount not to exceed \$99,120.00, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above in the total amount of \$695,000.00 from the following accounts:

--Additions to the Erie County Holding Center, Project 546, Fund 410	\$ 27,200.00
--1998 ECHC Door Control System, Project 825, Fund 410	\$450,800.00
--1999 ECHC Door Control System, Project 912, Account 823, encumbered in DP30999	\$200,000.00
--1999 Code Compliance, Project 129, Fund 410	<u>\$ 17,000.00</u>
Total	\$695,000.00

and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Office of Budget, Management and Finance; and one copy to the Comptroller's Office.
(6-0) Chairman Swanick present as Ex-Officio Member.

MICHAEL A. FITZPATRICK
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

May 18, 2000

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 7

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

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

- a. Item Page -2000 (Comm. 4E-3)
COMPTROLLER: Review of County Passenger Vehicles.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- b. Item Page -2000 (Comm. 5E-30)
PEOPLES: Letters from Legislator Peoples to Comptroller & Other Audit Officials Re: County Omnibus Resolutions.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- c. Item Page -2000 (Comm. 6E-4)
COMPTROLLER: Report Requested in Subject Resolution Relating to Comptroller's Office Audit of Risk Retention.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- d. Item Page -2000 (Comm. 6E-6)
COMPTROLLER: Response to Comm. 4E-12 Re: County Omnibus Resolutions.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- e. Item Page -2000 (Comm. 7M-1)
HUNT REAL ESTATE CORP: Support for Erie County Local Law No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- f. Item Page -2000 (Comm. 7M-5)
GRAND ISLAND CHAMBER OF COMMERCE: Support for Erie County Local Law Intro. No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- g. Item Page -2000 (Comm. 7M-7)
HUNT REAL ESTATE CORP: Letter to Legislator Dusza Re: Urging Legislature to Adopt EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- h. Item Page -2000 (Comm. 7M-8)
THE GIALLANZA CORP: Letter to Legislator Dusza Re: Urging Legislature to Adopt EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

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| | Item | Page | -2000 | (Comm. 7M-9) |
|--|------|------|-------|--------------|
- i. **HUNT REAL ESTATE CORP:** Copy of Letter to Legislator Dusza Re: In Support of County Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
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| | Item | Page | -2000 | (Comm. 7M-10) |
|--|------|------|-------|---------------|
- j. **KENMORE DEVELOPMENT:** Copy of Letter to Legislator Dusza Re: Urging Legislature to Adopt EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
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| | Item | Page | -2000 | (Comm. 7M-11) |
|--|------|------|-------|---------------|
- k. **WNY METRO/TOWN CENTER REALTY INC:** Letter to Chairman Swanick Re: Urging Legislature to Adopt EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
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| | Item | Page | -2000 | (Comm. 7M-12) |
|--|------|------|-------|---------------|
- l. **BERNARD B GOODMAN:** Letter to Chairman Swanick Re: Urging Legislature to Adopt EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
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| | Item | Page | -2000 | (Comm. 7M-21) |
|--|------|------|-------|---------------|
- m. **THE E/F BURKE COMPANY:** Copy of Letter to Legislator Dusza Re: Urging Legislature to Adopt EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
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| | Item | Page | -2000 | (Comm. 7M-22) |
|--|------|------|-------|---------------|
- n. **KENMORE DEVELOPMENT:** Letter to Chairman Swanick Re: Adoption of EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
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|--|------|------|-------|---------------|
| | Item | Page | -2000 | (Comm. 7M-23) |
|--|------|------|-------|---------------|
- o. **HUNT REAL ESTATE CORP:** Letter to Chairman Swanick Re: Adoption of EC Local Law No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
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|--|------|------|-------|---------------|
| | Item | Page | -2000 | (Comm. 7M-24) |
|--|------|------|-------|---------------|
- p. **THE GIALLANZA CORP:** Letter to Chairman Swanick Re: EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
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|--|------|------|-------|---------------|
| | Item | Page | -2000 | (Comm. 7M-26) |
|--|------|------|-------|---------------|
- q. **LINDA TRIPPY:** Letter to Chairman Swanick Re: Urging Legislature to Adopt EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

- Item Page -2000 (Comm. 7M-28)
r. **THE E/F BURKE COMPANY:** Letter to Chairman Swanick Re: Urging Legislature to Adopt EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2000 (Comm. 7M-29)
s. **MICHELLE A PETERSEN:** Letter to Chairman Swanick Re: Urging Legislature to Adopt EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2000 (Comm. 8E-11)
t. **COMPROLLER:** Report on the Apportionment & Distribution of the 4% Sales Tax Revenue Received from NYS for March.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2000 (Comm. 8M-5)
u. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 1999 Class Equalization Rates 3/28/00.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2000 (Comm. 8M-6)
v. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 1999 State Equalization Rates 3/28/00.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2000 (Comm. 8M-10)
w. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 1999 State Equalization Rates 3/24/00.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2000 (Comm. 8M-11)
x. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 1999 Class Equalization Rates 3/24/00.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2000 (Comm. 8M-23)
y. **NYS BOARD OF REAL PROPERTY SERVICES:** List of Certified 1999 State Equalization Rates 4/5/00.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.
- Item Page -2000 (Comm. 8M-25)
z. **JAMES T SZAKACS:** Letter to Legislator Marinelli Re: Urging Legislature to Adopt EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

- | | Item | Page | -2000 | (Comm. 8M-26) |
|-----|---|--|-------|---------------|
| aa. | SAMUEL J BURRUANO: | Letter Urging Legislature to Adopt EC Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | |
| bb. | COMPTROLLER: | Report of Apportionment & Distribution of 4% Sales Tax Revenue Received by E.C. from NYS for April.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | |
| cc. | ERIE COUNTY ASSESSORS ASSOCIATION: | Supporting Changes to Taxable Status Dates.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | |
| dd. | ESSEX HOMES OF WNY: | Copy of Letter to Legislator Dusza Urging Legislature to Adopt Local Law Intro No. 2 – 2000.
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member. | | |

2. Item Page -2000 (Comm. 9E-14)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has previously gone on record [i.e. resolution adopted February 18, 1999; Int. 16-2] in favor of adjusting the assessment calendar applicable to real property situate in the towns of the County of Erie so as to move the taxable status date from June 1 to May 1, to move assessment review hearings from early July to early June and to move the assessment roll final completion, verification and filing date from August 1 to July 1; and

WHEREAS, conducting assessment review hearings in early July is inconvenient for many property owners who, although desirous of having a hearing before the board of assessors to review their assessments, are on vacation or otherwise unavailable in early July; and

WHEREAS, finally completing, verifying and filing the assessment roll on August 1 makes the timely and error-free calculation of school district tax rates difficult since school districts are required, by August 10, to certify to and file with the Clerk of the Erie County Legislature their upcoming school district budgets and tax rates; and

WHEREAS, the Erie County Legislature has also previously directed that the Erie County Attorney draft appropriate legislation to effectuate the necessary changes in the local assessment calendar; and

WHEREAS, the Erie County Attorney has prepared the attached State bill for enactment by the New York State Legislature inasmuch as the assessment calendar in Erie County is largely controlled by the provisions of the Erie County Tax Act, a State tax law applicable only in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby urges the adoption by the New York State Legislature of the attached State bill, entitled "AN ACT to amend the Erie county tax act, in relation to changing certain dates of the annual assessment calendar applicable to real property situate in the towns of the county of Erie"; and be it farther,

RESOLVED, that certified copies if this Resolution and its attachment be forwarded to our representatives in the New York State Senate and Assembly in Albany, the County Executive, the County Attorney, the Deputy Finance Commissioner and also to the Executive Director and President of the Erie County Assessors Association and the Association of Erie County Governments.

(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

3. Item Page -2000 (Comm. 9E-34)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation has asked the County of Erie for acquisition of a portion of the County owned parcel located at 160 Borden Road, West Seneca, New York.

WHEREAS, this acquisition would be used for the replacement of the bridge on Borden Road, just south of Clinton Street, and

WHEREAS, it is necessary that this approval be granted to allow this project to proceed, and

WHEREAS, the Director of Real Property Tax Services has determined that this acquisition of County land can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and One Thousand Six Hundred Fifty and 00/100 Dollars (\$1,650.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and transfers the portion of said parcel of land as described below, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to transfer to the State of New York, Department of Transportation, Real Estate Group, 403 Main Street Suite 250, Buffalo, New York 14203 in consideration of One Thousand Six Hundred Fifty and 00/100 on the following described portion of 160 Borden Road, West Seneca, New York parcel:

All That piece or parcel of property hereinafter designated as Parcel No. 5, situate in Lot No. 293, Township No. 10, Range No. 7, being a portion of the subdivision of the Buffalo Creek

Indian Reservation, filed under Cover of Maps Number 58, Town of West Seneca, Erie County, State of New York, as shown on the accompanying map and described as follows:

Beginning at a point on the existing westerly boundary of Borden Road, C.R. 322 at its intersection with the division line between the property of County of Erie (Reputed Owner) on the north and the property of Paul R. Miller (Reputed Owner) on the south, said point being 7.7± meters distant westerly measured at right angles from Station 0+331.6± (Ahead Tangent Produced Back) of the hereinafter described centerline for the reconstruction of Borden Road, C.R. 322; thence westerly along the said division line 17.4± meters to a point, said point being 25.000 meters distant westerly measured at right angles from Station 0+333.3± (Ahead Tangent Produced Back) of said centerline; thence through the property of County of Erie (Reputed Owner) the following three (3) courses and distances: (1) AZ 353 25'28", 11.6± meters to a point, said point being 25.000 meters distant westerly measured at right angles from the Spiral to Tangent Station 0+344.883 of said centerline; thence (2) AZ 349 26'40", 43.221 meters to a point, said point being 28.000 meters distant, westerly measured at right angles from Station 0+388.000 of said centerline; thence (3) AZ 330 19'08", 11.9± meters to a point on the division line between the property of County of Erie (Reputed Owner) on the south and a portion of the bed of Buffalo Creek on the north said point being on the southerly ordinary water line of said creek, said point also being 32.7± meters distant westerly measured at right angles from Station 0+398.9± of said centerline; thence easterly along the said division line and ordinary water line as it meanders 26.3± meters to a point on the said boundary as delineated on Parcel No.1 appropriated by the County of Erie for highway purposes under file No. 123-10 and filed in the office of the Clerk of Erie County on May 26, 1931, said point being 8.4± meters distant westerly measured at right angles from Station 0+409.0± of said centerline, thence along the last mentioned boundary of said parcel No. 1, southerly 46.7± meters to a point on the existing westerly boundary of Borden Road, C.R. 322, said point being 4.3± meters distant westerly measured at right angles from Station 0+362.4± of said centerline, thence southerly along the said boundary 31.0± meters to the point of beginning, being 1529.5± square meters more or less.

The above mentioned centerline of improvement, as shown on the accompanying map, is established from the 1996 survey control line for the reconstruction of Borden Road, C.R. 322, as shown on a map and plan on file in the Office of the State Department of Transportation, a portion of said control line being described as follows:

Beginning at Control Point P1-50; thence AZ 359 57'37", 268.540 meters to Control Point P1-40, thence AZ 351 39 25", 177.309 meters to Control Point P.I. 6-3,

All azimuths referred to True North at the 78 35'00" Meridian of West Longitude.

The horizontal datum used in the preparation of the survey control line and mapping shown hereon is referenced from the New York State Plane Coordinate System, West Zone, based on a universal transverse Mercator projection of the North American Datum adjustment of 1983 (NAD-83).

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget, Management and Finance, the Office of the Comptroller, the County Attorney and the Finance Department.

(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

4. Item Page -2000 (Comm. 9E-35)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from Benderson Development Company, Inc., who own property adjoining the above County owned parcel of land to purchase this parcel, and

WHEREAS, there are no other adjoining property owners, and

WHEREAS, the parcel was reviewed and approved for sale by the Advisory Review Committee,

NOW, THEREFORE BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Benderson Development Company, Inc., 570 Delaware Avenue, Buffalo, New York 14202 for the sum of Five Hundred and 00/100 Dollars (\$ 500.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 125, Township 10, Range 7 of the Buffalo Creek Reservation and is further described on Erie County Tax Maps as Section, Block and Lot No. 124.090-4-8.100 (Rear Mineral Springs Road 11 x 176.40). Intending to convey all land acquired by Erie County as Serial No. 1789 in the County In Rem Tax Foreclosure Action No. 144B, and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser, and be it further

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

(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

5. Item Page -2000 (Comm. 9E-36)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from a non-adjoining property owner to purchase the following listed parcel of County owned inventory, and

WHEREAS, the parcel was reviewed and approved for sale by the Advisory Review Committee of Erie County;

NOW, THEREFORE BE IT RESOLVED, that the following County owned parcel be offered for sale at the next public auction scheduled to be held on June 6, 2000.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 45, Township 9, Range 8 and is further described on Erie County Tax Maps as Section, Block and Lot No. 180.680-2-19 (Maplewood Ct. 157.00 x 215.00). Intending to convey all land acquired by Erie County as Serial No. 2418 in the County In Rem Tax Foreclosure Action 139.

RESOLVED, that any sale would be subject to the final approval by resolution of Erie County Legislature, and be it further

RESOLVED, that in addition to the advertisement of the sale in the Buffalo Law Journal and Buffalo News, all adjoining owners will be sent a letter indicating the date, time and place of the sale in order to give all interested parties the opportunity to attend the sale and bid, and be it further

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

(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

6. Item Page -2000 (Int. 9-4)

DUSZA

WHEREAS, in recent years, ensuring tax parity for entities that are perceived to be central to successfully securing revenue streams and improving motility and stability within New York State's economy has become an issue the importance of which is difficult to underscore, and

WHEREAS, mechanisms that promote tax parity have been applied to banks and insurance companies; institutions viewed by the Governor and State Legislature as important to the financial health of the state, and

WHEREAS, credit unions employ more than 9,420 New Yorkers while maintaining and assisting a base of nearly 3.6 million consumers, and

WHEREAS, under the Federal Credit Union Act, the 650 federal credit unions doing business in New York State enjoy tax exempt status while the 40 state-chartered credit unions that do business here remain subject to state sales and use taxes, and

WHEREAS, the aforementioned disparity puts state-chartered credit unions at a competitive disadvantage with their federal counterparts and other economically viable businesses that are afforded such benefits, and

WHEREAS, their not-for-profit status allows credit unions to serve as checks against higher bank rates and fees; after mandated reserves, credit unions return their earnings to the members of the credit union, and

WHEREAS, the New York State Credit Union League, Inc. and Affiliates has requested these same considerations with respect to the levy to which they are subject, and

WHEREAS, if implemented, this reform would save New York State credit unions approximately \$700,000 in sales tax annually, a portion of which experts estimate would positively impact Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the valuable services provided by credit unions to the residents and employees of New York State; and be it further

RESOLVED, that this Honorable Body does hereby express its support for exempting state-chartered credit unions from paying New York State sales and use taxes; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Joel Giambra, County Comptroller Nancy Naples, the Western New York delegation to the New York State Legislature, and the New York State Credit Union League, Inc. and Affiliates (P.O. Box 15118, Albany, New York 12212-5118).

Fiscal Impact: Positive for New York State economy.

(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

AS AMENDED

7. Item Page -2000 (Int. 9-14)

SWANICK, PEOPLES, KUWIK, HOLT, RANZENHOFER, & LARSON

Whereas, the existing Buffalo Convention Center is a valuable County asset that must have adequate capital investment to maintain operations, and

Whereas, the director of the Buffalo Convention Center has requested a \$100,000 capital budget to maintain the facility and strengthen the cosmetics of the facility, and

Whereas, the 2000 County Budget made no provision for any capital investment in the Buffalo Convention Center, and

Whereas, funding is available in the 2000 budget, Economic Development & Tourism Fund, and

Whereas, in order for the Buffalo Convention Center to properly host conventions this year and the next few years certain capital items, such as china, glasswear, kitchen, catering, meeting and maintenance equipment must be purchased, and

Whereas, the need of this investment in the existing convention center is independent of the debate regarding the location and need of a new convention center

Now, therefore be it

Resolved, that the County Executive is authorized to amend the contract with the Convention Center Management Corporation increasing funding by \$100,000, the purpose of which is limited to operating improvements necessary to maintain the operation of the Center, (DAC #110904303830798), and be it further

Resolved, that the source of funds available to fund the increased appropriation is, the Economic Development & Tourism Fund (DAC # 1109043038301117), and be it further

Resolved, that certified copies of this resolution be sent to County Executive Joel Giambra, County Attorney Frederick Wolf, Environment & Planning Commissioner Laurence Rubin, County Comptroller Nancy A. Naples, and Director of Budget & Management Joseph Passafiume.

Fiscal Impact: Positive; Continues operations of the Buffalo Convention Center
(5-0) Legislator Fitzpatrick absent. Chairman Swanick present as Ex-Officio Member.

CRYSTAL D. PEOPLES
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

May 18, 2000

SOCIAL SERVICES
COMMITTEE
REPORT NO. 5

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

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

- Item Page -2000 (Comm. 6E-14)
a. **COUNTY EXECUTIVE:** Clarkson Center Human Services Contract Summary Report.
(5-0) Legislator Fisher absent. Chairman Swanick present as Ex-Officio Member.

b. Item Page -2000 (Comm. 9M-15)
CORTLAND COUNTY LEGISLATURE: Certified Resolution Supporting Increase in
 NYS Funding CSE Program.
 (5-0) Legislator Fisher absent. Chairman Swanick present as Ex-Officio Member.

2. Item Page -2000 (Comm. 7E-12)
COUNTY EXECUTIVE
 WHEREAS, the Erie County Legislature has already appropriated funds for the
 Weatherization and Referral And Packaging (WRAP-SOFA) program for the period August 1,
 1998 to October 31, 1999, and

WHEREAS, the New York State Office for the Aging has extended the 98/99
 WRAP-SOFA program for an additional two months through December 31, 1999, allowing
 personnel expenditures to be changed to this grant period, thereby preserving resources for the
 current grant budget, and

WHEREAS, the Department of Senior Services desires to revise the above budget to reflect
 the actual needs of the grant which services those elderly most at risk,

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the WRAP-SOFA grant be revised as
 Follows:

WRAP-SOFA - Project 904 - extended to December 31, 1999

		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
<u>APPROPRIATIONS</u>				
<u>Account</u>	<u>Description</u>			
800	Personal Services	\$ 98,517	\$+4,280	\$102,797
805	Fringe Benefits	24,382	- 3,763	20,619
810	Office Supplies	1,188	- 18	1,170
826	Other Expenses	24,327	- 334	23,993
880/5100	Interfund Expenses	4,000	- 164	3,836
933	Lab & Technical	620	- 1	619
TOTAL CHANGE TO APPROPRIATIONS			<u>-0-</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of
 Budget, Management and Finance, the Office of the Comptroller and the Department of Senior
 Services.
 (5-0) Legislator Fisher absent. Chairman Swanick present as Ex-Officio Member.

3. Item Page -2000 (Comm. 7E-29)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the New York State Retired Senior Volunteer Program (NYSRSVP) grants for the period April 1, 1999 to March 31, 2000 and April 1, 2000 to March 31, 2001, and for the Retired Senior Volunteer Program (RSVP) grant for the period July 1, 1999 to June 30, 2000, and

WHEREAS, The Corporation for National Service has appropriated additional federal funds, and

WHEREAS, the RSVP revolving petty cash fund of \$5,000 is insufficient to meet the monthly requests for reimbursement for meals and transportation for the retired and senior volunteers, and

WHEREAS, the Department of Senior Services desires to increase the RSVP revolving petty cash fund to \$10,000, and

WHEREAS, the Department of Senior Services desires to revise the above grant budgets to reflect the actual needs of the grants and to maximize use of federal and state funds,

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the NYSRSVP grant for the period April 1, 1999 to March 31, 2000, Project 187, be revised as follows:

<u>APPROPRIATIONS</u>		<u>AMENDED</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>CURRENT</u> <u>BUDGET</u>
<u>Account</u>	<u>Description</u>			
800	Personal	\$6,558	\$- 1,530	\$5,028
805	Fringes	843	- 262	581
826	Other Expenses	1,000	+ 804	1,804
880/5100	Interfund Exp	3,712	+ 988	4,700
TOTAL CHANGE TO APPROPRIATIONS			<u>\$ -0-</u>	

and be it further

RESOLVED, that the budget for the NYSRSVP grant for the period April 1, 2000 to March 31, 2001, Project 291, be revised as follows:

<u>APPROPRIATIONS</u>		<u>AMENDED</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>CURRENT</u> <u>BUDGET</u>
<u>Account</u>	<u>Description</u>			
800	Personal	\$9,738	\$+1,468	\$11,206
805	Fringes	881	+ 381	1,262

810	Office Supplies	300	+ 390	690
826	Other Expenses	1,292	- 1,292	-0-
880/5100	Interfund Exp	947	- 947	-0-
TOTAL CHANGE TO APPROPRIATIONS			<u>\$ -0-</u>	

and be it further

RESOLVED, that the budget for the RSVP grant for the period July 1, 1999 to June 30, 2000, Project 161, be revised as follows:

<u>REVENUES</u>		<u>AMENDED BUDGET</u>	<u>CHANGES</u>	<u>CURRENT BUDGET</u>
<u>Account</u>	<u>Description</u>			
664	Federal Aid	\$75,977	\$ +1,100	\$77,077
TOTAL CHANGE TO REVENUES			<u>\$ +1,100</u>	
<u>APPROPRIATIONS</u>				
<u>Account</u>	<u>Description</u>			
800	Personal	\$83,975	\$+ 2,080	\$86,055
805	Fringes	20,413	- 1,760	18,653
822	Rental Charges	6,000	- 2,000	4,000
825	Out of Area Tra	1,500	+ 300	1,800
826	Other Expenses	11,500	+2,280	13,780
933	Lab & Tech Equip	2,400	+ 200	2,600
TOTAL CHANGE TO APPROPRIATIONS			<u>\$ +1,100</u>	

and be it further

RESOLVED, that the revolving RSVP petty cash fund is hereby increased by \$5,000 and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services. (5-0) Legislator Fisher absent. Chairman Swanick present as Ex-Officio Member.

4. Item Page -2000 (Comm. 7E-30)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services Coordinator (CSC) grant and the Protective Services for Adults (PSA) grant for the period January 1, 2000 to December 31, 2000, and

WHEREAS, the County budget for this grant is in need of revision,

NOW, THEREFORE, BE IT

RESOLVED that the budget for the CSC grant for the period January 1, 2000 to December 31, 2000, Project 274, be revised as follows:

<u>APPROPRIATIONS</u>		<u>CURRENT</u>	<u>CHANGES</u>	<u>AMENDED</u>
<u>Account</u>	<u>Description</u>	<u>BUDGET</u>		<u>BUDGET</u>
800	Personal Services	\$106,256	\$+ 801	\$107,057
810	Office Supplies	550	+ 1,099	1,649
824	Local Mileage	6,187	- 3,000	3,187
826	Other Expenses	-0-	+ 1,100	1,100
TOTAL CHANGE TO APPROPRIATIONS			\$ -0-	

and be it further

RESOLVED, that the budget for the PSA grant for the period January 1, 2000 to December 31, 2000, Project 270, be revised as follows:

<u>APPROPRIATIONS</u>		<u>CURRENT</u>	<u>CHANGES</u>	<u>AMENDED</u>
<u>Account</u>	<u>Description</u>	<u>BUDGET</u>		<u>BUDGET</u>
810	Office Supplies	\$ 2,500	\$+ 1,000	\$ 3,500
821	Dues and Fees	200	+ 1,800	2,000
824	Local Mileage	42,941	-20,000	22,941
825	Long Distance	1,500	+ 2,000	3,500
826	Other Expenses	1,000	+ 5,000	6,000
932	Furniture & Fix	-0-	+ 5,200	5,200
933	Lab & Tech Equip	-0-	+5,000	5,000
TOTAL CHANGE TO APPROPRIATIONS			\$ -0-	

and be it further

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

(5-0) Legislator Fisher absent. Chairman Swanick present as Ex-Officio Member.

5. Item Page -2000 **AS AMENDED**
 (Comm. 8E-8)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Senior Aides grant and the Senior Community Services Employment grant for or the period July 1, 1999 to June 30, 2000, and

WHEREAS, the National sponsor, the National Senior Citizens Education & Research Council (NSCERC), and the State sponsor, the New York State Office of the Aging, have both provided additional Title V funding to expand the employment programs for older workers, and

WHEREAS, the County budget for this grant is in need of revision, and

WHEREAS, no additional County funds are required

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend contracts with Supportive Services Corporation for the period July 1, 1999 to June 30, 2000, and be it further

RESOLVED, that the budget for the Senior Aides grant for the period July 1, 1999 to June 30, 2000, Project 163, be revised as follows:

<u>REVENUES</u>		<u>CURRENT AMENDED BUDGET</u>	<u>CHANGES</u>	<u>BUDGET</u>
<u>Account</u>	<u>Description</u>			
326	Interest Earnings	\$ 3,675	\$+ 325	\$4,000
664	Federal Aid	726,848	+ 33,575	760,423
TOTAL CHANGE TO REVENUES			<u>\$+ 33,900</u>	
 <u>APPROPRIATIONS</u>				
830/235	Supportive Services	\$831,012	\$+ 33,900	\$864,912
TOTAL CHANGE TO APPROPRIATIONS			<u>\$ -0</u>	

and be it further

RESOLVED, that the budget for the Senior Community Services Employment grant for the period July 1, 1999 to June 30, 2000, Project 162, be revised as follows:

<u>REVENUES</u>		<u>CURRENT AMENDED BUDGET</u>	<u>CHANGES</u>	<u>BUDGET</u>
<u>Account</u>	<u>Description</u>			
443	In-Kind Contrib	\$ 2,178	\$+ 3,193	\$5,371
664	Federal Aid	251,795	+28,742	280,537
TOTAL CHANGE TO REVENUES			<u>\$+31,935</u>	
 <u>APPROPRIATIONS</u>				
830/235	Supportive Services	\$279,773	<u>\$+31,915</u>	\$311,708
TOTAL CHANGE TO APPROPRIATIONS			<u>\$ -0-</u>	

and be it further

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

(5-0) Legislator Fisher absent. Chairman Swanick present as Ex-Officio Member.

GEORGE A. HOLT, JR.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

May 18, 2000

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 4

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

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

- | | | | | |
|--|------|------|-------|--------------|
| | Item | Page | -2000 | (Comm. 8D-3) |
|--|------|------|-------|--------------|
- a. **COUNTY ATTORNEY:** Notices of Claim.
(5-0) Legislator Fisher absent. Chairman Swanick present as Ex-Officio Member.
- | | | | | |
|--|------|------|-------|--------------|
| | Item | Page | -2000 | (Comm. 9D-2) |
|--|------|------|-------|--------------|
- b. **COUNTY ATTORNEY:** Notices of Claim.
(5-0) Legislator Fisher absent. Chairman Swanick present as Ex-Officio Member.
- | | | | | |
|--|------|------|-------|--------------|
| | Item | Page | -2000 | (Comm. 9E-9) |
|--|------|------|-------|--------------|
- c. **COUNTY CLERK:** Copy of Letter to Assemblymember Wirth Requesting Increase to the State Reimbursement for Auto Bureau Services.
(5-0) Legislator Fisher absent. Chairman Swanick present as Ex-Officio Member.

RAYMOND K. DUSZA
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

May 18, 2000

PERSONNEL AD HOC
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

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

Item Page -2000 (Comm. 9E-8)
a. **COMPTROLLER:** Review of Unfilled Vacant Positions in General, Road & Social
Services Funds as of 3/24/00.
(5-0)

2. Item Page -2000 **AS AMENDED**
(Comm. 6E-18)
COUNTY EXECUTIVE
WHEREAS, the Division of Information and Support Services will be undergoing a
reorganization, and

WHEREAS, it is necessary to have the position of Director of Information and Support
Services established with the proper salary as the first step in this reorganization,

NOW, THEREFORE, BE IT

RESOLVED, that the position of Director of Information and Support Services is hereby
reallocated from Job Group 17 to Job Group 20, and be it further

RESOLVED, that a variable minimum of Job Group 20, Step 3, is hereby authorized at a
salary of \$97,546 on the Managerial Confidential/Department Head/Executive Staff Scale to be
effective March 22, 2000, and be it further

RESOLVED, that the funds for these actions are available in the adopted 2000 personal services appropriations of the Division of Information and Support Services and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive, the Department of Personnel, the Division of Budget, Management and Finance, the Office of the Comptroller and the Division of Information and Support Services.
(5-0)

3. Item Page -2000 (Comm. 7E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department operates community health centers which provide dental services, prenatal care services, adult medical services, podiatry services, family planning services, pediatric services and immunization services under the general administration of the Deputy Commissioner of Health in Family Health Administration, and

WHEREAS, the Deputy Commissioner position, JG XIX is vacant due to retirement and the duties can be executed by an Executive Assistant, JG XIV, position at a substantial savings, and

WHEREAS, the Health Department is in need of additional clerical support in public health programs such as the Physically Handicapped Children's Program, HealthNet systems, and the Office of Community Wellness Partnerships.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one vacant full-time Deputy Commissioner of Health position, JG XIX (position number 144641) and hereby authorizes creation of one full-time Executive Assistant position, JG XIV, and two full time positions of Senior Clerk Typist, JG IV.

The following personnel detail is hereby submitted:

TITLE: Executive Assistant CIVIL SERVICE: No
JG: XIV
STEP: 1
ANNUAL SALARY: \$51,249
ANNUAL BENEFITS: \$10,762

TITLE: Senior Clerk Typist CIVIL SERVICE: Yes
JG: IV
STEP: 0
ANNUAL SALARY: \$22,008
ANNUAL BENEFITS: \$4,621

and be it further

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

(5-0)

4. Item Page -2000 (Comm. 7E-26)

COUNTY EXECUTIVE

WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste Collection Program since 1988, servicing over 20,000 households within Erie County, and

WHEREAS, representatives from regional Native American population centers have expressed an interest in a program to provide their residents with an opportunity to dispose of unwanted household chemicals, and

WHEREAS, the United States Environmental Protection Agency (USEPA) has awarded the Erie County Department of Environment and Planning a grant for a project entitled "Erie County/Tribe Environmental Partnership Project." The grant in the amount of \$50,000 establishes a two-year program to implement a Native American Household Hazardous Waste Awareness and Collection Program, and

WHEREAS, it is in the best interest of Erie County to assist local Native American groups with the development of a household hazardous waste collection program for the protection of the environment, and

WHEREAS, to date, the program has successfully implemented two household hazardous waste collections for Native American reservation residents, and

WHEREAS, first year program activities provide an indication of potential benefit for extension and enhancement of program collection events with the reallocation of program resources,

NOW, THEREFORE, BE IT

RESOLVED, that the following personnel changes are hereby approved within the established Erie County/Tribe Environmental Partnership Project administered by the Department of Environment and Planning:

Add - Senior Environmental Education Specialist (JG 11)

Delete - Environmental Education Specialist (JG 9)

and be it further

RESOLVED, that the project completion date be extended to October 1, 2001, and be it further

RESOLVED, that the following changes are hereby approved in the Erie County/Tribe Environmental Partnership Project (SFG Fund 281, Project 171)

<u>Appropriations</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
800 Personnel	\$13,893	\$10,000	\$23,893
805 Fringe Benefits	3,550	2,500	6,050
824 Travel Mileage	500		500
825 Out of Area Travel	1,000		1000
826 Other	2,000		2,000
830 Contractual	27,557	(11,500)	16,057
933 Lab/Tech Equipment	1,500	(1,000)	500
TOTAL	\$50,000		\$50,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management, Commissioner of Environment and Planning, the County Controller, the County Attorney, and the Commissioner of Personnel.
(5-0)

5. Item Page -2000 (Comm. 9E-18)
COUNTY EXECUTIVE

RESOLVED, that the Personnel Ad Hoc Committee does hereby recommend that the full Legislature confirm the appointment of Catherine M. Weiss of 70 Fennec Lane East Amherst, New York 14051 and Anthony Illos of 274 Delaware Avenue Buffalo, New York 14202 to the County Development Coordination Board. Their terms will expire December 31, 2001.
(5-0)

6. Item Page -2000 (Comm. 9E-20)
COUNTY EXECUTIVE

WHEREAS, the Erie County Law Department is requesting the deletion of the position of Executive Administrative Secretary - Law, regular employee, part time, Job Group 13, Step A; and

WHEREAS, the Erie County Law Department is requesting the addition of the position of Executive Administrative Secretary - Law, regular employee, full time, Job Group 13, Step 2, a variable minimum; and

WHEREAS, it is necessary to recruit in Step 2 for the position of Executive Administrative Secretary - Law in order to secure and retain a qualified and experienced candidate; and

WHEREAS, it is necessary to recruit in Step 2 and Step 3 for three Assistant County Attorney positions in order to secure and retain qualified and experienced attorneys; and

NOW, THEREFORE, BE IT

create two Regular Part-Time Senior Nurse Practitioner positions to insure that experienced professionals are retained and recruited.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one full-time Nurse Practitioner position, JG X (position number 134571) and hereby authorizes creation two positions of Regular Part-Time Senior Nurse Practitioners, JG XI.

The following personnel detail is hereby submitted:

TITLE: Senior Nurse Practitioner - Regular Part-Time CIVIL SERVICE: Non Competitive
JG: XI
STEP: 1
ANNUAL SALARY: \$19,365
ANNUAL BENEFITS: \$4,067
and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.
(5-0)

8. Item Page -2000 (Comm. 9E-45)
 COUNTY EXECUTIVE

WHEREAS, the Erie County Probation Department requires additional management and administrative support to allow departmental administrators to focus on the evaluation of program and service objectives, and

WHEREAS, by concentrating the time of a new administrator on services to youth, additional time would be available to allow the Director and Deputy Director to work on supervision of the Department's Adult Division, and

WHEREAS, it is desirable that an additional administrator work on developing a more effective and cooperative relationship with the Youth Detention Facility, and

WHEREAS, funding is available for this addition through the deletion of a vacant position,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to delete one vacant position of Assistant Attorney Probation, job group 11, and create one position of Principal Probation Officer, job group 13, within the 2000 budget of the Probation Department, there being sufficient funds available within the personal services account of the Department of Probation for this action, and be it further

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

(5-0)

9. Item Page -2000 (Comm. 9E-46)

COUNTY EXECUTIVE

RESOLVED, that the Personnel Ad Hoc Committee does hereby recommend that the full Legislature confirm the appointment of THOMAS O'BOYLE of 2061 Sherman North Collins, NY 14111 to the Board of Managers for Erie County Sewer District #2.

(5-0)

10. Item Page -2000 (Comm. 9E-47)

COUNTY EXECUTIVE

RESOLVED, that the Personnel Ad Hoc Committee does hereby recommend that the full Legislature confirm the appointment of HANK JAROCHA of 5409 Chestnut Ridge Road Orchard Park, New York 14127 and RICHARD D. ZARBO of 357 Stony Road Lancaster, New York 14086 to Erie County Sewer District Boards #3 and #4.

(5-0)

CHARLES M. SWANICK
CHAIRMAN

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 25 – MS. CHASE presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

Re: Support for Passage of Sexual
Assault Reform Act of 2000.
(Intro. 10-1)

A RESOLUTION SUBMITTED BY LEGISLATORS
CHASE, LARSON, GREENAN, MARSHALL, RANZENHOFER, & WEINSTEIN

WHEREAS, many of New York State's laws dealing with violent sexual assault are weak and archaic, and do not reflect current state of crime and punishment in the country, and

WHEREAS, many of New York's laws dealing with sexual predators are more than 25 years old and are too limited in attempting to deal with the type and severity of sex crimes that are taking place today, and

WHEREAS, comprehensive legislation (S.1592), Governor Pataki's Program Bill entitled the *Sexual Assault Reform Act of 2000*, has been introduced in the New York State Legislature in an effort to increase penalties for sexual assault, strengthen "Megan's Law" (New York's sex offender registry and community notification system), enact criminal procedures reforms, and expand the use of the state's DNA database, and

WHEREAS, key provisions of the *Sexual Assault Reform Act of 2000* include:

- New Rape and Sodomy Offenses -- would create new rape and sodomy offenses to punish criminals who commit these crimes using "date rape" drugs rather than force. The sale and use of these drugs has become a growing problem across the country.
- Expanding Megan's Law -- would require that criminals register under Megan's Law if any other felony is committed within five years of the sex offense resulting in a Youthful Offender Status.
- "Two Strikes and You're Out" -- would provide for repeat sexual predators to receive 25 years to life for sex crimes committed against children less than 15 years of age.
- Longer Probation -- would increase the sentence of probation for individuals convicted of a felony sex offense from five to 10 years
- Tougher Date Rape Laws -- would broaden the definition of Rape 3, Sodomy 3 and Sensual Abuse 3, Class E felonies, to include sexual conduct engaged in without the consent of the victim which more appropriately addresses the issue of date rape. The legislation also establishes tougher criminal penalties for the use of dangerous date rape drugs include GHB, ketamine and "roofies", and

WHEREAS, the *Sexual Assault Reform Act of 2000* was approved by the New York State Senate on May 2, 2000 and was referred to the Assembly Codes Committee, and

WHEREAS, similar versions of this legislation have been approved by the State Senate in previous years but have failed to meet with approval in the State Assembly

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the provisions of the *Sexual Assault Reform Act of 2000* (S.1592) as a way in which to further protect New York's women and children from sexual predators, and be it further

RESOLVED, that the Erie County Legislature applauds the State Senate for approving this legislation and calls upon the leadership of the State Assembly to approve and Governor Pataki to

sign into law this legislation before the closure of the Regular 2000 Legislative Session of the New York State Legislature, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Assembly Speaker Sheldon Silver, to the members of the Assembly Codes Committee and to the Assembly members of the Western New York State Delegation.

Fiscal Impact: to be determined

MS. PEOPLES moved to amend the resolution to include ET AL Sponsorship. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 26 – MR. HOLT presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

Re: Supporting Toronto's
Effort to Host 2008 Summer
Olympic Games. (Intro. 10-2)

A RESOLUTION SUBMITTED BY LEGISLATOR HOLT

WHEREAS, The City of Toronto is in contention for the 2008 Summer Olympic Games,
and

WHEREAS, Toronto's hosting of the Olympics has the potential for tremendous positive economic, tourism, and public relations impact for Buffalo, Erie County and Western New York,
and

WHEREAS, Tourists from around the world attend the Olympics, and would certainly be interested in taking advantage of the wealth of tourism opportunities in this region, and

WHEREAS, There is also a possibility of this region hosting some of the games; for instance, cities as far away as Washington, D.C. hosted preliminary events such as soccer and baseball in 1996 when the Summer Olympics came to Atlanta, and

WHEREAS, With venues such as Ralph Wilson Stadium, Dunn Tire Park, UB Stadium, and the ECC Burt Flickinger Athletic Center Erie County would be a fine partner in Toronto's hosting of the Olympics,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby wholeheartedly endorse and support Toronto's efforts to host the 2008 Summer Olympic Games, and be it further

RESOLVED, That certified copies of this resolution be sent to the International Olympic Committee (Chateau de Vidy, Case Postale 356, 1007 Lausanne, Switzerland), Toronto Mayor Mel Lastman (Toronto City Hall, 2nd Floor, 100 Queen Street West, Toronto, Ontario M5H 2N2), City of Buffalo Common Councilmember Dominic Bonifacio, Jr., and City of Buffalo Common Council staff member Mark Jaskula.

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

MR. HOLT moved the approval of the resolution as amended. MS. PEOPLES seconded.
CARRIED UNANIMOUSLY.

Item 27 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

Investigating the Possibility of
Initiating a Living Wage
Ordinance in Erie County.
(Intro. 10-3)

A RESOLUTION SUBMITTED BY LEGISLATOR PEOPLES

WHEREAS, hard working people should be able to afford the necessities of life for themselves and their families, and

WHEREAS, a living wage seeks to ensure that someone working full-time does not fall below the poverty line or is forced into a working poor category and required to depend on government assistance for basic life necessities, and

WHEREAS, several cities, counties and states across the United States including Alabama, California, Iowa, Kansas, Minnesota, Missouri, Mississippi, North Carolina, Oregon, South Dakota, Denver, New York City, Jersey City, Houston and Milwaukee have adopted some form of Living Wage Legislation, and

WHEREAS, last year the City of Buffalo Common Council adopted the “Buffalo Living Wage Ordinance” which assures that employees of substantial city contractors and subcontractors provided by the City earn an hourly wage that is sufficient for a family of three to live at or above the federal poverty level, and

WHEREAS, a study conducted by the University of California-Riverside which looked at the original living wage proposal in Los Angeles found that their living wage ordinance could be implemented while causing no net increase in the City budget, no employment loss, and no loss of City services, in fact they concluded the ordinance would save state and local taxpayers \$33.3 million, primarily by reducing the need for food stamps and health entitlements, and

WHEREAS, the campaign for living wage legislation locally is supported by the Roman Catholic Diocese of Buffalo, Black Trade Unionists (Buffalo Chapter), Concerned Ecumenical Ministry and the AFL-CIO Buffalo Council,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby encourage examining new ways to reduce the County’s social services costs, and be it further

RESOLVED, that this Honorable Body further wishes to take a closer look at the potential impact a living wage ordinance would have on the County of Erie, and be it further

RESOLVED, that this Honorable Body requests the presence of the Erie County Attorney, Erie County Department of Social Services Commissioner, Erie County Budget Director, City of Buffalo Budget Director and representatives from the Buffalo Common Council at an upcoming meeting of the Finance & Management Committee to discuss the living wage issue further, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Attorney, the Erie County Department of Social Services Commissioner, the Erie County Director of Budget, Management and Finance, the City of Buffalo Budget Director and to the members of the Buffalo Common Council.

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

ADD THE FOLLOWING CO-SPONSORS:

KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DeBENEDETTI, DUSZA, SWANICK, MARINELLI, GREENAN, CHASE, PAULY, WEINSTEIN, and LARSON.

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

CARRIED UNANIMOUSLY.

Item 28 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 182

Re: Awarding Consultant
Contract for Correctional
Facility/Holding Center
Consolidation Study.
(Intro 10-4)

A RESOLUTION SUBMITTED BY
LEGISLATORS KUWIK, RANZENHOFER, & SWANICK

WHEREAS, The Erie County Legislature — in conjunction with County Executive Giambra — officially formed the Correctional Facility / Holding Center Task Force by passage of Intro. 2-7 as amended on January 20, 2000 for the purpose of considering the feasibility of consolidating all, some or none of the operations of the aforementioned facilities, and

WHEREAS, The Task Force was empowered to issue a Request for Proposals (RFP) for the purpose of hiring an outside consultant to study said possible consolidation, and

WHEREAS, Following the issuance of an RFP and subsequent Supplemental RFP, four firms submitted responses:

1. Lumsden & McCormick, LLP
2. Center for Governmental Research Inc.
3. Dopkins & Company, LLP
4. Deloitte & Touche

and

WHEREAS, Following interviews with each firm and thorough deliberation, the Task Force has recommended Lumsden & McCormick, LLP for consideration by this Honorable Body, and

WHEREAS, Lumsden & McCormick has agreed to do said study within the time and budgetary parameters indicated in the RFP and agreed to by the County Executive and Legislature Chairman, and

WHEREAS, This Honorable Body must now authorize the signing of a contract between the County of Erie and Lumsden & McCormick, LLP,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby thank the Correctional Facility / Holding Center Task Force for its work to date on this important issue, and be it further

RESOLVED, That this Honorable Body does hereby accept and endorse the Correctional Facility / Holding Center Task Force's recommendation of Lumsden & McCormick, LLP to conduct a study on the feasibility of merging all, some or none of the operations of the Erie County Correctional Facility and the Erie County Holding Center, and be it further

RESOLVED, That the Erie County Legislature does hereby authorize the County Executive to enter into contractual agreements with Lumsden & McCormick, LLP, to provide consulting services to the County of Erie with respect to a study on the feasibility of merging all, some or none of the operations of the Erie County Correctional Facility and the Erie County Holding Center, and be it further

RESOLVED, That said contractual agreement is hereby authorized not to exceed \$60,000, and be it further

RESOLVED, That the funding source for the contractual agreement with Lumsden & McCormick, LLP is General Fund 110, Project 904, Department 303, Account 830, Consolidation / Regional Program (DAC: 1109043038300699) (1999-budgeted funds rolled over into the 2000 budget), and be it further

RESOLVED, That said contractual agreement be fully executed by Monday, June 5, 2000 — in compliance with the timeline agreed upon by the County Executive and Legislature Chairman, and be it further

RESOLVED, That Lumsden & McCormick, LLP file the completed feasibility study with the Clerk of the Erie County Legislature by 12 p.m. on Monday, August 20, 2000, 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, First Assistant County Attorney Susannah M. Bochenek, Jennifer Anger, Administrative Assistant Erie County Legislature, Lumsden & McCormick, LLP Managing Partner Philip Kadet (403 Main Street Suite 430, Buffalo, NY 14203), and the members of the Erie County Correctional Facility / Holding Center Task Force.

Fiscal Impact: Appropriation of 1999-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 29 – MR. PAULY presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

Re: Transfer of Funding for a
Community Organization.
(Intro. 10-5)

A RESOLUTION SUBMITTED BY
LEGISLATOR PAULY

WHEREAS, the Legislature set aside funds in the 2000 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community based organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,000 within Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>OLD AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Town of Amherst - Egbertsville Community Organization	830/	\$1,000	(\$1,000)	-0-
Town Boys & Girls Club	830/1055	\$51,000	\$1,000	\$52,000
TOTAL			\$-0-	

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the agencies cited, and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek and to Susan Grelick, Supervisor, Town of Amherst, (Amherst Town Hall, 5583 Main St., Wiliamsville, NY 14221,) Gary Krasinski, Executive Director, Town Boys & Girls Club, (54 Riverdale Avenue, Buffalo, NY 14207,) and to Eggertsville Community Organization.

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 30 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

Re: Home Rule Messages –
Tobacco Asset Securitization
Financing. (Intro. 10-6)

A RESOLUTION SUBMITTED BY
LEGISLATORS SWANICK, PEOPLES & MARSHALL

A. HOME RULE MESSAGE-SENATE

WHEREAS, the county of Erie desires, through tobacco asset securitization financings, to sell the County’s right to receive its portion of the State of New York’s allocable share of payments under the terms of (i) the Master Settlement Agreement entered into by the participating cigarette manufacturers, forty-six states and six other jurisdictions of the United States of America on November 23, 1998 and (ii) the Consent Decree and Final Judgment relating to the Master Settlement Agreement entered in supreme court of the state for New York county on December 23, 1998, as amended (such right being hereafter referred to as the “County’s Tobacco Asset”) to a not-for-profit local development corporation to be established by local law (“the Corporation”) which corporation will finance said purchase through its issuance of bonds; and

WHEREAS, the County of Erie further desires to establish and maintain, with a trustee, a Tobacco Asset Securitization Trust Fund for the purpose of investing the proceeds received by the county from tobacco asset securitization financings, which Trust Fund is to be dedicated to (i) paying all or a portion of the County’s annual budgeted appropriation of outstanding general purpose general obligation bonds; (ii) paying the County’s annual budgeted appropriation for economic development; (iii) paying the County’s annual budgeted appropriation in an amount equivalent to the amount the County is charged back for its share of medical assistance payments made to providers through the state payment system for services rendered to eligible persons ; (iv) paying the County’s annual budgeted appropriation to the Erie County Medical Center for bad debt and

charity costs and other non-reimbursable operating costs; and (v) paying the County's annual budgeted appropriation for regionalism/regional assets, and

WHEREAS, the County of Erie further desires, subject to the provisions of any contract with bondholders of the corporation, that the Budget Director shall be authorized to invest the monies in said Trust Fund (i) in general obligations of, or obligations guaranteed by, any state of the United States of America or political subdivision thereof or the District of Columbia receiving one of the two highest long-term unsecured debt rating categories available for such securities by Moody's Investors Services or Standard and Poor's Corporation, or (ii) notwithstanding the provisions of clause (i), in accordance with the provisions of section 11 of the general municipal law. And

WHEREAS, Senate Bill No. S. ____ and Assembly Bill No. A. ____, now pending before the New York State Legislature, would authorize Erie County to establish and maintain a Tobacco Asset Securitization Trust Fund for the investment and expenditure of proceeds received by the County from the sale of the County's Tobacco Asset;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S. ____, entitled "AN ACT in relation to tobacco asset securitization financing by the county of Erie, to authorizing the establishment of a trust fund for investment and expenditure of proceeds from such financing, and to prescribing and limiting powers and procedures with respect to such fund".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have the power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York Senate and two copies to the New York Assembly.

B. HOME RULE MESSAGE-ASSEMBLY

WHEREAS, the county of Erie desires, through tobacco asset securitization financings, to sell the County's right to receive its portion of the State of New York's allocable share of payments under the terms of (i) the Master Settlement Agreement entered into by the participating cigarette manufacturers, forty-six states and six other jurisdictions of the United States of America on

November 23, 1998 and (ii) the Consent Decree and Final Judgment relating to the Master Settlement Agreement entered in supreme court of the state for New York county on December 23, 1998, as amended (such right being hereafter referred to as the "County's Tobacco Asset") to a not-for-profit local development corporation to be established by local law ("the Corporation") which corporation will finance said purchase through its issuance of bonds; and

WHEREAS, the County of Erie further desires to establish and maintain, with a trustee, a Tobacco Asset Securitization Trust Fund for the purpose of investing the proceeds received by the county from tobacco asset securitization financings, which Trust Fund is to be dedicated to (i) paying all or a portion of the County's annual budgeted appropriation of outstanding general purpose general obligation bonds; (ii) paying the County's annual budgeted appropriation for economic development; (iii) paying the County's annual budgeted appropriation in an amount equivalent to the amount the County is charged back for its share of medical assistance payments made to providers through the state payment system for services rendered to eligible persons ; (iv) paying the County's annual budgeted appropriation to the Erie County Medical Center for bad debt and charity costs and other non-reimbursable operating costs; and (v) paying the County's annual budgeted appropriation for regionalism/regional assets, and

WHEREAS, the County of Erie further desires, subject to the provisions of any contract with bondholders of the corporation, that the Budget Director shall be authorized to invest the monies in said Trust Fund (i) in general obligations of, or obligations guaranteed by, any state of the United States of America or political subdivision thereof or the District of Columbia receiving one of the two highest long-term unsecured debt rating categories available for such securities by Moody's Investors Services or Standard and Poor's Corporation, or (ii) notwithstanding the provisions of clause (i), in accordance with the provisions of section 11 of the general municipal law. And

WHEREAS, Senate Bill No. S. ____ and Assembly Bill No. A. ____, now pending before the New York State Legislature, would authorize Erie County to establish and maintain a Tobacco Asset Securitization Trust Fund for the investment and expenditure of proceeds received by the County from the sale of the County's Tobacco Asset;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A. ____, entitled "AN ACT in relation to tobacco asset securitization financing by the county of Erie, to authorizing the establishment of a trust fund for investment and expenditure of proceeds from such financing, and to prescribing and limiting powers and procedures with respect to such fund".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have the power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York Senate and two copies to the New York Assembly.

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

CARRIED UNANIMOUSLY.

ADD the following as co-sponsors: *Et al*
DELETE ALL RESOLUTIONS IN THEIR ENTIRETY AND REPLACE WITH THE FOLLOWING:

HOME RULE MESSAGE-SENATE

WHEREAS, the county of Erie desires, through tobacco asset securitization financings, to sell the County's right to receive its portion of the State of New York's allocable share of payments under the terms of (i) the Master Settlement Agreement entered into by the participating cigarette manufacturers, forty-six states and six other jurisdictions of the United States of America on November 23, 1998 and (ii) the Consent Decree and Final Judgment relating to the Master Settlement Agreement entered in supreme court of the state for New York county on December 23, 1998, as amended (such right being hereafter referred to as the "County's Tobacco Asset") to a not-for-profit local development corporation to be established by local law ("the Corporation") which corporation will finance said purchase through its issuance of bonds; and

WHEREAS, the County of Erie further desires to establish and maintain, with a trustee, a Tobacco Asset Securitization Trust Fund for the purpose of investing the proceeds received by the county from tobacco asset securitization financings, which Trust Fund is to be dedicated to paying all or a portion of (i) the County's annual budgeted appropriation of outstanding general purpose general obligation bonds; (ii) the County's annual budgeted appropriation for economic development; (iii) the County's annual budgeted appropriation in an amount equivalent to the amount the County is charged back for its share of medical assistance payments made to providers through the state payment system for services rendered to eligible persons ; (iv) the County's annual budgeted appropriation to the Erie County Medical Center for bad debt and charity costs and other non-reimbursable operating costs; and (v) the County's annual budgeted appropriation for regionalism/regional assets, and

WHEREAS, the County of Erie further desires, subject to the provisions of any contract with bondholders of the corporation, that the Budget Director shall be authorized to invest the monies in said Trust Fund (i) in general obligations of, or obligations guaranteed by, any state of the United States of America or political subdivision thereof or the District of Columbia receiving one of the two highest long-term unsecured debt rating categories available for such securities by Moody's

Investors Services or Standard and Poor's Corporation, or (ii) notwithstanding the provisions of clause (i), in accordance with the provisions of section 11 of the general municipal law. And

WHEREAS, Senate Bill No. S.7917, now pending before the New York State Legislature, would authorize Erie County to establish and maintain a Tobacco Asset Securitization Trust Fund for the investment and expenditure of proceeds received by the County from the sale of the County's Tobacco Asset;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.7917, entitled "AN ACT in relation to tobacco asset securitization financing by the county of Erie, to authorizing the establishment of a trust fund for investment and expenditure of proceeds from such financing, and to prescribing and limiting powers and procedures with respect to such fund".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have the power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York Senate and two copies to the New York Assembly.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

Re: Support for State
Legislation to Strengthen
Buffalo Raceway. (Intro. 10-7)

A RESOLUTION SUBMITTED BY LEGISLATORS KUWIK & CHASE

WHEREAS, Buffalo Raceway, located in the town of Hamburg, has been in operation as a racing and wagering facility for many years, and

WHEREAS, Buffalo Raceway supports the employment of dozens of breeders and support staff, in addition to many ancillary employees, including concessionaires, ticket-sellers, and other employees, and

WHEREAS, the future of Buffalo Raceway has been called into question on several occasions over the past several years, and

WHEREAS, the uncertain financial future of Buffalo Raceway threatens the success of the Hamburg facility, and

WHEREAS, Western Regional Off Track Betting (OTB) came into existence, through an act of the New York State Legislature, in 1974, and consistent with its mission, OTB has supported racing and has provided a revenue flow to its participating municipal entities, including Erie County, and

WHEREAS, OTB, in 1998, purchased Batavia Downs in Genesee County in order to promote and support the indigenous horse racing and breeding industry in New York State, and

WHEREAS, pending the approval of the New York State Racing and Wagering Board, OTB hopes to obtain a license to operate Batavia Downs in the coming months, and

WHEREAS, as it is the case that Western New York is unlikely to support two harness racing tracks simultaneously, agreements need to be in place to govern the operations of these tracks, in order to maximize profitability of the tracks and ensure continued revenue flow to their host counties and to OTB's constituent membership, and

WHEREAS, agreements to that effect have been reached; OTB has agreed to contribute \$300,000 per year for five years to Buffalo Raceway; in return, Buffalo Raceway officials have agreed to support OTB's application to the state to race the approximately five months of each year in which Buffalo Raceway does not hold races, and

WHEREAS, in the 2000 Erie County budget, the county is budgeted to earn more than \$1.35 million in revenue from OTB, and

WHEREAS, a portion of that revenue, estimated to be \$175,000 for fiscal year 2000, is derived from OTB ticket sales on races held at Buffalo Raceway, and is due Erie County solely because the county is one of only two in the region, (along with Genesee County to the east) with a race track within its borders, and

WHEREAS, a request has been made that Erie County forego this portion of the OTB revenue (which has declined precipitously from an all-time high of \$485,000 in 1980), and return that revenue instead to Buffalo Raceway itself, and

WHEREAS, in doing so, Erie County, would forfeit approximately \$175,000 in OTB revenue and would return that funding, in a manner consistent with amounts bet at Buffalo Raceway within Erie County's OTB parlors, to Buffalo Raceway, and

WHEREAS, the Genesee County Legislature's Ways and Means Committee has already unanimously endorsed a reciprocal proposal to forego approximately \$225,000 per year in revenue due that county for the next five years, dedicating those funds instead to Batavia Downs, and

WHEREAS, because of the precarious financial conditions of these two racetracks, experts believe that without such an agreement and subsequent action on the state level, Buffalo Raceway may soon follow Batavia Downs and close its doors, and

WHEREAS, while Erie County should never wish to forfeit revenue, the county would lose the revenue, in addition to dozens of jobs at Buffalo Raceway, should the raceway cease to exist as we know it today, and

WHEREAS, other businesses in the town of Hamburg – from gas stations to restaurants – would likely suffer from the closure of Buffalo Raceway, and

WHEREAS, the loss of \$175,000 in revenue within the county's budget in each of Erie County's next five fiscal years – representing more of an investment in the future of horse racing and breeding than a loss of revenue – would allow for the completion of a long-negotiated agreement between Buffalo Raceway and OTB, and will allow for the survival of the horse racing and breeding industry in Western New York, and

WHEREAS, time is of the essence with respect to this issue; state leaders are looking to Erie County, as they did to Genesee County, to signal its agreement with this Arrangement, so that both houses of the state legislature may act upon draft state legislation (attached hereto) in advance of the Legislature's adjournment,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to continued enhancement of economic development within local communities throughout Erie County and Western New York, and be it further

RESOLVED, that this Honorable Body does hereby reaffirm its commitment to the continued operation of Buffalo Raceway and the support of the indigenous horse racing and breeding industry in New York State, and be it further

RESOLVED, that this Honorable Body does hereby endorse the principles of the attached draft state legislation concerning the redirection of certain OTB revenues to the racetracks

themselves, as a tangible means toward ensuring the survival of the industry and ensuring that Erie County, can continue to realize other revenues derived as a result of the continued operation of Buffalo Raceway, and be it further

RESOLVED, that this Honorable Body does hereby call upon the Western Region OTB to expeditiously and in good faith work with the WNY Harness Horsemen's Association to permit racing at Batavia Downs this year, and be it further

RESOLVED, that Western New York's state legislators are hereby requested to file the attached draft legislation and seek its approval, and Governor Pataki is hereby further requested to sign such legislation, once passed, into law, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the members of the Western New York delegation to the Assembly and Senate, the Board of Directors of Western New York Regional Off Track Betting, and to the Board of Directors of Buffalo Raceway.

Fiscal Impact: Loss of \$175,000 in annual revenue for budget years 2001 through 2005, inclusive, to ensure continued operation of Buffalo Raceway.

MR. KUWIK moved to amend the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

ADD the following after the third RESOLVE clause:

RESOLVED, that this Honorable Body does hereby call upon the Western Region OTB to expeditiously and in good faith work with the WNY Harness Horsemen's Association to permit racing at Batavia Downs this year, and be it further

MS. PEOPLES moved to amend the resolution to include ET AL Sponsorship. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 32 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

Re: Funding for a
Neighborhood Library.
(Intro. 10-8)

A RESOLUTION SUBMITTED BY
LEGISLATOR SWANICK

WHEREAS, the Buffalo & Erie County Public Library has identified a shortfall in funding for repair work at the City of Tonawanda Public Library, and will require additional funds, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,000 from the General Fund, Legislature, Contractual Expense (DAC: 110905100830) to General Fund , Interfund Transfers, Interfund-Library (DAC 1109253208864200), and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following accounts: Interfund-Subsidy revenue (DAC 8209734206863200) \$3,000; Erie County Library Contracting Libraries City of Tonawanda Library (DAC 820973420830174), and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Director of the Buffalo & Erie County Public Library, 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 Joseph A. Passfiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah Bochenek and one copy to Diane Crisman, Director, Buffalo & Erie County Public Library.

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

INSERT the following after the **SECOND RESOLVE**:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 within Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>OLD AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Grand Island Chamber of Commerce	830/0613	\$10,000	(\$5,000)	\$5,000
Town of Grand Island	830/0452	\$-0-	\$5,000	\$5,000
TOTAL			\$-0-	

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the agencies cited, and be it further

REPLACE the **FINAL RESOLVE** with the following:

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Supervisor. Peter McMahon, Town of Grand Island, (Grand Island Town Hall, 2255 Baseline Rd., Grand Island, NY 14072) and Ted Bates, Grand Island, Chamber of Commerce, (1980 Whitehaven Road, Grand Island, NY 14072.)

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 187

Re: Reaffirmation of Intent to
Fund an Environmental Group.
(Intro. 10-9)

A RESOLUTION SUBMITTED BY LEGISLATOR PAULY

WHEREAS, the Legislature set aside funds in the 1999 and 2000 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community based organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby re-affirm its commitment to provide financial support to Clean Communities of WNY, Inc., and be it further

RESOLVED, that these funds are enumerated as follows: \$5,000 allocated through Intro. 24-2 (1999), and rolled over into the 2000 Budget via Intro. 1-3 (2000), and \$45,000 allocated through the County of Erie 2000 Adopted Budget, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the agency cited, and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passfiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek and to Clean Communities of WNY, Inc.

Fiscal Impact: Re-affirmation of 1999 and 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 34 – CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 10-10 From LEGISLATORS CHASE, GREENAN, RANZENHOFER, MARSHALL & LARSON Re: Support for Amending the Definitions of Physical Injury & Serious Physical Injury.

Item 35 – MS. CHASE presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 188

Re: Funding for Various
Community Organizations.
(Intro. 10-11)

A RESOLUTION SUBMITTED BY
LEGISLATOR CHASE

WHEREAS, the Legislature set aside funds in the 2000 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community based organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Evans Youth Soccer	830/	\$1,000
Lakeshore Youth Football	830/	\$1,000
TOTAL		\$2,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the agencies cited, and be it further

RESOLVED, that 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, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Pat Vogan, Evans Youth Soccer (1399 Independence Drive, Derby, NY 14047) and Gary DeCarlo, Lakeshore Youth Football, (9143 Newcomb Road, Angola, NY 14006.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

ADD the following as co-sponsors: *MARSHALL & LARSON*

DELETE the last two resolves and **REPLACE** with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 942, Department 640 Department of Parks Recreation & Forestry – Parks – Repairs & Maintenance, (DAC: 110942640823), and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,500 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Erie County Soil & Water	830/0185	\$7,500
TOTAL		\$7,500

and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Commissioner of Parks, Recreation & Forestry, 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, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah Bochenek, Lawrence D. Jasinski, Commissioner, Parks, Recreation & Forestry, LuAnn Freeman, Erie County Soil & Water Conservation District, (50 Commerce Way, East Aurora, NY 14052), Pat Vogan, Evans Youth Soccer, (1399 Independence Drive, Derby, NY 14047) and Gary DeCarlo, Lakeshore Youth Football, (9143 Newcomb Road, Angola, NY 14006.)

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

Re: Construction Plans for a
New Detention Center &
Supervision of PINS.
(Intro. 10-12)

A RESOLUTION SUBMITTED BY LEGISLATORS PEOPLES AND HOLT

WHEREAS, Several Erie County legislators have received phone calls from distraught workers, concerned citizens, parents and constituents regarding unconfirmed news that the Youth Services Department has been declared in a state of emergency and subsequently, custodial supervision and alternative services for Persons In Need of Supervision, (hereafter referred to as PINS) will be contracted to outside agencies, and

WHEREAS, There have also been reports of “cost saving efforts” that would dismantle the Erie County Youth Services Department and the reassign custodial responsibility for juvenile delinquents (JD’s), juvenile offenders (JO’s), and youthful offenders (YO’s), to the Erie County Sheriff’s Office, and

WHEREAS, Youth in Erie County are remanded to the physical custody of Erie County Youth Services, East Ferry Detention Center by the Erie County Family Court system, to await placement, disposition of their court cases, and/or adjudication and

WHEREAS, Youth who have not committed misdemeanor or felony crimes, but who present serious truancy or curfew problems, are a danger to themselves, whose behavior is out of the control of their parent, extended family member, foster parent, caretaker, and requires removal from the home, or those youth whose home situations are not conducive to their immediate return and/or subsequent placement in foster care, therapeutic, or residential placement environment, are called Persons In Need of Supervision, and

WHEREAS, PINS youth make up approximately 60% of the residential population on the grounds of the Erie County Youth Services East Ferry Detention Center, and

WHEREAS, The length of stay for PINS youth can vary from overnight to several months, given the circumstances surrounding their detainment, the mandates of the respective Erie County Family Court Judges, or the level of difficulty confronted in identifying suitable, residential treatment which meets their respective therapeutic needs, and

WHEREAS, Stabilization and adjustment of PINS youth is dependent on their respective circumstances, but more importantly, the skill level and experience of the worker’s with whom they come into contact, and parental/family support, and

WHEREAS, Currently, families are able to visit their children remanded to the E. Ferry Detention Center without inhibition about transportation as it is located on a local, easily accessible bus route, and

WHEREAS, Many private residential treatment centers not easily accessible by public transportation; for example, Wyndham Lawn is located in Lockport, Hopevale is in Hamburg, Global Village is in Black Creek, NY, and

WHEREAS, Most area residential private placement centers provide long term residential and therapeutic placement services and would not be amenable to the volatile, short-term PINS population placements that Detention currently serves with extremely high recidivism rates, and

WHEREAS, Erie County Youth Services also has an alternative services and home detention program that will allegedly be impacted by the farming out of supervision for PINS youth to private agencies, thereby eliminating some preventative and alternative supervisory options, and

WHEREAS, NYS Child and Family Services, (formerly NYS Division For Youth) closed their group homes and discontinued direct supervision of PINS, and

WHEREAS, Youth adjudicated PINS would then be competing with private families whose children are in private residential placement and have not gone through the Erie County Family Court system, for bed space, and

WHEREAS, this Honorable Body is fiscally conservative and open to ideas regarding cost cutting, reduction and/or elimination of duplicative governmental services when it is clearly feasible and the outcome makes more sense than the dollars it could possibly save and when the quality of human life is not compromised or jeopardized, and

WHEREAS, Any cost savings that could be realized by transferring the supervision of PINS to private agencies could soon be lost when such agencies increase their housing and supervisory rates due to staffing increases, renovations to their respective facilities and training costs to deal with the influx of a volatile, short-term population that could very well keep their facilities at capacity,

NOW, THEREFORE BE IT

RESOLVED, That the Erie County Legislature does hereby affirm its commitment to the care and supervision of troubled youth in this county, and be it further

RESOLVED, That the Erie County Legislature does hereby request that the County Executive put the current climate of rumor and innuendo to rest by making clear his intentions with respect to the future of the Detention facility, including any and all government steps he intends to take, in concert with the Legislature, to address the future of the Detention facility, and be it further

RESOLVED, that the Commissioner of Youth Services is hereby requested to appear before a future meeting of the Legislature's Social Services Committee to share proposed plans to transfer or contract-out supervision of PINS to the care of private agencies and for the renovation and/or construction of a new Detention facility, and be it further

RESOLVED, that certified copies be sent to County Executive Joel A. Giambra and to Youth Services Commissioner James Ward.

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

DELETE the second resolve clause.

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

CARRIED UNANIMOUSLY.

Item 37 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

Re: Support for Bid for Tier II
National USA Hockey
Championships to be Held at
Amherst Pepsi Center.
(Intro. 10-13)

A RESOLUTION SUBMITTED BY LEGISLATORS
SWANICK, MARINELLI, KUWIK, RANZENHOFER, PEOPLES, DEBENEDETTI,
OLMA, PAULY, MARSHALL, GREENAN, CHASE, WEINSTEIN, & LARSON

WHEREAS, the Tier II National Championships of USA Hockey will take place April 4 – 9, 2001, and

WHEREAS, home to a number of impressive sports arenas, Western New York is known for its exemplary facilities and ability to accommodate any group that requires them, irrespective of that group's size and scope, and

WHEREAS, in addition to its sports facilities, visitors to the City of Buffalo and its suburbs are exposed to a history rich in architectural detail, cultural diversity, and national significance, and

WHEREAS, the Greater Buffalo Convention and Visitors Bureau has requested that the Tier II National Championships of USA Hockey be held at the Pepsi Center, a sports facility located in the heart of Amherst, New York, and

WHEREAS, this request has been made in anticipation of 3,000 room nights to be utilized by out-of-town guests and accounting for overall area accommodations for 4,000 attendees, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby stand in support of the Greater Buffalo Convention & Visitors Bureau's request that the Pepsi Center be chosen to host the Tier II National Championships of USA Hockey from April 4 – 9, 2001; and be it further

RESOLVED, that this Honorable Body expresses its appreciation to the USA Hockey Youth Council in advance for its serious consideration of this request; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Darcey Blair, with the Greater Buffalo Convention & Visitors Bureau (617 Main Street, Suite 400, Buffalo, NY 14203-1496).

Fiscal Impact: Positive for Western New York.

MS. PEOPLES moved to amend the resolution to include ET AL Sponsorship. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 38 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 1D-15(A). MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

Re: Correction of Errors.

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

CARRIED UNANIMOUSLY.

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

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

RESOLVED, that petitions numbered 201621 through 201652 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 201621 / 2000 - ASSESSOR - Cancel - \$51.68

SBL No. 100.47-1-14 - CITY OF BUFFALO

Acct. No. 112 - \$ 51.68 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF

13,561 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201622 / 9900 - ASSESSOR - Refund - \$193.72

SBL No. 28.02-7-3 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 193.72 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

13.51

BASIC STAR EXEMPTION 180.21

REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 7,200 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.

RPTL 550(2)C.

CHECK IN FAVOR OF: JAMES & ANN MAHONEY

Petition No. 201623 / 9900 - ASSESSOR - Cancel - \$120.59

SBL No. 40.19-3-24 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 120.59 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 120.59

REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 7,200
THAT
THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX
ROLL.

RPTL 550(2)C.

CHECK IN FAVOR OF: PATRICK & STEPHANIE MORGANTE

Petition No. 201624 / 2000 - ASSESSOR - Refund - \$223.47

SBL No. 79.25-1-25 - TOWN OF AMHERST

Acct. No. 112 - \$ 66.24 - County

Acct. No. 132 - \$ 157.23 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

157.23

REFUND - CLERICAL ERROR, THE RPTL 520 WAS MISCALCULATED,
CHARGED FOR
AN EXEMPTION THAT DID NOT EXIST. ALSO CHARGED FOR FOR 2 UNITS OF
REFUSE WHEN THEY SHOULD BE CHARGED FOR 1 UNIT. RPTL 550(2)A,E.
CHECK IN FAVOR OF: STEPHEN W KARPIE

PETITION NUMBER 201624 CONTINUED

Petition No. 201625 / 1998 - ASSESSOR - Refund - \$97.81

SBL No. 42.12-2-83 - TOWN OF AMHERST

Acct. No. 112 - \$ 61.42 - County

Acct. No. 132 - \$ 36.39 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST
36.39

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT
OF
12,450 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
THE
TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF: LORRAINE A WOODMAN

Petition No. 201626 / 1999 - ASSESSOR - Refund - \$96.66

SBL No. 42.12-2-83 - TOWN OF AMHERST
Acct. No. 112 - \$ 60.41 - County

Acct. No. 132 - \$ 36.25 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST
36.25

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT
OF 12,450 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR
FROM
THE TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF: LORRAINE A WOODMAN

Petition No. 201627 / 1999 - ASSESSOR - Refund - \$86.19

SBL No. 42.12-2-83 - TOWN OF AMHERST

Acct. No. 112 - \$ 49.99 - County

Acct. No. 132 - \$ 36.20 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST
36.20

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT
OF
12,450 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
THE TAX ROLL. RPTL 550(2)C
CHECK IN FAVOR OF: LORRAINE A WOODMAN

Petition No. 201628 / 1999 - ASSESSOR - Refund - \$357.18

SBL No. 54.34-1-6./6505 - TOWN OF AMHERST

Acct. No. 112 - \$ 223.23 - County

Acct. No. 132 - \$ 133.95 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

133.95

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
23,000
THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
TAX

ROLL. RPTL 550(2)C.

CHECK IN FAVOR OF: HENRY N & FRANCES STAHL

Petition No. 201629 / 9890 - ASSESSOR - Refund - \$271.26

SBL No. 54.34-1-6./6505 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 271.26 - Town/SpecialDist/School

Charge to : SWEET HOME CENTRAL 271.26

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
16,250 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
THE

TAX ROLL. RPTL 550(2)C.

CHECK IN FAVOR OF: FRANCES & HENRY STAHL JR.

Petition No. 201630 / 2000 - ASSESSOR - Refund - \$744.72

SBL No. 67.16-1-11 - TOWN OF AMHERST

Acct. No. 112 - \$ 142.65 - County

Acct. No. 132 - \$ 602.07 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

86.32

AMHERST CENTRAL 515.75

REFUND - CLERICAL ERROR, THE RPTL 520 WAS MISCALCULATED THIS INCLUDED A CHARGE FOR AN 1999 EXEMPTION THAT DID NOT EXIST.
RPT550(2)A.

CHECK IN FAVOR OF: SHANNON & WILLIAM SCHULTZ

Petition No. 201631 / 9900 - ASSESSOR - Refund - \$234.07

SBL No. 54.34-1-6./6505 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County
Acct. No. 132 - \$ 234.07 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

16.33

SWEET HOME CENTRAL 217.74

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
16,000
THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
TAX

ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF: HENRY STAHL

Petition No. 201632 / 2000 - ASSESSOR - Cancel - \$317.15

SBL No. 54.34-1-6./6505 - TOWN OF AMHERST

Acct. No. 112 - \$ 184.75 - County
Acct. No. 132 - \$ 132.40 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

132.40

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
23,000
THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
TAX

ROLL. RPTL 550(2)C
CHECK IN FAVOR OF: HENRY STAHL

Petition No. 201634 / 9900 - ASSESSOR - Refund - \$196.43

SBL No. 55.20-7-30 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 196.43 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

16.22

BASIC STAR EXEMPTION 180.21

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT
OF
7,200 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
THE
TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF: MICHAEL C STRAECK

Petition No. 201635 / 9900 - ASSESSOR - Refund - \$120.59

SBL No. 67.47-11-10 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 120.59 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 120.59

REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 7,200
THAT
THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX
ROLL.

RPTL 550(2)C,
CHECK IN FAVOR OF: JACQUELINE L JEEVES

Petition No. 201636 / 2000 - ASSESSOR - Refund - \$449.88

SBL No. 67.56-3-9 - TOWN OF AMHERST

Acct. No. 112 - \$ 282.54 - County

Acct. No. 132 - \$ 167.34 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

167.34

REFUND - CLERICAL ERROR, THE RPTL 520 INCLUDED A CHARGE FOR AN EXEMPTION ON THE 1998 TAX BILL THAT DID NOT EXIST. RPTL 550(2)A. CHECK IN FAVOR OF: DALE F PASSERO

Petition No. 201637 / 2000 - ASSESSOR - Refund - \$707.62

SBL No. 67.66-1-6 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 707.62 - Town/SpecialDist/School
Charge to : TOWN OF AMHERST

707.62

REFUND - CLERICAL ERROR, PARCEL WAS OVERCHARGED FOR WATER CONSUMPTION AND PRETREAT CHARGE. RPTL 550(2)E. CHECK IN FAVOR OF: HECTOR & LUIGI LEONARDI

Petition No. 201638 / 2000 - ASSESSOR - Refund - \$3,185.41

SBL No. 68.1-4-3 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 3,185.41 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

3,185.41

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED FOR SANITARY

PETITION NUMBER 201638 CONTINUED

SEWER TAX. WRONG GALLONAGE FIGURE USED. GALLONS USED WAS 1083 WHEN THE

CORRECT AMOUNT IS 169. RPTL 550(20E). CHECK IN FAVOR OF: PAMELA ANGERON

Petition No. 201639 / 9899 - ASSESSOR - Refund - \$2.67

SBL No. 80.08-5-45 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 2.67 - Town/SpecialDist/School

Charge to : VILLAGE OF WILLIAMSVILLE

2.67

REFUND - CLERICAL ERROR, THE FIREMAN'S EXEMPTION FOR VILLAGE
TAX
PURPOSES WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF: DONALD & SALLY SCHUECKLER

Petition No. 201640 / 9900 - ASSESSOR - Refund - \$2.67

SBL No. 80.08-5-45 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 2.67 - Town/SpecialDist/School

Charge to : VILLAGE OF WILLIAMSVILLE

2.67

REFUND - CLERICAL ERROR, THE FIREMAN'S EXEMPTION FOR VILLAGE
TAX
PURPOSES WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.
CHECK IN FAVOR OF: ANTHONY & SALLY SCHUECKLER

Petition No. 201641 / 2000 - ASSESSOR - Refund - \$139.40

SBL No. 82.09-4-11 - TOWN OF AMHERST

Acct. No. 112 - \$ 51.85 - County

Acct. No. 132 - \$ 87.55 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

87.55

REFUND - CLERICAL ERROR, THE RPTL 520 WAS MISCALCULATED
INCLUDED A
CHARGE FOR AN EXEMPTION ON THE 1998 TAX ROLL. RPTL 550(2)A.
CHECK IN FAVOR OF: SUZANNE & PATRICK GALVIN

Petition No. 201642 / 2000 - ASSESSOR - Refund - \$73.94

SBL No. 80.13-7-19 - TOWN OF AMHERST

Acct. No. 112 - \$ 41.12 - County

Acct. No. 132 - \$ 32.82 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

32.82

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
5,120
WAS MISCALCULATED ON THE TAX ROLL. THE EXEMPTION SHOULD BE IN
THE
AMOUNT OF 10,240. RPTL 550(2)B.
CHECK IN FAVOR OF: STEPHEN RUBACH

Petition No. 201643 / 9900 - ASSESSOR - Refund - \$438.41

SBL No. 80.13-7-19 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 438.41 - Town/SpecialDist/School

Charge to : AMHERST CENTRAL 438.41

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
32,000
THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
TAX ROLL
RPTL 550(2)C,
CHECK IN FAVOR OF: STEPHEN E RUBACH

Petition No. 201644 / 9799 - ASSESSOR - Refund - \$3,501.68

SBL No. 58.00-2-26.1 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 3,501.68 - Town/SpecialDist/School

Charge to : CLARENCE CENTRAL 3,501.68

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS 469,800 AND SHOULD BE 390,000. RPTL 550(2)A.
CHECK IN FAVOR OF: DONALD & SHEILA PRESTON

Petition No. 201645 / 9800 - ASSESSOR - Refund - \$2,281.13

SBL No. 58.00-2-26.1 - TOWN OF CLARENCE

Acct. No. 112 - \$ 1,521.39 - County

Acct. No. 132 - \$ 759.74 - Town/SpecialDist/School

Charge to : TOWN OF CLARENCE

759.74

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 469,800 AND SHOULD BE 390,000. RPTL 550(2)A.
CHECK IN FAVOR OF: DONALD & SHEILA PRESTON

Petition No. 201646 / 2000 - ASSESSOR - Refund - \$267.16

SBL No. 274.00-3-1.1 - TOWN OF CONCORD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 267.16 - Town/SpecialDist/School

Charge to : TOWN OF CONCORD

267.16

CANCEL - CLERICAL ERROR, THIS PROPERTY IS VACANT LAND. PARCEL WAS CHARGED IN ERROR FOR WATER CONSUMPTION. RPTL 550(2)E.

Petition No. 201647 / 9900 - ASSESSOR - Refund - \$145.22

SBL No. 209.00-4-12.11 - TOWN OF EDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 145.22 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 145.22

REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 9,920
THAT
THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX
ROLL.

RPTL 550(2)C.

PETITION NUMBER 201647 CONTINUED

CHECK IN FAVOR OF: HAROLD
HENRY

Petition No. 201648 / 2000 - ASSESSOR - Refund - \$2,847.59

SBL No. 224.17-3-2 - TOWN OF EDEN

Acct. No. 112 - \$ 814.08 - County

Acct. No. 132 - \$ 2,033.51 - Town/SpecialDist/School

Charge to : TOWN OF EDEN

415.94

EDEN CENTRAL 1,617.57

REFUND - CLERICAL ERROR, THIS PROPERTY WAS CHARGED ON THE RPTL
520

TAX FOR AN EXEMPTION ON THE 1999 TAX ROLL THAT DID NOT EXIST.

RPTL 550(2)A.

CHECK IN FAVOR OF: DAVID & WENDY BIZUB

Petition No. 201649 / 2000 - ASSESSOR - Refund - \$145.00

SBL No. 239.00-1-21.2 - TOWN OF EDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 145.00 - Town/SpecialDist/School

Charge to : TOWN OF EDEN

145.00

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED FOR TWO UNITS OF
REFUSE
WHEN IT SHOULD ONLY HAVE BEEN CHARGED FOR ONE UNIT. RPTL
550(2)E.
CHECK IN FAVOR OF: THOAMS M SCHREINER & BRENDA LAING

Petition No. 201650 / 1998 - ASSESSOR - Cancel - \$1,520.96

SBL No. 84.00-4-1./A - TOWN OF LANCASTER

Acct. No. 112 - \$ 361.00 - County

Acct. No. 132 - \$ 1,159.96 - Town/SpecialDist/School

Charge to : TOWN OF LANCASTER

271.57

CLARENCE CENTRAL	805.59
GENERAL FIRE PROT	82.80

CANCEL - ERROR IN ESSENTIAL FACT, HOUSE BURNED DOWN ON 11/26/96.
PROPERTY IS NOW VACANT LAND. ASSESSMENT WAS 54,000 AND SHOULD
BE
10,000. RPTL 550(3)A.

Petition No. 201651 / 9899 - ASSESSOR - Cancel - \$837.27

SBL No. 84.00-4-1./A - TOWN OF LANCASTER

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 837.27 - Town/SpecialDist/School

Charge to : TOWN OF LANCASTER

79.56

CLARENCE CENTRAL	757.71
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REFUND - ERROR IN ESSENTIAL FACT, HOUSE BURNED DOWN ON 11/26/96
PARCEL
IS NOW VACANT LAND. ASSESSMENT WAS 54,000 AND SHOULD BE 10,000.
RPTL 550(3)A.
CHECK IN FAVOR OF: PRAYER & PRAISE

Petition No. 201652 / 1999 - ASSESSOR - Refund - \$736.67

SBL No. 84.00-4-1./A - TOWN OF LANCASTER

Acct. No. 112 - \$ 358.46 - County

Acct. No. 132 - \$ 378.21 - Town/SpecialDist/School

Charge to : TOWN OF LANCASTER

293.91

GENERAL FIRE PROT 84.30

REFUND - ERROR IN ESSENTIAL FACT, HOUSE BURNED DOWN ON 11/22/96.
PARCEL IS NOW VACANT. THE ASSESSMENT WAS 54,000 AND SHOULD BE
10,000.

CHECK IN FAVOR OF: PRAYER & PRAISE

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

CARRIED UNANIMOUSLY.

Item 39 – MR. DeBENEDETTI moved to discharge the ENERGY & ENVIRONMENT
COMMITTEE from further consideration of Comm. 9E-30. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

Re: Erie County/Southtowns Sewage
Treatment Agency Contract 2ST
Southtowns Sewage Treatment Plant
Facade Rehabilitation Contract Award.

WHEREAS, the Erie County Department of Environment and Planning has received the
following low bid on March 29, 2000 for the Southtowns Sewage Treatment Plant Facade
Rehabilitation, Contract 2ST:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 2ST	Fiske Associates, Inc. 10651 Lake Pleasant Road Waterford, PA 16441	\$246,900.00

WHEREAS, the aforementioned bidder has been recognized as successfully performing
similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Southtowns Sewage Treatment Plant Facade Rehabilitation, Contract 2ST, be awarded as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 2ST	Fiske Associates, Inc. 10651 Lake Pleasant Road Waterford, PA 16441	\$246,900.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$246,900.00 from Sewer Capital, Erie County Sewer District No. 3, Fund No. 430, Project No. 508, for Contract 2ST; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Stephen F. Gawlik, Assistant County Attorney.

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

CARRIED UNANIMOUSLY.

Item 40 – MR. FITZPATRICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 9E-21. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 193

Re: Ralph Wilson Stadium
Plumbing Improvements.

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

CARRIED UNANIMOUSLY.

WHEREAS, the Department of Public Works received bids on May 9, 2000 for the Ralph Wilson Stadium - 2000 Improvements - Plumbing Improvements, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder for the Ralph Wilson Stadium - 2000 Improvements - Plumbing Improvements, and

WHEREAS, the County of Erie is required to provide maintenance and repair to the stadium facilities pursuant to the new Lease Agreement,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium - 2000 Improvements - Plumbing Improvements, as follows:

PLUMBING WORK

Elmwood Plumbing, Inc.

Base Bid	\$20,200.00
Add Alternate #2	<u>\$36,800.00</u>
Total Contract Award:	\$57,000.00

and be it further,

RESOLVED, that the sum of \$6,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency and \$2,500.00 for contractor's maximum bonus/penalty, 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 Comptroller's Office be authorized to make payment for all of the above from the 1998 Stadium Renovations Capital Budget, Fund 410, SFG 826, in the total amount of \$65,500.00, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 41 – MR. FITZPATRICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 9E-17. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO 194

Re: Agreement with NYSDOT
North Forest Road Bridge 294-
2 Over Ellicott Creek Town of
Amherst, PIN 5753.70.

WHEREAS, a project for the Replacement of the North Forest Bridge 294-2 over Ellicott Creek, BIN 3-32671-0, in the Town of Amherst, Erie County, PIN 5753.70 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Construction Phase of the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement.

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

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

RESOLVED that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay 100% of its share of the non-federal share of the cost of the Construction Phase of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$336,000 is hereby appropriated from the 2000 Federal Aid Program - North Forest Road Bridge Construction (SFG 154) and made available to cover the cost of participation in the above phase of the Project; and be it further

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

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

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

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 42 – MS. FISHER moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 10M-15 From BUFFALO AND ERIE COUNTY HISTORICAL SOCIETY Re: 2001 Pan American Exposition Centennial Celebration.

CHAIRMAN SWANICK directed that Comm. 10M-15 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIRMAN SWANICK

Item 43 – (Comm. 10E-1) Copy of Letter to Legislator DeBenedetti Re: Public Meeting to Interview Candidates for Water Authority.

Received and filed.

FROM THE COMPTROLLER

Item 44 – (Comm. 10E-2) Results of 1999 Year-End Closing.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DeBENEDETTI

Item 45 – (Comm. 10E-3) Notice of Informational Meeting to Interview Candidates for Appointment as Commissioner of ECWA Held 5/19/00.

Received and filed.

FROM THE COUNTY CLERK

Item 46 – (Comm. 10E-4) Copy of Letter to Legislature Clerk Offering Additional Comments on Issue of Oath Cards.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CHAIRMAN SWANICK

Item 47 – (Comm. 10E-5) Copy of Letter to County Clerk Re: Oath Card.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM MAJORITY LEADER PEOPLES

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

Re: Lease for Legislative
Office Space. (Comm. 10E-6)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Richard C. Cummings 790 E. Delavan Ave. Buffalo, New York 14215 and Erie County for Legislative Office Space for Erie County Legislator Crystal Peoples at a cost of \$550.00 per month.

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR DUSZA

Item 49 – (Comm. 10E-7) Notice of Absence from Public Safety & Energy & Environment Meetings Held 5/16/00.

Received and filed.

FROM THE COUNTY CLERK

Item 50 – (Comm. 10E-8) Copy of Letter to Legislator Swanick – Response to Letter Re: Oath Card.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE & CHAIRMAN SWANICK

Item 51 – (Comm. 10E-9) Copy of Letter to State Legislators Requesting Home Rule Legislation.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 52 – (Comm. 10E-10) Proposed Implementation of a Tee Time Reservation System.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

Re: Resolution Re: Personal Services Contract for In-House Training of Commissioners, Department Heads & Other County Employees.
(Comm. 10E-11)

WHEREAS, the Erie County Executive wishes to retain a consultant under a personal services contract not to exceed \$9,999.00 to conduct training seminars for county employees on subjects including sexual harassment, other forms of harassment, Family and Medical Leave Act provisions, Americans with Disabilities Act provisions and other employee issues, and

WHEREAS, the County Executive is requesting authorization to immediately enter into said personal services contract so that the consultant can begin performing the seminars, which are both administratively important and legally necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to immediately enter into a personal services contract not to exceed \$9,999.00 to retain a consultant to perform training seminars and other types of seminars on employee issues as referenced above, and be it further

RESOLVED, that funds in the amount of \$9,999 are hereby transferred from the County Contingency Account (DAC 110923 310893) to the Contractual Services Account in the Division of Equal Employment Opportunity (DAC 110919550830), and be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the County Executive's Office, the Division of Budget, Management & Finance, The Bureau of Purchase and Department of Law.

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

CARRIED UNANIMOUSLY.

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

WHEREAS, the county must provide training to county employees, including commissioners and other department heads, with respect to the issues of sexual harassment, other forms of harassment, the provisions of the federal Family and Medical Leave Act, the Americans With Disabilities Act, and other employee issues, and

WHEREAS, the Giambra Administration undertook an informal bidding process to obtain bid estimates for such professional services, and

WHEREAS, informal bids were received as follows:

<u>Bidder</u>	<u>Total Quote</u>
Lindy Korn	\$21,000-23,000
Celine M. Murray	\$9,750
Ginger Schroeder	Depends Upon Need (\$220 per hour)

And

WHEREAS, a three-person panel, comprised of EEO Director Charles Aughtry, First Assistant County Attorney Susannah Bochanek and County Executive staff member Brad Stamm, determined that Celine M. Murray possesses the requisite credentials to perform the services, and

WHEREAS, in order for such services to be provided the Legislature must authorize the County Executive to enter into contract with Ms. Murray, and

WHEREAS, the provisions of Section 19.08 of the Erie County Administrative Code requiring requests for proposals do not apply to the award of a contract which is for an aggregate amount of less than \$10,000,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with Celine M. Murray in an amount not to exceed \$9,750, to perform training services to county employees, including commissioners and other department heads, with respect several issues, including, but not limited to, sexual harassment, other forms of harassment, the provisions of the federal Family and Medical Leave Act, the Americans With Disabilities Act, and other employee issues, and be it further

RESOLVED, that funds in the amount of \$9750 are hereby transferred from the County Contingency (DAC:110923301893) to the Contractual Services Account in the Division of EEO (DAC:110919550830), and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Attorney, the Director of Budget, Management and Finance, the Bureau of Purchase and the Division of Equal Employment Opportunity.

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

CARRIED UNANIMOUSLY.

Item 54 – (Comm. 10E-12) Appointment to Erie County Youth Services Board.

RECEIVED, FILED & PRINTED.

May 23, 2000

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Re: Appointment to Erie County Youth Services Board

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Section 11 -F-03 of the Erie County Code, do hereby appoint the following individual to the Erie County Youth Services Board for the term stated.

NAME AND ADDRESS

TERM EXPIRATION

Lucia Esquilin
37 West Avenue
Buffalo, New York 14201

December 31, 2000

Respectfully submitted

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

cc: Appointee
James B. Ward, Commissioner, Youth Services
Patrick Ruffino, Deputy Commissioner, Youth Services

Item 55 – (Comm. 10E-13) Appointment to Cultural Resources Advisory Board.

RECEIVED, FILED & PRINTED.

May 18, 2000

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Re:Appointment to Erie County Cultural Resources Advisory Board

Dear Members:

Pursuant to Article III, Section 3.02(f) of the Erie County Charter and Article 19, Section 19.01 of the Erie County Administrative Code, I am appointing the following individual to the Erie County Cultural Resources Advisory Board for the term as noted below.

Term Expires

LeRoi Johnson
420 Franklin Street
Buffalo, NY 14202

December 31, 2001

Very truly yours,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG:bmc

cc: Appointees
Commissioner Laurence Rubin
Charlene Ritter-Lester

Item 56 – MR. DeBENEDETTI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

Re: Re-Appointment to ECSD
Board No. 1. (Comm. 10E-14)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Paul T. Clark, Supervisor, Town of West Seneca 1250 Union Road West Seneca, New York 14224 to the Board of Managers for Erie County Sewer District #1.

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

CARRIED UNANIMOUSLY.

Item 57 – (Comm. 10E-15) Creation of the Position of Assistant County Attorney.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 58 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

Re: Buffalo Place Lighting
Improvements.
(Comm. 10E-16)

WHEREAS, The County of Erie, desires to participate in the improvement of downtown Buffalo and enhance its attractiveness; and

WHEREAS, The Erie County Legislature had previously approved this project in December 1999 (item 24E-17) based on federal matching funds, which have been replaced by City of Buffalo matching funds of approximately \$100,000; and

WHEREAS, Buffalo Place has developed a project which will enhance public safety within its downtown boundaries; and

WHEREAS, The survival and success of downtown Buffalo is critical to the revitalization of the Erie County and Western New York economy,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the City of Buffalo and/or Buffalo Place in amounts not to exceed \$200,000 for the purpose of improving lighting in Buffalo Place, and be it further

RESOLVED, That the sum of \$200,000 is hereby allocated from prior year designated contingencies, and be it further

RESOLVED, That the Director of Budget and Management is hereby authorized to prepare the necessary entries to implement this resolution, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 59 – (Comm. 10E-17) ECSD No. 4 – Autumn Park Subdivision – Easement Reduction, Town of Lancaster.

Item 60 – (Comm. 10E-18) ECSD No. 2 – Engineering Agreement Close-Out.

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

Item 61 – (Comm. 10E-19) Senior Services – Authorization to Amend Title III Grant Budgets.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 62 – (Comm. 10E-20) Health – Women’s Health Services Program 4/1/00 – 3/31/01.

Received and referred to the HEALTH COMMITTEE.

Item 63 – (Comm. 10E-21) District Attorney – Project Exile.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 64 – (Comm. 10E-22) Conversion of Erie County Tax Map Auto CAD Format to GIS Format.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 65 – (Comm. 10E-23) Resolution Creating the Position of Labor Relations Specialist Attorney – Part-Time.

Item 66 – (Comm. 10E-24) Commission on the Status of Women – Personnel Adjustment – Director.

The above two items were received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 67 – (Comm. 10E-25) Senior Services – Authorization to Accept Additional Grant Funds & Enter into Contract with American Red Cross.

Item 68 – (Comm. 10E-26) Senior Services – Authorization to Amend Energy & Weatherization Grant Budget.

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

Item 69 – (Comm. 10E-27) Proposed Sponsorship of Holes at Elma Meadows & Grover Cleveland Golf Courses.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 70 – (Comm. 10E-28) DEP – Erie County/Tribe Environmental Partnership Project.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 71 – (Comm. 10E-29) DEP – EC/Southtowns Sewage Treatment Agency Funding Request – Regional Initiative.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 72 – (Comm. 10E-30) Youth Services – Detention Division – Transfer of Funds.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 73 – (Comm. 10E-31) DPW – Conveyance of a Portion of Walden Avenue, Town of Cheektowaga.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 74 – (Comm. 10E-32) Youth Services – Contract with First Time/Last Time Program.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 75 – (Comm. 10E-33) Consultant to Review Risk Management Policies of Erie County.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECMC

Item 76 – (Comm. 10D-1) Notice of Board of Managers Meeting Held 5/11/00 & Minutes of Meeting Held 4/6/00.

Received and filed.

FROM DPW

Item 77 – (Comm. 10D-2) SEQR – Negative Declaration – Old Lakeshore Road Stabilization.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 78 – (Comm. 10D-3) Draft Bill Re: Tobacco Settlement Securitization Financing.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DPW

Item 79 – (Comm. 10D-4) SEQR – Negative Declaration – Chestnut Ridge Park Culvert Reconstruction.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 80 – (Comm. 10D-5) Notice of Board of Trustees Meeting Held 5/18/00 & Minutes of Meeting Held 4/13/00.

Received and filed.

FROM ECC

Item 81 – (Comm. 10D-6) Notice of Board of Trustees Meeting to be Held 5/31/00.

Item 82 – (Comm. 10D-7) Notice of Board of Trustees Sub-Committee Meeting Held 5/23/00.

The above two items were received and filed.

FROM THE CLERK OF THE ERIE COUNTY LEGISLATURE

Item 83 – (Comm. 10D-8) Letter to Chairman of Legislature – Notification of Vacancy, by Reason of Expiration of Term of OFC – Water Authority.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMC

Item 84 – (Comm. 10D-9) Notice of Finance Committee Meeting to be Held 6/2/00.

Item 85 – (Comm. 10D-10) Notice of JCC/Planning Committee Meeting to be Held 6/6/00.

Item 86 – (Comm. 10D-11) Notice of Board of Managers Meeting to be Held 6/8/00.

The above three items were received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE WILLIAM STREET TAXPAYERS ASSOCIATION

Item 87 – (Comm. 10M-1) Copy of Letter to Legislator Dusza Supporting a Property Tax Exemption for Volunteer Firefighters & EMTs.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM EMPIRE STATE DEVELOPMENT

Item 88 – (Comm. 10M-2) Draft Supplemental Environmental Impact Statement – Inner Harbor Development Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM DAVID PINTABONA

Item 89 – (Comm. 10M-3) Copy of Letter to Legislator Kuwik Urging Legislature to Adopt Erie County Local Law Intro No. 2 – 2000.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM WEINHEIMERS INC

Item 90 – (Comm. 10M-4) Copy of Letter to Legislator Kuwik Urging Legislature to Adopt Erie County Local Law Intro No. 2 – 2000.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE PARKSIDE COMMUNITY ASSOCIATION

Item 91 – (Comm. 10M-5) Copy of Letter to Martin House Restoration Corporation Re: Impact on Parkside Neighborhood.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 92 – (Comm. 10M-6) Notice of Meeting Held 5/16/00 & Minutes of Meeting Held 4/18/00.

Received and filed.

FROM EMPIRE STATE DEVELOPMENT

Item 93 – (Comm. 10M-7) Clarification of Items in Draft Supplemental Environmental Impact Statement – Inner Harbor Development Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE WEST VALLEY CITIZENS TASK FORCE

Item 94 – (Comm. 10M-8) Agenda for Meeting Held 5/23/00 & Minutes for Meeting Held 4/11/00.

Received and filed.

FROM THE BUFFALO CONVENTION & VISITORS BUREAU

Item 95 – (Comm. 10M-9) 1999 Annual Business Review.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM GREAT LAKES UNITED

Item 96 – (Comm. 10M-10) Copy of Letter to Legislator Greenan Re: Appointment to Water Authority.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF COLDEN

Item 97 – (Comm. 10M-11) Certified Resolution Re: Eliminating the Practice of Deducting Taxes from Franchise Fee Checks Payable to Municipalities.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF LANCASTER

Item 98 – (Comm. 10M-12) Certified Resolution Supporting a Property Tax Exemption for Volunteer Firefighters & EMTs.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 99 – (Comm. 10M-13) Notice of Meeting Held 5/18/00 & Minutes of Meeting Held 4/13/00.

Received and filed.

FROM JOHN B SHEFFER II, CHAIR -
CORRECTIONAL FACILITY/HOLDING CENTER TASK FORCE

Item 100 – (Comm. 10M-14) Recommendation of Consultant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

MEMORIAL RESOLUTIONS

Item 101 – Legislator Olma requested that when this legislature adjourns, it do so in memory of Phyllis Borucki.

ADJOURNMENT

Item 102 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. PEOPLES moved that the Legislature adjourn until **2:00 p.m., Thursday, June 8, 2000**. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, June 8, 2000 at 2 p.m. Eastern Standard Time.**

LAURIE MANZELLA
CLERK